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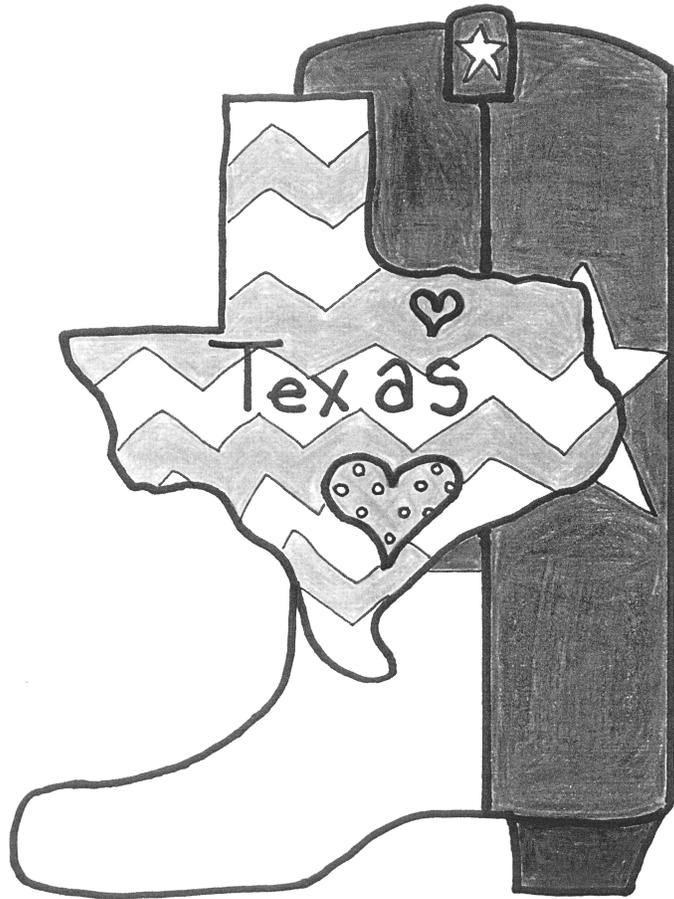
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PROPOSED RULES

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

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

TITLE 1. ADMINISTRATION

PART 2. TEXAS ETHICS COMMISSION

CHAPTER 10. ETHICS TRAINING PROGRAMS

1 TAC §10.1

The Texas Ethics Commission (the TEC) proposes an amendment and re-adoption of Texas Ethics Commission Rules in Chapter 10 regarding Ethics Training Programs. Specifically, the TEC proposes an amendment to rule §10.1 regarding Training Programs.

State law requires state agencies to "review and consider for re-adoption each of its rules ... not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date." Tex. Gov't Code §2001.039. The law further requires agencies to "readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section." *Id.* The TEC is authorized to adopt rules to administer Chapter 572 of the Government Code. Tex. Gov't Code §§ 571.061, .062.

The TEC is continuing its comprehensive review with a review of the TEC's rules regarding its ethics training programs, which are codified in Chapter 10.

The proposed amendments to Chapter 10 readopt the existing two rules, with one change to make clear a vote of the commissioners is not required to plan or host a training seminar. The current rules provide a framework for TEC create a plan to provide training on TEC laws and rules to the public. While the rules still serve a valid purpose, the TEC sees no need to codify into rule policies and plans related to training programs beyond the general framework in the current rule. Staff will work with the chair to make sure that the TEC provides the trainings that were recommended by Sunset Advisory Commission and authorized by law.

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

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

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

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

The amended and readopted rules are proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Chapter 572 of the Government Code.

The proposed amended and readopted rules affect Chapter 571 of the Government Code.

§10.1. Training Programs.

~~The~~ ~~[Upon approval of the commission, the]~~ executive director shall establish a program to provide training relating to the laws administered and enforced by the commission and related laws for:

- (1) members and members-elect of the legislature, to be held by January of each odd-numbered year;
- (2) state employees, in cooperation with state agencies; and
- (3) other persons and officials whose conduct is regulated by laws administered and enforced by the commission and related laws.

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

Filed with the Office of the Secretary of State on April 8, 2025.

TRD-202501110



CHAPTER 12. SWORN COMPLAINTS

The Texas Ethics Commission (the Commission) proposes amendments to Texas Ethics Commission Rules in Chapter 12. Specifically, the Commission proposes amendments to §12.21 regarding Response to Notice of Complaint, §12.22 regarding Written Questions, §12.23 regarding Production of Documents During Preliminary Review, and §12.93 regarding Default Proceedings. The Commission also proposed new rules §12.27 regarding Discovery Control Plans, Application, §12.28 regarding Level 1 Discovery Control Plan, §12.29 regarding Level 2 Discovery Control Plan, and §12.30 regarding Requests for Disclosure.

The Sunset Advisory Commission recommended several changes to the rules and procedures related to the sworn complaint process. The proposed amendments to Chapter 12 of the TEC rules implements those recommendations and makes other changes to streamline the sworn complaint process and better protect respondents' rights in the process.

The proposed rules would do the following:

Repeal provisions that allowed for sanctions for failing to respond to a sworn complaint;

Impose a discovery control plan that mirrors the Texas Rules of Civil Procedure to limit the scope and duration of discovery;

Provide a clear procedure for a respondent to set-aside a default order, mirroring the procedure of the State Office of Administrative Hearings;

Repeal rules that allowed for the tolling of sworn complaint deadlines when written questions were submitted to a respondent but for which a response had not been received or when subpoenas were sought by TEC staff.

Although the Sunset review of the TEC sworn complaint files revealed no abuse of the discovery process, Sunset recommended that the TEC adopt discovery control plans to eliminate the potential for abuse and ensure speedy resolution of cases. The proposed rules track the discovery control plans established in the Texas Rules of Civil Procedure and limits the amount and duration of the discovery period.

Deciding to self-impose limits on discovery in the sworn complaint process effectuates the recommendations of Sunset, should speed the resolution of cases, but also result in more preliminary review hearings. The proposed repeal of rules allowing for the tolling of deadlines also conforms TEC practice to a recent opinion of the Office of the Attorney General. Tex. Att'y Gen. Op. KP-0484.

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

The General Counsel has also determined that for each year of the first five years the proposed amended and new rules are

in effect, the public benefit will be consistency and clarity in the Commission's rules regarding late fines for 8-day pre-election reports. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed amended and new rules.

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

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

SUBCHAPTER C. INVESTIGATION AND DISCOVERY

1 TAC §§12.21 - 12.23

The amended rules are proposed under Texas Government Code §571.062, which authorizes the TEC to adopt rules to administer Chapter 571 of the Government Code. The TEC has additional authority to adopt rules regarding: (1) procedure in a formal hearing (§571.131), (2) technical and de minimis violations (§571.0631), and (3) procedures for preliminary review and preliminary review hearings (§571.1244).

The proposed rules affect Subchapter E of Chapter 571 of the Government Code.

§12.21. *Response to Notice of Complaint.*

[(a)] The response required by section 571.1242 of the Government Code must:

- (1) be in writing;
- (2) admit or deny the allegations set forth in the complaint; and
- (3) be signed by the respondent.

[(b) If a respondent does not submit a response within the time period prescribed by section 571.1242 of the Government Code, the commission may issue an order imposing a civil penalty for failure to file a response.]

[(c) If a respondent does not submit a response that satisfies the requirements of subsection (a) of this section, the commission may issue an order imposing a penalty for failure to file a complete response.]

§12.22. *Written Questions.*

[(a)] A complainant or respondent must respond to written questions not later than 15 business days after receiving the written questions.

[(b) If the commission staff submits written questions to a respondent, the 120-day deadline for the commission to propose an agreement to the respondent or dismiss the complaint (provided in section 571.1242(g) of the Government Code) is tolled beginning on the date the commission sends the written questions and resets on the date the commission receives the respondent's written response.]

§12.23. Production of Documents During Preliminary Review.

(a) - (c) (No change.)

[(d) If the commission staff applies to the commission for the issuance of a subpoena pursuant to section 571.137(a-1) of the Government Code, the 120-day deadline for the commission to propose an agreement to the respondent or dismiss the complaint (provided in section 571.1242(g) of the Government Code) is tolled beginning on the date the staff applies to the commission for the subpoena and resets on either:]

[(1) the date the commission rejects the staff's application for a subpoena;]

[(2) the date the person to whom the subpoena is directed complies with the subpoena; or]

[(3) the date the commission receives a final ruling on a person's failure or refusal to comply with a subpoena that is reported to a district court pursuant to section 571.137(e) of the Government 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 April 8, 2025.

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Jim Tinley

General Counsel

Texas Ethics Commission

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 463-5800



1 TAC §§12.27 - 12.30

The new rules are proposed under Texas Government Code §571.062, which authorizes the TEC to adopt rules to administer Chapter 571 of the Government Code. The TEC has additional authority to adopt rules regarding: (1) procedure in a formal hearing (§571.131), (2) technical and de minimis violations (§571.0631), and (3) procedures for preliminary review and preliminary review hearings (§571.1244).

The proposed rules affect Subchapter E of Chapter 571 of the Government Code.

§12.27. Discovery Control Plans, Application.

(a) As determined by the Executive Director from available information, a sworn complaint that appears to allege only technical or de minimis violations, as defined by §12.92 of this chapter (relating to Resolution of Technical or De Minimis Allegations), is governed by a Level 1 discovery control plan. All other sworn complaints are governed by a Level 2 discover control plan.

(b) Commission staff shall indicate in the written notice of a complaint provided to the respondent under Section 571.123, Government Code, whether the complaint is governed by a Level 1 or Level 2 discovery control plan.

(c) The respondent or commission staff may file a motion requesting that the Executive Director modify a discovery control plan from Level 1 to Level 2, or vice versa, if the facts discovered after the initial determination of the Executive Director warrant the modification.

(d) The Presiding Officer may issue an order modifying the discovery period or scope of discovery for a sworn complaint.

(e) The terms "interrogatory," "request for admission," "deposition," and "request for production" have the same meaning as applied in the Texas Rules of Civil Procedure, except that an interrogatory and a request for admission is also considered a written question for purposes of Section 571.1242(f) of the Government Code and §12.22(a) of this Chapter (relating to Written Questions).

§12.28. Level 1 Discovery Control Plan.

Discovery in a preliminary review under a Level 1 Discovery Control Plan is subject to the limitation provided elsewhere in this Chapter and to the following additional limitations:

(1) All discovery during a preliminary review must be conducted during the discovery period which begins when the initial response to the complaint is due and continues for 90 days.

(2) The discovery period reopens on the date the commission sets the matter for a formal hearing and continues for an additional 90 days.

(3) During a preliminary review, the respondent and commission staff may serve on any other party no more than 5 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. If set for a formal hearing, each party may serve 10 more interrogatories. Each discrete subpart of an interrogatory is considered a separate interrogatory.

(4) During a preliminary review, the respondent and commission staff may serve on any other party no more than 5 written requests for production. If set for a formal hearing, each party may serve 10 more written requests for production. Each discrete subpart of a request for production is considered a separate request for production.

(5) During a preliminary review, the respondent and commission staff may serve on any other party no more than 5 written requests for admissions. If set for a formal hearing, each party may serve 10 more requests for admissions. Each discrete subpart of a request for admission is considered a separate request for admission..

§12.29. Level 2 Discovery Control Plan.

Discovery in a preliminary review under a Level 2 Discovery Control Plan is subject to the limitation provided elsewhere in this Chapter and to the following additional limitations:

(1) All discovery during a preliminary review must be conducted during the discovery period which begins when the initial response to the complaint is due and continues for 120 days.

(2) The discovery period reopens on the date the commission sets the matter for a formal hearing and continues until the earlier of 30 days before a formal hearing or six months after the conclusion of the preliminary review hearing.

(3) During a preliminary review, the respondent and commission staff may serve on any other party no more than 10 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. If set for a formal hearing, each party may serve 15 more interrogatories. Each discrete subpart of an interrogatory is considered a separate interrogatory.

(4) During a preliminary review, the respondent and commission staff may serve on any other party no more than 10 written

requests for production. If set for a formal hearing, each party may serve 15 more written requests for production. Each discrete subpart of a request for production is considered a separate request for production.

(5) During a preliminary review, the respondent and commission staff may serve on any other party no more than 10 written requests for admissions. If set for a formal hearing, each party may serve 15 more written requests for production. Each discrete subpart of a request for admission is considered a separate request for admission.

(6) If set for a formal hearing, the respondent or commission staff may request that the discovery control plan allow for the taking of depositions, consistent with and subject to the limits provided by Chapter 2001 of the Government Code.

§12.30. Requests for Disclosure.

(a) The discovery rules of the Texas Rules of Civil Procedure requiring initial disclosures without awaiting a discovery request do not apply to sworn complaint proceedings, except as may be ordered or allowed by the judge.

(b) A party may request disclosure of documents or information that the opposing party has in its possession, custody, or control, including, but not limited to, the following:

(1) the correct names of the parties to the contested case; the name, address, and telephone number of any potential parties;

(2) a general description of the legal theories and the factual bases of the responding party's claims or defenses, if not already set forth in the notice of complaint, response to a complaint, or document filed in the record of the proceeding.

(3) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case; the statement of any person with knowledge of relevant facts (witness statement) regardless of when the statement was made; and

(4) a copy, or description by category and location, of all documents, electronic information, and tangible items that the disclosing party has in its possession, custody or control and may use to support its claims or defenses, unless the use would be solely for impeachment. A request for disclosure made pursuant to this subsection is not considered a request for production.

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

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TRD-202501112

Jim Tinley

General Counsel

Texas Ethics Commission

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 463-5800



SUBCHAPTER F. RESOLUTIONS

1 TAC §12.93

The amended rule is proposed under Texas Government Code §571.062, which authorizes the TEC to adopt rules to adminis-

ter Chapter 571 of the Government Code. The TEC has additional authority to adopt rules regarding: (1) procedure in a formal hearing (§571.131), (2) technical and de minimis violations (§571.0631), and (3) procedures for preliminary review and preliminary review hearings (§571.1244).

The proposed rule affects Subchapter E of Chapter 571 of the Government Code.

§12.93. Default Proceedings.

(a) If a respondent fails to respond to a complaint by the deadline set by Section 571.1242 or fails to appear for a formal hearing, the commission may, upon notice and hearing, proceed on a default basis.

(b) A default proceeding under this section requires adequate proof of the following:

(1) the notice of hearing to the respondent stated that the allegations listed in the notice could be deemed admitted and that the relief sought in the notice of hearing might be granted by default against the party that fails to appear at the hearing;

(2) the notice of hearing satisfies the requirements of sections 2001.051 and 2001.052 of the Government Code; and

(3) the notice of hearing was:

(A) received by the defaulting party; or

(B) sent by regular mail or by certified mail, restricted delivery, return receipt requested, to the party's last known address as shown by the commission's records.

(c) In the absence of adequate proof to support a default, the presiding officer shall continue the hearing and direct commission staff to provide adequate notice of hearing. If adequate notice is unable to be provided, the commission may dismiss the complaint.

(d) Upon receiving the required showing of proof to support a default, the commission may by vote deem admitted the allegations in the notice of hearing and issue a default decision.

(e) A respondent may file a motion to set aside a default decision under this section.

(1) A motion to set aside a default decision under this section shall set forth the grounds for reinstatement or rehearing and must be supported by affidavit of the movant or their attorney that:

(A) the respondent had no notice of the hearing;

(B) the respondent had no notice of the consequences for failure to appear; or

(C) although the respondent had notice, its failure to appear was not intentional or the result of conscious indifference, but due to reasonable mistake or accident that can be supported by adequate proof; and

(D) a statement of whether the motion is opposed.

(2) Whether or not the motion is opposed, the presiding officer may rule on the motion without setting a hearing or may set a hearing to consider the motion. If the presiding officer finds good cause for the respondent's failure to appear or file a response to a complaint, the presiding officer shall vacate the default and reset the case for a hearing. The presiding officer may also present the motion to set aside the default decision for a vote of the commission at the next meeting of the commission after the motion was filed. A motion to set aside a default decision is denied by operation of law if not ruled on by the presiding officer or by vote of the commission at the next regular meeting of the commission after the motion was filed.

(3) A motion to set aside a default decision must be filed not later than the 14th day after the respondent received the default decision.

(4) A default decision is final:

(A) if a motion to set aside the default decision is not filed on time, on the expiration of the period for filing a motion to set aside the default decision;

(B) if a motion to set aside the default decision is timely filed, on the date the commission denies the motion.

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

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Jim Tinley

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Texas Ethics Commission

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For further information, please call: (512) 463-5800



CHAPTER 18. GENERAL RULES CONCERNING REPORTS

1 TAC §§18.10, 18.21, 18.24

The Texas Ethics Commission (the Commission) proposes amendments to Texas Ethics Commission Rules in Chapter 18. Specifically, the Commission proposes amendments to §18.10 regarding Guidelines for Substantial Compliance for a Corrected/Amended 8-day Pre-election Report, §18.21 regarding Jurisdiction to Consider Waiver Request, and §18.24 regarding General Guidelines for Administrative Waiver or Reduction of Statutory Civil Penalties.

About one year ago, the TEC drastically simplified its rules regarding waivers or reductions of civil penalties for late reports. The simplified rules have allowed TEC staff to more efficiently process waiver and reduction requests and has allowed filers to better understand their rights and obligations related to the fine waiver process. However, the TEC can further refine the rules to foster swift and just outcomes for waiver requests.

Background

The TEC is required to determine from "any available evidence" whether a report that is required to be filed with the TEC was filed late and assess a civil penalty if the report is late. Tex. Elec. Code § 254.042. This is a mandatory duty that is separate from the sworn complaint process. The civil penalty is set by statute at \$500 for most late reports, however the statutory civil penalty is \$500 for the first day late and \$100 each day thereafter until filed (up to \$10,000) for an 8-day pre-election report or the first semiannual report following an 8-day pre-election report. A corrected 8-day pre-election report is considered filed as of the date of correction if the correction is substantial. The TEC is required to determine whether a substantial correction was made to every corrected 8-day report.

By law, a filer may request in writing that the TEC waive or reduce a civil penalty for a report. The TEC adopted rules to apply to waiver requests. The rules are a mechanical determination

based on the number of prior late reports by the filer and the amount at issue. A filer may appeal the determination under the rules to the full commission at a public meeting.

However, to be eligible to receive a waiver or reduction under the current rules, a filer must 1) make the request within 60 days of the deadline for the late report (unless good cause is shown for missing the deadline); 2) file all missing reports; and 3) pay any outstanding civil penalty that is not subject to a waiver or reduction request.

A reduced civil penalty not paid within 30 days reverts back to the original amounts.

Proposed Amendments

Extend the time to file a request for a waiver or reduction to 210 days.

It is common for candidates who lose their elections to close their P.O. boxes, stop checking campaign email, and cancel service to their campaign phone in a good-faith belief that their obligations as a candidate have ceased. However, an unsuccessful candidate needs to file at least one report after their election. In these cases, the filer may not receive notice of the late report because they have not updated their contact information with the TEC. Six months after the first missed semiannual report, the subsequent semiannual report will come due and the filer will once again be sent notice of a second late report. In several cases, for whatever reason, the filer became aware of the second late report and swiftly filed the missing reports. Under the current rules, that person was not be eligible for a waiver or reduction of the civil penalty for a \$10,000 fine for the first missed semiannual after the election. Extending the deadline to file for a waiver or reduction to 210 days will provide the person 30 days after the second late semi-annual to request a waiver or reduction. Extending the deadline will maintain some level of finality while also providing ample time to submit a waiver request.

Make 8-day correction "substantial compliance" determinations more generous.

By statute, if a person files a correction to an 8-day pre-election report even if the person swears the report was originally filed in good-faith, and that the report was corrected within 14 days of learning of the error and omission, the report is nevertheless considered filed late if the correction is substantial.

The law punishing corrections to 8-day reports is designed to prevent people from filing an incomplete report close to an election, only to correct it after the election and thereby avoid meaningful disclosure. However, in practice, many people who voluntarily correct reports originally filed in good faith receive substantial fines for having made the correction. In nearly all cases those fines are waived on appeal to the commission. The proposed amendments raise the monetary threshold before a correction will be considered substantial. If the dollar amounts of the corrections indicate that the correction is substantial under the proposed rule, then the Executive Director will determine whether there is reason to believe the report was originally filed in bad-faith, with the purpose of evading disclosure, or otherwise substantially defeated the purpose of disclosure and therefore was filed as of the date of correction. A review of the past approximately 50 corrections to late reports with substantial corrections under existing rules, raising the monetary threshold from \$3,000 to \$7,500 would reduce the number of reports considered filed late by 33 percent. The table below shows the effect of a raising the threshold dollar amount of a correction that would trigger

a report being considered late to \$5,000, \$7,500, \$10,000, or \$15,000.

The proposed rule change will allow for a swift determination and save filers the time, expense, and worry that they have a \$10,000 fine that can only be waived by the TEC commissioners.

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

The General Counsel has also determined that for each year of the first five years the proposed amended rules are in effect, the public benefit will be consistency and clarity in the Commission's rules regarding late fines for 8-day pre-election reports. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed amended rules.

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

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

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

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

§18.10. Guidelines for Substantial Compliance for a Corrected/Amended 8-day Pre-election Report.

(a) A corrected/amended 8-day pre-election report substantially complies with the applicable law and will not be assessed a late fine under §18.9 of this title (relating to Corrected/Amended Reports) if:

(1) The original report was filed in good faith and the corrected/amended report was filed not later than the 14th business day after the date the filer learned of the errors or omissions; and

(2) The only corrections/amendments needed were to correct the following types of errors or omissions:

(A) a technical, clerical, or *de minimis* error, including a typographical error, that is not misleading and does not substantially affect disclosure;

(B) an error in or omission of information that is solely required for the commission's administrative purposes, including a report type or filer identification number;

(C) an error that is minor in context and that, upon correction/amendment, does not result in changed monetary amounts or activity disclosed, including a descriptive change or a change to the period covered by the report;

(D) one or more errors in disclosing contributions that, in total:

(i) do not exceed \$7,500 [~~\$3,000~~]; or

(ii) do not exceed the lesser of 10% of the total contributions on the corrected/amended report or \$20,000 [~~\$10,000~~];

(E) one or more errors in disclosing expenditures that, in total:

(i) do not exceed \$7,500 [~~\$3,000~~]; or

(ii) do not exceed the lesser of 10% of the total expenditures on the corrected/amended report or \$20,000 [~~\$10,000~~];

(F) one or more errors in disclosing loans that, in total:

(i) do not exceed \$7,500 [~~\$3,000~~]; or

(ii) do not exceed the lesser of 10% of the amount originally disclosed or \$20,000 [~~\$10,000~~]; or

(G) an error in the amount of total contributions maintained that:

(i) does not exceed \$7,500 [~~\$3,000~~]; or

(ii) does not exceed the lesser of 10% of the amount originally disclosed or \$20,000 [~~\$10,000~~].

(H) The only correction/amendment by a candidate or officeholder was to add to or delete from the outstanding loans total an amount of loans made from personal funds;

(I) The only correction/amendment by a political committee was to add the name of each candidate supported or opposed by the committee, when each name was originally disclosed on the appropriate schedule for disclosing political expenditures;

(J) The only correction/amendment was to disclose the actual amount of a contribution or expenditure, when:

(i) the amount originally disclosed was an overestimation;

(ii) the difference between the originally disclosed amount and the actual amount did not vary by more than the greater of \$7,500 or 10%; and

(iii) the original report clearly included an explanation of the estimated amount disclosed and the filer's intention to file a correction/amendment as soon as the actual amount was known; or

(K) The only correction/amendment was to delete a duplicate entry.

(b) If a corrected/amended 8-day pre-election report does not meet the substantial complies criteria under subsection (a) of this section the executive director shall determine whether there is reason to believe the report was originally filed in bad-faith, with the purpose of evading disclosure, or otherwise substantially defeated the purpose of disclosure and therefore was filed as of the date of correction [The executive director shall determine whether an 8-day pre-election report as originally filed substantially complies with applicable law by applying the criteria provided in this section].

(c) A filer may seek a waiver or reduction of a civil penalty assessed under this subsection as provided for by this chapter.

(d) [(e)] In this section, "8-day pre-election report" means a report due eight days before an election filed in accordance with the requirements of §20.213(d), 20.325(e), or 20.425(d) of this title (relating to a candidate, a specific-purpose committee, or a general-purpose committee, respectively) and §254.064(c), 254.124(c), or 254.154(c) of the Election Code (relating to a candidate, a specific-purpose committee, or a general-purpose committee, respectively).

§18.21. *Jurisdiction to Consider Waiver Request.*

(a) A filer may ask the commission to waive or reduce a civil penalty determined by §§ 305.033(b) or 572.033(b) of the Government Code, or §254.042(b) of the Election Code by submitting a written request to the Commission.

(b) The commission will not consider a request under subsection (a) of this section unless the filer, not later than 210 [60] days after the report or statement was due:

(1) submits the request in the manner prescribed by subsection (a) of this section;

(2) files all reports owed to the commission; and

(3) pays all outstanding civil penalties owed to the commission that are not subject to a pending request for waiver or appeal.

(c) Upon a showing of good cause, the executive director may extend the deadline in subsection (b) of this section.

§18.24. *General Guidelines for Administrative Waiver or Reduction of Statutory Civil Penalties.*

(a) For purposes of determining whether a filer is eligible for a waiver or reduction of a civil penalty under §18.25 or §18.26 of this title (relating to Administrative Waiver or Reduction of Certain Statutory Civil Penalties and Administrative Waiver or Reduction of Statutory Civil Penalties in Excess of \$500 respectively), a "prior late offense" is any report for which a civil penalty for late filing was assessed, regardless of whether the civil penalty was waived or reduced. The term does not include:

(1) reports for which no late notices were sent and the filer did not file a request that the civil penalty be waived or reduced for the prior late report; and

(2) reports determined by the executive director to be not required.

[(b) A civil penalty that is reduced under §18.25 or §18.26 of this title will revert to the full amount originally assessed if the reduced civil penalty is not paid within thirty (30) calendar days from the date of the letter informing the filer of the reduction.]

(b) [(e)] A filer may appeal a determination made under §18.25 or §18.26 of this title by submitting a request for appeal in writing to the commission within thirty (30) calendar days from the date of the letter informing the filer of the decision.

(1) The request for appeal should state the filer's reasons for requesting an appeal, provide any additional information needed to support the request, and state whether the filer would like the opportunity to appear before the commission and offer testimony regarding the appeal.

(2) The Executive Director may review the appeal and reconsider the determination made under §18.25 or §18.26 of this title or set the appeal for a hearing before the commission.

(3) After hearing a request for appeal, the commission may affirm the determination made under §18.25 or §18.26 of this title or make a new determination based on facts presented in the appeal.

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

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Jim Tinley

General Counsel

Texas Ethics Commission

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For further information, please call: (512) 463-5800



CHAPTER 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES

SUBCHAPTER A. GENERAL RULES

1 TAC §20.1

The Texas Ethics Commission (TEC) proposes amendments to Texas Ethics Commission rules in Subchapter A of Chapter 20. Specifically, the TEC proposes new rule §20.1(17), regarding the definition of "principal purpose".

A political committee is defined by state law as "two or more persons acting in concert *with a principal purpose* of accepting political contributions or making political expenditures." Tex. Elec. Code § 251.001(12) (emphasis added). The TEC defined the term "principal purpose" for the purpose of defining whether a group is a political committee. Tex. Elec. Code § 251.001(12). The existing rule states that a group has a principal purpose of accepting political contributions or making political expenditures if 25 percent of its incoming funds are political contributions or 25 percent of its expenditures are political expenditures. Setting a bright-line activity threshold at 25 percent of a group's activity has proved unworkable and is contrary to how a similar federal law is interpreted for defining political committee status.

The new rule avoids a bright-line approach based on a percentage of spending. Instead, it embraces the Federal Election Code (FEC) method of determining whether a group is a political committee by taking a holistic view of the group's activity to be adjudicated on a case-by-case basis. This approach has been upheld as constitutional by the Fourth Circuit. *Real Truth About Abortion, Inc. v. FEC*, 681 F.3d 544, 557-58 (4th Cir. 2012); see also *Citizens for Responsibility & Ethics in Washington v. FEC*, 209 F. Supp. 3d 77, 82 (D.D.C. 2016). Embracing the FEC approach will also allow the TEC and regulated community to more easily apply the precedent set by FEC adjudications and federal court decisions to determine whether a group is a political committee. See Tex. Ethics Comm'n Op. No. 614 (2024).

This proposed amendment incorporates comments from Attorney Andrew Cates on a previously published proposed rule amendment. Mr. Cates suggested that the "principal purpose rule" should state that a group is not a political committee if it can demonstrate that not more than 49 percent of its overall expenditures are political expenditures.

This proposed rule amendment incorporates Mr. Cates' comments.

James Tinley, 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 state or local government as a result of enforcing or administering the proposed new rule.

The General Counsel has also determined that for each year of the first five years the proposed new rule is in effect, the public benefit will be clarity in the definition of "principal purpose" for use by political committees. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed new rule.

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

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

The amendment is proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code.

The proposed new rule affects Chapter 255 of the Election Code.

§20.1. Definitions.

The following words and terms, when used in Title 15 of the Election Code, in this chapter, Chapter 22 of this title (relating to Restrictions on Contributions and Expenditures), and Chapter 24 of this title (relating to Restrictions on Contributions and Expenditures Applicable to Corporations and Labor Organizations), shall have the following meanings, unless the context clearly indicates otherwise.

(1) - (16) (No change.)

(17) Principal purpose--A group has as a principal purpose of accepting political contributions or making political expenditures, including direct campaign expenditures, when that activity is an important or a main function of the group.

(A) A group may have more than one principal purpose. When determining whether a group has a principal purpose of accepting political contributions or making political expenditures, the Commission may consider any available evidence regarding the activities by the group and its members, including, but not limited to:

- (i) public statements;
- (ii) fundraising appeals;
- (iii) government filings;
- (iv) organizational documents; and

(v) the amount of political expenditures made and political contributions accepted by the group and its members.

(B) A group does not have a principal purpose of making political expenditures if it can demonstrate that not more than 49% of its overall expenditures are political expenditures. [A group has as a principal purpose accepting political contributions if the proportion of the political contributions to the total contributions to the group is more than 25 percent within a calendar year. A contributor intends to make a political contribution if the solicitations that prompted the contribution or the statements made by the contributor about the contribution would lead to no other reasonable conclusion than that the contribution was intended to be a political contribution.]

(C) The following shall be included for purposes of calculating the proportion of the group's political expenditures to all other spending: [The group may maintain specific evidence of contributions related only to political contributions or only to nonpolitical contributions. For example, the group may ask the contributor to make an indication when the contribution is made that the contribution is only a nonpolitical contribution.]

~~(D)~~ [A group has as a principal purpose making political expenditures, including direct expenditures, if the group expends more than 25 percent of its annual expenses to make political expenditures within a calendar year.]

(i) the amount of money paid in compensation and benefits to the group's employees for work related to making political expenditures;

(ii) the amount of money spent on political expenditures; and

(iii) the amount of money attributable to the proportional share of administrative expenses related to political expenditures. The proportional share of administrative expenses is calculated by comparing the political expenditures in clause (ii) of this subparagraph with nonpolitical expenditures. (For example, if the group sends three mailings a year and each costs \$10,000, if the first two are issue-based newsletters and the third is a direct advocacy sample ballot, and there were no other [outside] expenditures, then the proportion of the administrative expenses attributable to political expenditures would be 33%.) Administrative expenses include:

- (I) fees for services to non-employees;
- (II) advertising and promotion;
- (III) office expenses;
- (IV) information technology;
- (V) occupancy;
- (VI) travel expenses;
- (VII) interest; and
- (VIII) insurance.

~~(D)~~ ~~[(E)]~~ The group may maintain specific evidence of administrative expenses related only to political expenditures or only to nonpolitical expenditures. Specifically identified administrative expenses shall not be included in the proportion established by subparagraph (C)(iii) [~~(D)~~(iii)] but allocated by the actual amount of the expense.

~~(E)~~ ~~[(F)]~~ In this section, the term "political expenditures" includes direct campaign expenditures.

(18) - (23) (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.

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Jim Tinley

General Counsel

Texas Ethics Commission

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For further information, please call: (512) 463-5800



TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 23. SINGLE FAMILY HOME PROGRAM

SUBCHAPTER E. TENANT-BASED RENTAL ASSISTANCE PROGRAM

10 TAC §23.50

The Texas Department of Housing and Community Affairs (the Department) proposes amendments to 10 TAC Chapter 23, Single Family Home Program, §23.50 Tenant-Based Rental Assistance (TBRA) General Requirements. The rule amendments clarify that a 60-month limitation on assistance does not apply to persons with disabilities that meet certain criteria.

FISCAL NOTE. Mr. Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the amendment to the rule is in effect, enforcing or administering the amendment does not have any foreseeable implications related to costs or revenues of the state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT. Mr. Wilkinson also has determined that, for the first five years the amendment would be in effect:

1. The proposed amendment to the rule will not create or eliminate a government program;
2. The proposed amendment to the rule will not require a change in the number of employees of the Department;
3. The proposed amendment to the rule will not require additional future legislative appropriations;
4. The proposed amendment to the rule will result in neither an increase nor a decrease in fees paid to the Department;
5. The proposed amendment to the rule will not create a new regulation;
6. The proposed amendment to the rule will not repeal an existing regulation;
7. The proposed amendment to the rule will not increase or decrease the number of individuals subject to the rule's applicability; and
8. The proposed amendment to the rule will neither positively nor negatively affect this state's economy.

PUBLIC BENEFIT/COST NOTE. Mr. Wilkinson also has determined that, for each year of the first five years the amendment to the rule is in effect, the public benefit anticipated as a result of the action will be conformance to statutory requirements. There will not be any economic cost to any individual required to comply with the amendment.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES. The Department has determined that there will be no economic effect on small or micro-businesses or rural communities.

REQUEST FOR PUBLIC COMMENT. All comments or questions in response to this action may be submitted in writing from April 25, 2025, to May 26, 2025. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Single Family and Homeless Programs, P.O. Box 13941, Austin, Texas 78711-3941, or email HOME@tdhca.texas.gov. ALL COMMENTS MUST BE RECEIVED BY 5:00 pm Central Daylight Time, May 26, 2025.

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

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

§23.50. Tenant-Based Rental Assistance (TBRA) General Requirements.

(a) Households assisted under the general set-aside must participate in a self-sufficiency program, as described in the Administrator's policies and procedures.

(b) The amount of assistance will be determined using the HUD Housing Choice Voucher method.

(c) Late fees are not an eligible HOME cost. Late fees incurred for the subsidy portion of rent must be paid by the Administrator from a non-HOME funding source.

(d) A Household certifying to zero income must also complete a questionnaire that includes a series of questions regarding how basic hygiene, dietary, transportation, and other living needs are met.

(e) The minimum Household contribution toward gross monthly rent must be ten percent of the Household's adjusted monthly income. The maximum Household contribution toward gross monthly rent at initial occupancy is limited to 40 percent of the Household's gross monthly income.

(f) Activity funds are limited to:

(1) Rental subsidy: Each rental subsidy term is limited to no more than 24 months. Total lifetime assistance to a Household may not exceed 36 months cumulatively, except that a maximum of 24 additional months of assistance, for a total of 60 months cumulatively may be approved if:

(A) the Household has applied for a Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program, and is placed on a waiting list during their TBRA participation tenure; and

(B) the Household has not been removed from the waiting list for the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Sup-

portive Housing for the Elderly Program due to failure to respond to required notices or other ineligibility factors; or

(C) the Administrator submits documentation evidencing that:

(i) no Public Housing Authority within a 50 mile radius of the Household's address during their participation in TBRA has opened their waitlist during the term of the Household's participation in TBRA, or has excluded the Household's application for placement on the waiting list for any reason other than eligibility or failure to respond to required notices, such as a randomized drawing of applications that may be placed on the waitlist; and

(ii) no waiting list was opened during the term of the Household's participation in TBRA for any HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program located within a 50 mile radius of the Household's address during their participation in TBRA; or

(iii) the Household is not eligible for placement on a waiting list for any HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program located within a 50 mile radius of the Household's address during their participation in TBRA; and

(D) the Household has not been denied participation in the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program while they were being assisted with HOME TBRA; and

(E) the Household did not refuse to participate in the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program when a voucher was made available.

(2) the Executive Director or designee may grant an exception to the limitations set forth in this section related to the maximum term of assistance, if:

(A) funds are available and programmed for this activity;

(B) the Household meets the requirements of paragraph (1) of this subsection;

(C) all adult members of the Household are Persons with Disabilities;

(D) Household income from employment does not exceed the current Substantial Gainful Activity Level as defined by the Social Security Administration and greater than 50% of Household Income is composed of benefits paid to the Household from Social Security or any other benefit payment received due to a member's status as a Person with a Disability;

(E) the Household's gross monthly income does not exceed 50% AMFI; and

(F) the circumstances considered for an exception are not expected to change during the term of assistance.

(3) [(2)] Security deposit: no more than the amount equal to two month's rent for the unit.

(4) [(3)] Utility deposit in conjunction with a TBRA rental subsidy.

(g) The payment standard is determined at the Date of Assistance. The payment standard utilized by the Administrator must be:

(1) The U.S. Department of Housing and Urban Development (HUD) published Small Area Fair Market Rent (SAFMR) for any area in which a SAFMR is available. In areas where an SAFMR is not published by HUD, the payment standard must be the HUD-published Fair Market Rent (FMR) for the county. HUD-published SAFMRs and FMRs will become effective for the HOME Program on January 1 of each year following publication;

(2) For a HOME-assisted unit, the current applicable HOME rent; or

(3) The Administrator may submit a written request to the Department for approval of a different payment standard. The request must be evidenced by a market study or documentation that the PHA serving the market area has adopted a different payment standard. An Administrator may request a Reasonable Accommodation as defined in §1.204 of this Title for a specific Household if the Household, because of a disability, requires the features of a specific unit, and units with such features are not available in the Service Area at the payment standard.

(h) Administrator must not approve a unit if the owner is by consanguinity, affinity, or adoption the parent, child, grandparent, grandchild, sister, or brother of any member of the assisted Household, unless the Administrator determines that approving the unit would provide Reasonable Accommodation for a Household member who is a Person with Disabilities. This restriction against Administrator approval of a unit only applies at the time the Household initially receives assistance under a Contract or Agreement, but does not apply to Administrator approval of a recertification with continued tenant-based assistance in the same unit.

(i) Administrators must maintain Written Policies and Procedures established for the HOME Program in accordance with §10.802 of this Title, except that where the terms Owner, Property, or Development are used Administrator or Program will be substituted, as applicable. Additionally, the procedures in subsection (j) of this section (relating to the Violence Against Women Act (if in conflict with the provisions in §10.802 of this Title) will govern).

(j) Administrators serving a Household under a Reservation Agreement may not issue a Certificate of Eligibility to the Household prior to reserving funds for the Activity without prior written consent of the Department.

(k) Administrators are required to comply with regulations and procedures outlined in the Violence Against Women Act (VAWA), and provide tenant protections as established in the Act.

(l) An Administrator of Tenant-Based Rental Assistance must provide all Applicants (at the time of admittance or denial) and Households (before termination from the Tenant-Based Rental Assistance program or from the dwelling assisted by the Tenant-Based Rental Assistance Coupon Contract) the Department's "Notice of Occupancy Rights under the Violence Against Women Act", (based on HUD form 5380) and also provide to Households "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking" (HUD form 5382) prior to execution of a Rental Coupon Contract and before termination of assistance from the Tenant-Based Rental Assistance program or from the dwelling assisted by the Tenant-Based Rental Assistance coupon contract.

(2) Administrator must notify the Department within three days when tenant submits a Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and/or alternate documentation to Administrator and must submit a plan to Department for continuation or termination of assistance to affected Household members.

(3) Notwithstanding any restrictions on admission, occupancy, or terminations of occupancy or assistance, or any Federal, State or local law to the contrary, Administrator may "bifurcate" a rental coupon contract, or otherwise remove a Household member from a rental coupon contract, without regard to whether a Household member is a signatory, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a recipient of TBRA and who engages in criminal acts of physical violence against family members or others. This action may be taken without terminating assistance to, or otherwise penalizing the person subject to the violence.

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

Filed with the Office of the Secretary of State on April 10, 2025.

TRD-202501193

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: May 25, 2025

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



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER G. APPLY TEXAS ADVISORY COMMITTEE

19 TAC §1.131

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter G, §1.131, concerning the Apply Texas Advisory Committee. Specifically, this amendment will continue the Apply Texas Advisory Committee four more years.

The Apply Texas Advisory Committee provides the Coordinating Board with advice and recommendations regarding the common admission applications and the Apply Texas System. The amendment is proposed under Texas Education Code, §51.762, which creates the Apply Texas advisory committee, and Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule 1.131, Duration, is amended to change the Apply Texas Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

Daniel Perez, Interim Assistant Commission for College and Career Advising, 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.

Daniel Perez, Interim Assistant Commission for College and Career Advising, 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 extension of the Apply Texas Advisory Committee by four years. 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 proposal may be submitted to Daniel Perez, Interim Assistant Commission for College and Career Advising, P.O. Box 12788, Austin, Texas 78711-2788, or via email at CRI@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 51.762, and Texas Government Code, chapter 2110, which create the Apply Texas advisory committee and provide the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects Texas Education Code, Sections 51.762 - 51.764, and Texas Administrative Code, Chapter 1, Subchapter G.

§1.131. Duration.

The committee shall be abolished no later than October 31, 2029 [2025], in accordance with the Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501196

Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Earliest possible date of adoption: May 25, 2025
For further information, please call: (512) 427-6299



SUBCHAPTER H. CERTIFICATION ADVISORY COUNCIL

19 TAC §1.138

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter H, §1.138, concerning the Certification Advisory Council. Specifically, this amendment will continue the Certification Advisory Council four more years.

The Certification Advisory Council provides the Coordinating Board with advice and recommendations regarding Certificates of Authority. The amendment is proposed under Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule 1.138, Duration, is amended to change the Certification Advisory Council abolishment date from October 31, 2025, to no later than October 31, 2029.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, 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.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, 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 extension of the Certification Advisory Council by four years. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

Comments on the proposal may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Government Code, Section 2110.008, which provides the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects Texas Administrative Code, Chapter 1, Subchapter H.

§1.138. Duration.

The council shall be abolished no later than October 31, 2029 [2025], in accordance with the Texas Government Code, Chapter 2110, unless it is reestablished by the Board.

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501198
Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Earliest possible date of adoption: May 25, 2025
For further information, please call: (512) 427-6182



SUBCHAPTER I. FAMILY PRACTICE RESIDENCY ADVISORY COMMITTEE

19 TAC §1.145

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter I, §1.145, concerning the Family Practice Residency Advisory Committee. Specifically, this amendment will continue the Family Practice Residency Advisory Committee four more years.

The Family Practice Residency Advisory Committee provides the Coordinating Board with advice and recommendations regarding the Family Practice Residency Program. The amendment is proposed under Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule 1.145, Duration, is amended to change the Family Practice Residency Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, 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.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, 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 extension of the Family Practice Residency Advisory Committee by four years. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Government Code, Section 2110.008, which provides the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects Texas Administrative Code, Chapter 1, Subchapter I.

§1.145. Duration.

The committee shall be abolished no later than October 31, ~~2029~~ [2025], in accordance with the Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501200

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 427-6182



SUBCHAPTER J. FINANCIAL AID ADVISORY COMMITTEE

19 TAC §1.152

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter J, §1.152, concerning the Financial Aid Advisory Committee. Specifically, this amendment will extend the committee's duration by four years, through 2029.

The Financial Aid Advisory Committee provides the Coordinating Board with advice and recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students. The Coordinating Board is authorized by Texas Education Code, §61.0776, and Texas Government Code, Chapter 2110, to establish rules relating to the Financial Aid Advisory Committee.

Rule 1.152, Duration, is amended to change the Financial Aid Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

Dr. Charles W. Contéro-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. Contéro-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 continued contribution of the agency's Financial Aid Advisory Committee. 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 proposal may be submitted to Dr. Charles W. Contéro-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 amendment is proposed under Texas Education Code, Section 61.0776, which provides the Coordinating Board with the authority to establish and operate the Financial Aid Advisory Committee.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 1.

§1.152. Duration.

The committee shall be abolished no later than October 31, 2029 [2025], in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on April 11, 2025.

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER X. PROGRAM OF STUDY ADVISORY COMMITTEE

19 TAC §§1.270 - 1.277

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter X, §§1.270 - 1.277, concerning the Program of Study Advisory Committee. Specifically, the new sections will establish the Program of Study Advisory Committee and its associated Task Groups in compliance with Texas Education Code, §61.8235.

The Coordinating Board proposes the establishment of the Program of Study Advisory Committee to advise the Coordinating Board on developing programs of study curricula for career and technical education offered in a public two-year institution. The proposed new rules provide clarity and guidance around committee membership, meeting cadence, and charges.

The new sections outline the authority and purpose of the new subchapter, define words and terms used in the subchapter, describe tasks assigned to the Program of Study Advisory Committee, detail the composition of the Program of Study Advisory Committee, provide specifics about meetings of the Program of Study Advisory Committee, detail the composition and tasks assigned to Program of Study Task Groups, establish the duration of this subchapter, and provide an effective date for the rules.

Rule 1.270, Authority and Purpose, states the purpose of the new rules, which is to create a Program of Study Advisory Committee to advise the Coordinating Board on developing Program of Study curricula for career and technical education offered in public two-year institutions under authority provided by Texas Government Code, §2110.0012, and Texas Education Code, §61.8235.

Rule 1.271, Definitions, provides definitions for words and terms within the Program of Study Advisory Committee rules. The definitions provide clarity for words and terms that are key to the understanding the Program of Study Advisory Committee.

Rule 1.272, Tasks Assigned to the Committee, describes the specific tasks assigned to the Program of Study Advisory Committee to support the development of Programs of Study for each approved career cluster.

Rule 1.273, Program of Study Advisory Committee Composition, Officers, and Terms, details the composition of the Program of Study Advisory Committee's membership and representation from various stakeholders, including secondary education, post-secondary education, business and industry, the Texas Workforce Commission, the Texas Education Agency, and the Texas Department of Licensure and Regulation or similar credentialing body. The section stipulates that the Program of Study Advisory Committee be composed of no more than twenty members, provides that the membership will select co-chairs, and specifies the length of term for the chairs and members.

Rule 1.274, Meetings of the Program of Study Advisory Committee, states that meetings of the Program of Study Advisory Committee will be held at least twice a year and that a quorum is equivalent to a simple majority of members being present.

Rule 1.275, Program of Study Task Groups Composition and Duties, describes Program of Study Task Groups as groups of representatives of public two-year institutions, secondary education, business, industry, and career and technical education experts. The section assigns the duties of recommending Program of Study curricula to the Program of Study Advisory Committee and prescribes that the task groups will operate within the procedures and timelines established by the Program of Study Advisory Committee.

Rule 1.276, Duration, notes that the Program of Study Advisory Committee will be abolished on January 1, 2031, and that it may be reestablished by the Coordinating Board.

Rule 1.277, Effective Date, indicates that the subchapter is effective as of September 1, 2025.

Tina Jackson, Assistant Commissioner for Workforce Education, 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.

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be establishment of rules that replace repealed Chapter 26, Programs of Study. 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 proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Government Code, §2110.0012, and Texas Education Code, §61.8235, which provide the Coordinating Board with the authority to establish a programs of study advisory committee.

The purposed new sections affect Texas Education Code, §§61.059(p), 61.09021, and 61.8235, and Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter X.

§1.270. Authority and Purpose.

(a) Authority. Statutory authority for this subchapter is provided in Texas Government Code, §2110.0012, and Texas Education Code, §61.8235.

(b) Purpose. The Program of Study Advisory Committee is created to advise the Texas Higher Education Coordinating Board on development of Program of Study curricula for career and technical education in public two-year institutions.

§1.271. Definitions.

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

- (1) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.
- (2) Career Cluster--Commissioner-approved organizing unit that is the basis for the development of programs of study.
- (3) Commissioner--The Texas Commissioner of Higher Education.
- (4) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board, including agency staff.
- (5) Credential--As defined in §2.3(17) of this title (relating to Definitions), a grouping of subject matter courses or demonstrated mastery of specified content which entitles a student to documentary evidence of completion. This term encompasses certificate programs, degree programs, and other kinds of formal recognitions such as short-term workforce credentials or a combination thereof.
- (6) Program of Study Advisory Committee--The advisory committee with responsibility for advising the Commissioner and Board on Program of Study Curricula, including their establishment and revision. The Program of Study Advisory Committee may convene a Program of Study Task Group to assist in the development of a Program of Study Curriculum.

(7) Program of Study Curriculum--The block of courses which progress in content specificity by beginning with all aspects of a career cluster, including career and technical education standards, that address relevant academic and technical content and that incorporate entry and exit points.

(8) Task Group--A task group convened by the Program of Study Advisory Committee to examine a career cluster to determine programs of study within the cluster.

(9) Public Two-Year Institution--Any community, technical or state college as defined in Texas Education Code, §61.003(16).

§1.272. Tasks Assigned to the Committee.

(a) The Program of Study Advisory Committee shall advise the Commissioner and Board on the development of Programs of Study for each approved career cluster.

(b) The Program of Study Advisory Committee is assigned the following tasks:

(1) Oversee the identification and development of Programs of Study, including reviewing relevant workforce and educational data, coordinating the schedule of career cluster reviews, and convening of task groups to develop curricula for Programs of Study;

(2) Review recommendations from Task Groups;

(3) Recommend Programs of Study Curricula to the Board for approval;

(4) Review and provide recommendations to the Commissioner to facilitate course credit transfer and align programs with business and industry needs while ensuring consistency statewide;

(5) Develop and coordinate a Program of Study Curriculum review schedule, including prioritizing development of curricula in high-enrollment and high demand occupational fields;

(6) Review each Program of Study on a recurring schedule, not to exceed once every five years;

(7) Convene and review the work of Task Groups, in accordance with the curriculum review schedule; and

(8) Study curricular changes at public two-year institutions and student course enrollment patterns within and across public two-year institutions.

(c) At least annually, the Program of Study Advisory Committee will report to the Board on the status of Program of Study career cluster task groups, the development and approval of curricula for Programs of Study, and other information related to the development of Programs of Study.

§1.273. Program of Study Advisory Committee Composition, Officers, and Terms.

(a) The Program of Study Advisory Committee may be composed of no more than twenty (20) members. The committee shall be composed of at least one representative of secondary education, one representative of postsecondary education, one representative of business and industry, and one representative from each of the Texas Workforce Commission, the Texas Education Agency, and the Texas Department of Licensure and Regulation or other credentialing body. Other career and technical education experts may fill the remaining member positions.

(b) The Commissioner has final authority to appoint Program of Study Advisory Committee members.

(c) Members of the committee shall select co-chairs, who will be responsible for conducting meetings and conveying committee recommendations to the Board.

(d) Members shall serve staggered terms of up to five years. The terms of the co-chairs will be three years dating from their election.

§1.274. Meetings of the Program of Study Advisory Committee.

The Program of Study Advisory Committee shall meet at least twice year. A quorum of the Program of Study Advisory Committee requires the presence of a simple majority of members.

§1.275. Program of Study Task Groups Composition and Duties.

(a) Program of Study Task Groups are composed of representatives of public two-year institutions that offer a credential program for which a program of study curriculum is proposed and may also include secondary education, business and industry, and other career and technical education experts.

(1) Coordinating Board staff will recommend individuals who are nominated by their institution to the Program of Study Advisory Committee.

(2) The Program of Study Advisory Committee may invite nominees to participate in a Task Group.

(b) A Task Group will operate in accordance with the procedures and timelines established by the Program of Study Advisory Committee and provide regular updates on progress.

(c) A Task Group will recommend Program of Study curricula to the Program of Study Advisory Committee.

§1.276. Duration.

The Program of Study Advisory Committee shall be abolished on September 1, 2029, in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

§1.277. Effective Date.

This subchapter is effective September 1, 2025.

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501204

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 427-6209



CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER L. APPROVAL PROCESS FOR A CAREER AND TECHNICAL EDUCATION CERTIFICATE

19 TAC §§2.263, 2.268, 2.269

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter L, §2.263, and new §2.268

and §2.269, regarding Approval Process for a Career and Technical Education Certificate. Specifically, the amendments and new sections will preserve legislative intent and necessary language previously found in Chapter 9, Subchapters B and F, repealed in July and January 2025, respectively.

Rule 2.263, Criteria for Approval, provides clarity to institutions on the content and process requirements that an institution must meet in seeking approval for a certificate. Subsection (d) is amended to add an exception to the contact hour threshold for certain medical programs.

New subsection (h) provides specific categories of courses that may not be included in a certificate program. The amendments reflect language from Chapter 9, Subchapter F, repealed by the Coordinating Board in January 2025 that is still applicable to criteria for approval.

Rule 2.268, Special Requirements for Commercial Driver's License Training Programs, provides language from Chapter 9, Subchapter B, repealed by the Coordinating Board in July 2025 that needs to be retained in rule in order to implement statutory requirements related to mandatory training on human trafficking.

Rule 2.269, Effective Date of Rules, provides language concerning the effective date of rules. The text for this rule is unchanged from its previous version as §2.268 that is repealed in a separate rulemaking.

Tina Jackson, Assistant Commissioner for Workforce Education, 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.

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be clarification of the Texas Administrative Code that needs to be retained following the repeal of Chapter 9, Subchapters B and F, in July 2025 and January 2025, respectively. 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 proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments and new sections are proposed under Texas Education Code (TEC), §61.0512, which provides the Coordinating Board with the authority to approve new certificate programs at institutions of higher education. TEC, §130.001 and §130.008, grant the Coordinating Board the responsibility to adopt policies and establish general rules necessary to carry out statutory duties with respect to a public junior college certificate or degree program. TEC, §130.0105, requires the Coordinating Board to adopt rules requiring each public junior college offering a commercial driver's license training program to include as a part of that program education and training on the recognition and prevention of human trafficking. The Coordinating Board has the responsibility to adopt policies and establish general rules necessary to carry out statutory duties related to a certificate or degree program with respect to Texas State Technical College under TEC, §135.04, and the Josey School of Vocational Education under TEC, §96.63.

The proposed amendments and new sections affect Texas Education Code, §130A.101.

§2.263. Criteria for Approval.

(a) - (c) (No change.)

(d) A course or program that meets or exceeds 780 contact hours in length shall result in the award of appropriate semester credit hours and be applicable to a career and technical education certificate or an applied associate degree program. An exception shall be made for Emergency Medical/Paramedic continuing education programs, which may reach 800 contact hours.

(e) - (g) (No change.)

(h) A proposed certificate may not include the following:

(1) An avocational course that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course;

(2) A basic employability course that covers topics such as conducting a job search, developing a resume, completing an application for employment, and interviewing skills;

(3) A non-college-level basic learning skills course that covers learning strategies such as note-taking and test preparation; or

(4) A college-level learning framework course that is solely or primarily focused on skill acquisition related to the learning process and is not a career and technical education course.

§2.268. Special Requirements for Commercial Driver's License Training Programs.

(a) Each public junior college offering a commercial driver's license training program must include training on the recognition and prevention of human trafficking as a part of the educational program.

(b) Each public junior college must include the recognition and prevention of human trafficking content established by the office of the attorney general.

§2.269. Effective Date of Rules.

(a) Any certificate subject to approval under this subchapter offered for the first time on or after September 1, 2024, is subject to this rule.

(b) Section 2.266, Approval Required for a Proposed Revision to a Certificate Program, is effective on September 1, 2024.

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

Filed with the Office of the Secretary of State on April 11, 2025.

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 427-6209



19 TAC §2.268

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter L, §2.268, regarding Effective Date of Rules. Specifically, this repeal will remove existing rules that will be replaced with new rules in a separate rulemaking.

Rule 2.268, Effective Date of Rules, will be repealed and new §2.269, Effective Date of Rules, will be proposed in a separate rulemaking. The text of the proposed new rule will be the same as the repealed text.

Tina Jackson, Assistant Commissioner for Workforce Education, 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.

Tina Jackson, Assistant Commissioner for Workforce Education, 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 repeal of existing rules that will be replaced with new rules in a separate rulemaking. 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 proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@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 (TEC), §61.0512, which provides the Coordinating Board with the authority to approve new certificate programs at institutions of higher education. TEC, §130.001 and §130.008, grant the Coordinating Board the responsibility to adopt policies and establish general rules necessary to carry out statutory duties with respect to a public junior college certificate or degree program. The Coordinating Board has the responsibility to adopt policies and establish general rules necessary to carry out statutory duties related to a certificate or degree program with respect to Texas State Technical College under TEC, §135.04, and the Josey School of Vocational Education under TEC, §96.63.

The proposed repeal affects Texas Education Code, §130A.101.

§2.268. *Effective Date of Rules.*

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

Filed with the Office of the Secretary of State on April 11, 2025.

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6209



**CHAPTER 7. DEGREE GRANTING
COLLEGES AND UNIVERSITIES OTHER THAN
TEXAS PUBLIC INSTITUTIONS
SUBCHAPTER B. APPROVAL FOR PARTIC-
IPATION IN THE STATE AUTHORIZATION
RECIPROCITY AGREEMENT (SARA) FOR
PRIVATE OR INDEPENDENT INSTITUTIONS
OF HIGHER EDUCATION AND PRIVATE POST-
SECONDARY EDUCATIONAL INSTITUTIONS**

19 TAC §7.52, §7.57

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 7, Subchapter B, §7.52 and §7.57, concerning Approval for Participation in the State Authorization Reciprocity Agreement (SARA) for Private or Independent Institutions of Higher Education and Private Postsecondary Educational Institutions. Specifically, this amendment will clarify the requirements for out-of-state students placed at practicum or clin-

ical sites. This amendment limits the number of out-of-state students placed simultaneously at practicum or clinical sites to ten (10) students per academic program as specified in the SARA Policy Manual, paragraph 5.11. The amendment also clarifies that practicum and clinical sites include an entire facility, not offices, departments, etc. This revision does not reflect a substantive change to Coordinating Board rules, but is intended to provide greater clarity around existing limitations aligned to out-of-state institutions' SARA participation.

Texas Education Code, §61.05121 and §61.0512(1), authorize the Coordinating Board to administer state participation in State Authorization Reciprocity Agreements and to ensure the efficient and effective use of higher education resources.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, 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 rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

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

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, 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 sections will be the increased transparency to SARA participants about the availability of clinical space for out-of-state students. There is also a public benefit of ensuring there are sufficient clinical placements for in-state students, as required by law. 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 proposal may be submitted to Elizabeth Mayer, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments are proposed under Texas Education Code, Section 61.05121, which authorizes the Coordinating Board to adopt rules relating to state participation in SARA.

The proposed amendment affects Texas Education Code, Section 61.05121.

§7.52. *Definitions.*

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

(1) Accredited--Holding institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education.

(2) Board or Coordinating Board--The Texas Higher Education Coordinating Board.

(3) Clinical or Practicum Site--An entire facility or location, such as a hospital, business, or school campus is considered the clinical or practicum site. Individual departments, offices, clinics, classrooms, or other sub-divisions of the facility are not considered the clinical or practicum site.

(4) [(3)] Commissioner--The Texas Commissioner of Higher Education.

(5) [(4)] C-RAC Guidelines--Refers to the Interregional Guidelines for the Evaluation of Distance Education Programs (Online Learning) for best practices in postsecondary distance education developed by leading practitioners of distance education and adopted by the Council of Regional Accrediting Commissions (C-RAC).

(6) [(5)] Distance Education--Instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video or correspondence courses or programs.

(7) [(6)] Home State--A member state where the institution holds its legal domicile. To operate under SARA an institution must have a single home state.

(8) [(7)] Host State--A member state in which an institution operates under the terms of this agreement, other than the home state.

(9) Individual Academic Program--A specific course of study that leads to a distinct degree or certification, characterized by a unique set of required courses, electives, and academic requirements tailored to a particular field or discipline.

(10) [(8)] Institution--A degree-granting postsecondary entity.

(11) [(9)] Member State--Any state, district or territory that has joined SARA.

(12) [(10)] NC SARA--National Council for State Authorization Reciprocity Agreements.

(13) [(11)] SARA--State Authorization Reciprocity Agreement is an agreement among its member states, districts and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance education courses and programs.

(14) [(12)] SREB--Southern Regional Education Board.

§7.57. *Out-of-state SARA Participants.*

(a) The board shall serve as point of contact for all other State Authorization Reciprocity Agreement (SARA) [SARA] states.

(b) If a public, private or independent out-of-state SARA participant provides courses in Texas and is in apparent violation of the SARA agreement or with Texas Education Code or Administration Code, the board shall take appropriate action to terminate the institution's operation within Texas.

(c) SARA participants shall be limited to no more than ten (10) students from an individual academic program placed simultaneously at one clinical or practicum site.

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6182



CHAPTER 9. PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES SUBCHAPTER B. GENERAL PROVISIONS

19 TAC §§9.21 - 9.27, 9.30 - 9.32

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter B, §§9.21- 9.27 and §§9.30- 9.32, concerning General Provisions. Specifically, this repeal will remove sections superseded by rules adopted by the Coordinating Board in July 2024 which are now in Chapter 2 of this title.

The Coordinating Board proposes the repeal of Chapter 9, Subchapter B, as a part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter B, to update the Texas Administrative Code by removing sections from the Texas Administrative Code that are superseded by rules adopted by the Coordinating Board in July 2024.

Tina Jackson, Assistant Commissioner for Workforce Education, 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.

Tina Jackson, Assistant Commissioner for Workforce Education, 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 repeal of rules that are superseded by new rules adopted by the Coordinating Board in July 2024. 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 proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@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, Sections 51.308, 51.403(e), 51.911, 61.051, 61.053, 61.059, 61.060-61.063, 61.084, 130.001(b)(3)-(4), 130.003, 130.005, 130.0051, 130.008, 130.009, and 130.0105, which authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for various functions relating to program development and the general operation of a public two-year college.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter B, Sections 9.21- 9.27 and 9.30-9.32.

- §9.21. *Purpose.*
- §9.22. *Authority.*
- §9.23. *Student Performance.*
- §9.24. *Religious Holy Days.*
- §9.25. *Training for Governing Boards.*
- §9.26. *Driver Education Courses.*
- §9.27. *Related-Instruction for Apprenticeship Programs.*
- §9.30. *Name Change.*
- §9.31. *Uniform Dates for Adding/Dropping Courses Pertaining to Refunds.*
- §9.32. *Required Curriculum for Commercial Driver's License Training Program.*

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

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 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
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 For further information, please call: (512) 427-6209



SUBCHAPTER C. PURPOSE, ROLE, AND MISSION

19 TAC §§9.51 - 9.54

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter C, §§9.51 - 9.54, concerning the purpose, role, and mission of public two-year colleges. Specifically, this repeal aligns administrative code with statute.

The Coordinating Board proposes the repeal of Chapter 9, Subchapter C, as part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter C, because there is no statutory authority or bill requiring Coordinating Board oversight of public two-year college role and mission statements.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, 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 rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

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

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, 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 sections will be the improved alignment between statute and rule. 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 proposal may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Elizabeth.Mayer@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, Sections 130.0011 and 130.003(e), which identify the role, mission, and purpose of public junior colleges, and 130.001, which provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules for carrying out the duties with respect to public junior colleges.

The proposed repeal affects Texas Education Code, Sections 130.0011, 130.003(e), and 130.001.

§9.51. Purpose.

§9.52. Authority.

§9.53. Role, Mission, and Purpose of Public Community/Junior and Technical Colleges.

§9.54. Publication of Purpose, Role, and Mission Statements.

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

Filed with the Office of the Secretary of State on April 11, 2025.

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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SUBCHAPTER H. PARTNERSHIPS BETWEEN SECONDARY SCHOOLS AND PUBLIC TWO-YEAR COLLEGES

19 TAC §§9.141 - 9.144, 9.146, 9.147

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter H, §§9.141- 9.144, 9.146, and 9.147, concerning Partnerships Between Secondary Schools and Public Two-Year Colleges. Specifically, this repeal will remove sections superseded by rules adopted by the Coordinating Board in July 2024 which are now in Chapter 2 of this title.

The Coordinating Board proposes the repeal of Chapter 9, Subchapter H, as a part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter H, to update the Texas Administrative Code by removing section from the Texas Administrative Code that are superseded by rules approved by the Coordinating Board in July 2024.

Tina Jackson, Assistant Commissioner for Workforce Education, 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.

Tina Jackson, Assistant Commissioner for Workforce Education, 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 repeal of rules that are superseded by new rules adopted by the Coordinating Board in July 2024. 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 proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@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, Sections 29.182, 29.184, 61.076(a), 61.851 - 61.855, 130.001(b)(3)-(4), 130.008, 130.090, and 135.06(d), which authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges to enter into agreements with secondary schools to offer courses which grant credit toward the student's high school academic requirements and/or college-level credit.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter H, §§9.141- 9.144, 9.146, and 9.147.

§9.141. Purpose.

§9.142. Authority.

§9.143. Types of Partnerships.

§9.144. Partnership Agreements.

§9.146. Remedial and Developmental Instruction for High School Students.

§9.147. College Preparatory Courses for High School Students.

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6209



CHAPTER 13. FINANCIAL PLANNING SUBCHAPTER A. DEFINITIONS

19 TAC §13.1

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter A, §13.1, concerning Definitions. Specifically, this amendment will add a definition for

"class day" and correspondingly modify the definition for "census date" to add greater specificity.

The Coordinating Board is authorized to adopt rules relating to tuition and fees by Texas Education Code, §54.075, and relating to the reporting of hours for the purpose of formula funding by Texas Education Code, §§130A.005, 54.014, 61.059(r), and 61.0595.

Rule 13.1, Definitions, is amended by modifying the definition of "census date" and adding a definition for "class day." The definition of "census date" is tied to "class day" to allow for emergent circumstances (e.g. natural disaster) that otherwise could affect the institution's ability to capture enrollment accurately. If, for example, an institution's classes are substantially disrupted or cancelled on a day leading up to the census date, that day would not meet the definition of "class day," and the census date would be shifted accordingly to the next class day. The definition of "census date" is further amended to eliminate references to the Coordinating Board Management (CBM) manual; rather, the same criteria for determining the census date in a given term are included in the rule directly via the figure in §13.1(5).

Dr. Charles Contéro-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 Contéro-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 clarity regarding institutions' census dates, which are related to collection of tuition and fees and formula funding, as well as greater flexibility for institutions in responding to emergent situations that could affect these functions. 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 proposal may be submitted to Dr. Charles Contéro-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 amendment is proposed under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules relating to tuition, and Sections 130A.005, 54.014, 61.059(r), and 61.0595, which provide the Coordinating Board with the authority to adopt rules relating to the reporting of hours for the purpose of formula funding.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter A.

§13.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise or the relevant subchapter specifies a different definition.

(1) Auxiliary Enterprise--Activities providing a service to students, faculty, or staff for a fee directly related to, although not necessarily equal to, the cost of the service.

(2) Available University Fund (AUF)--A fund established in Article 7, §18, of the Texas Constitution to receive all interest and earnings of the Permanent University Fund and used to pay the debt service on PUF-backed bonds.

(3) Base Year--The semesters comprising the year of contact hours used for applying the formula funding distribution to the colleges and universities (usually the summer and fall of even years and the spring of odd years).

(4) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(5) Census Date--For the purpose of this chapter, the class day upon which an institution captures enrollment to [The date upon which an institution may] report a student in attendance for the purposes of formula funding, as specified in Figure 1 [the Coordinating Board Management (CBM) manual for the year in which the funding is reported].

Figure: 19 TAC §13.1(5)

(6) Class Day--A day upon which an institution of higher education holds regularly scheduled classes. A day upon which an institution does not conduct classes due to closure of the institution or based on issuance of a disaster proclamation under Texas Government Code, chapter 418, may be excluded for the purpose of calculating class days.

(7) [~~6~~] Contact Hour--A time unit of instruction used by community, technical, and state colleges consisting of 60 minutes, of which 50 minutes must be direct instruction.

(8) [~~7~~] Coordinating Board--The agency known as the Texas Higher Education Coordinating Board, including agency staff.

(9) [~~8~~] Coordinating Board Staff or Board Staff--Agency staff acting under the direction of the Board and the Commissioner.

(10) [~~9~~] Current Operating Funds--Unrestricted (appropriated) funds, designated funds, restricted funds, and auxiliary enterprise funds.

(11) [~~10~~] Developmental Coursework--Non-degree-credit courses designed to address a student's deficiencies.

(12) [~~11~~] Developmental Education--Courses, laboratories, or other efforts to bring student skills in reading, writing, and mathematics to entering college level. English as a Second

Language (ESL) courses may be considered developmental education, but only when they are used to bring student skill levels in reading or writing to entering college level. The term as used in this chapter does not include courses in study skills or thinking skills.

(13) [(42)] Formula Funding--The mathematical method used to allocate appropriated sources of funds among institutions of higher education.

(14) [(43)] Functional categories (as defined by National Association of College and University Business Officers)--Instruction, research, public service, academic support, student service, institutional support, operation and maintenance of plant, scholarships and fellowships, depreciation, auxiliary enterprises, and hospital.

(15) [(44)] General Academic Teaching Institution--Any college, university, or institution so classified in Texas Education Code, §61.003(3), or created and so classified by law.

(16) [(45)] General Revenue (GR)--State tax revenue.

(17) [(46)] Governmental Accounting Standards Board (GASB)--An entity created by the Financial Accounting Foundation to set accounting standards for governmental entities including public institutions of higher education.

(18) [(47)] Higher Education Fund (HEF)--A fund established in Article 7, §17, of the Texas Constitution to fund capital improvements and capital equipment for institutions not included in the Permanent University Fund.

(19) [(48)] Independent institution of higher education--A private or independent college or university as defined in Texas Education Code, §61.003(15), that is:

(A) organized under the Texas Non-Profit Corporation Act;

(B) exempt from taxation under Article VIII, §2, of the Texas Constitution and §501(c)(3) of the Internal Revenue Code; and

(C) accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(20) [(49)] Institution of Higher Education or Institution--Any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined in Texas Education Code, §61.003.

(21) [(20)] Institutional Expenditures--All costs of activities separately organized and operated in connection with instructional departments primarily for the purpose of giving professional training to students as a necessary part of the educational work of the related departments.

(22) [(21)] Institutional Funds--Fees, gifts, grants, contracts, and patient revenue, not appropriated by the legislature.

(23) [(22)] Local Funds--Tuition, certain fees, and other educational and general revenue appropriated by the legislature.

(24) [(23)] National Association of College and University Business Officers (NACUBO)--Provides guidance in business operations of higher education institutions.

(25) [(24)] Permanent University Fund (PUF)--A fund established in Article 7, §11, of the Texas Constitution to fund capital improvements and capital equipment at certain institutions of higher education.

(26) [(25)] Public Junior College--A public institution of higher education as defined in Texas Education Code, §61.003(2).

(27) [(26)] Public State College--Any public state college as defined in Texas Education Code, §61.003(16).

(28) [(27)] Public Technical Institute--Any public technical institute as defined in Texas Education Code, §61.003(7), excluding Lamar Institute of Technology.

(29) [(28)] Public Two-year College--Any public junior college, public community college, public technical institute, or public state college.

(30) [(29)] Semester Credit Hour (SCH)--A unit of measure of instruction consisting of 60 minutes, of which 50 minutes must be direct instruction, over a 15-week period in a semester system or a 10-week period in a quarter system.

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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



SUBCHAPTER F. FORMULA FUNDING FOR REPEATED AND EXCESS HOURS OF UNDERGRADUATE STUDENTS

19 TAC §13.101

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter F, §13.101, concerning Authority.

Separately from and concurrently with these amendments, the Coordinating Board proposes to repeal §13.108, Tuition Rate for Students, and relocate the substance to a different location within Chapter 13. The below amendments to subchapter F are necessary to conform with that revision. The Coordinating Board is authorized by Texas Education Code, §54.014, to adopt rules relating to tuition for repeated or excessive undergraduate hours.

First, this amendment will retitle subchapter F to remove the reference to tuition charges. Specifically, the amendment will remove the phrase "and Tuition Charges" to reflect the removal of §13.108, which pertains to tuition charges, from subchapter F. The new title of the subchapter will then be "Formula Funding for Repeated and Excess Hours of Undergraduate Students."

In addition, the amendment will revise §13.101, Authority. Section 13.101 lists a number of statutes that relate to the underlying subject matter of subchapter F. The first sentence of §13.101 is a reference to Texas Education Code, §54.014, pertaining to the authority of institutions to charge a higher rate of tuition for repeated or excess hours. With the repeal of §13.108, this provision is no longer applicable to subchapter F and thus will be removed by this amendment.

Dr. Charles Contéro-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 im-

plications 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 Contéro-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 reflecting the updated contents of the subchapter. 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 proposal may be submitted to Dr. Charles Contéro-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 amendment is proposed under Texas Education Code, Section 54.014, which provides the Coordinating Board with the authority to adopt rules relating to tuition for repeated or excessive undergraduate hours.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 13.

§13.101. Authority.

[Texas Education Code, §54.014, provides that each institution may charge a higher rate of tuition to students with repeated or excess hours.] Texas Education Code, §61.0595, limits formula funding for excess hours. Texas Education Code, §61.059(r), establishes that contact hours or semester credit hours related to a course that a student is taking for the third time may not be reported for the purpose of formula funding. Texas Education Code, §61.059(b), grants the Coordinating Board the authority to devise, establish, and periodically review and revise formula recommendations for institutions of higher education. Texas Education Code, §130A, establishes the Public Junior College State Finance Program. Texas Education Code, §51.340, limits the number of remedial or developmental education semester credit hours for which formula funding may be received.

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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



19 TAC §13.108

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter F, §13.108, concerning Tuition Rate for Students. Specifically, this repeal will allow for the rule's relocation to Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §54.014, to adopt rules relating to tuition for repeated or excessive undergraduate hours.

Dr. Charles Contéro-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 Contéro-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 access to the rule by moving it to a more appropriate location. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Dr. Charles Contéro-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 54.014, which provides the Coordinating Board with the authority to adopt rules relating to tuition for repeated or excessive undergraduate hours.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 13.

§13.108. Tuition Rate for Students.

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

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SUBCHAPTER G. TUITION AND FEES

19 TAC §§13.120, 13.121, 13.123 - 13.128

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G, §§13.120, 13.121, and 13.123 - 13.128, concerning Tuition and Fees. Specifically, this new section will consolidate existing rules relating to tuition and fees, add greater specificity to rules relating to the collection of tuition and fees, and codify the current practice relating to the calculation of the Reserve Officers' Training Corps (ROTC) program fee.

The purpose of this new subchapter is to establish procedures relating to the determination of various tuition rates; the collection, refunding, and reporting of tuition; and the administration of other tuition-related matters. The Coordinating Board is authorized by Texas Education Code, §54.075, to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

Rule 13.120, Authority and Purpose, establishes the general statutory authority (more specific references are made in subsequent sections, as needed) for the provisions of the subchapter and outlines the subchapter's purpose.

Rule 13.121, Definitions, establishes definitions for words and terms used throughout the subchapter. These definitions do not substantively deviate from their use elsewhere in Coordinating Board rules.

Rule 13.123, Collection of Tuition and Mandatory Fees, provides guidance to institutions regarding requirements for the collection of tuition and mandatory fees from students. The rule is the reconstituted rule §21.4 with significant, substantive revisions.

Subsection (a) sets out the expectation that tuition and fees are paid in full by the census date, as required by Texas Education Code, §54.007, unless a student meets specific exceptions. Current §21.4 references formula funding, but §54.007 makes

no reference to formula funding, so the reference has been removed.

Subsection (b) is not in the current §21.4. It captures the statutory allowance in Texas Education Code, 54.007(b-2), mirroring statute to acknowledge that there are times when a student might not have been paid in full by the census date. This allows for the fact that there are reasons why a student account might not be at a zero balance by the census date, while still being valid for formula funding reporting if that balance is cleared by the 20th class day.

Subsection (c) references the formula funding requirement, from General Appropriations Act, 88th Legislature, Rider 15 (III-288), to collect tuition and fees by the 20th class day. Much of the rule language mirrors the rider. The provisions of subsection (b) do not apply to subsection (c). Effectively, remaining balances that are allowable at the census date based on subsection (b) must be resolved by the 20th class day.

Subsection (d) is based upon Texas Education Code, §54.0071(d), regarding the Coordinating Board prescribing procedures for the administration of that section.

Subsection (e) is the reconstituted §21.4(a)(4) with no substantive changes, except that "contact hours" is replaced with "semester credit hours, or the equivalent." Subsections (f) and (g) are the reconstituted §21.4(a)(5) and (6), respectively, with no substantive changes.

Rule 13.124, Reporting of Tuition and Fees, details institutional reporting requirements to the Coordinating Board relating to tuition and fee data. Substantively, the section is the reconstituted §13.142, but the provisions of that section have been rewritten for clarity. The effect of the rule is unchanged.

Rule 13.125, Tuition Rate for Excess Hours of Undergraduate Students, specifies the manner in which institutions may charge a higher tuition rate to undergraduate students who have exceeded the excess credit hour limit established in Texas Education Code, §54.014(a), as well as the exceptions to this allowance. The rule is the reconstituted §13.108(a) and (c); the only substantive change was to align with statute by clarifying that institutions that charge a higher tuition rate under the section may adopt a hardship policy but are not obligated to do so.

Rule 13.126, Tuition Rate for Repeated Hours of Undergraduate Students, specifies the manner in which institutions may charge a higher tuition rate to undergraduate students for repeated courses, as described in Texas Education Code, §54.014(f), as well as the exceptions to this allowance. The rule is the reconstituted §13.108(b), (c), and (d), with only nonsubstantive revisions to provide greater detail regarding statutory authority, improve readability, and update citations. Texas Education Code, §54.014, authorizes the Coordinating Board to adopt rules relating to tuition rates for excess or repeated hours of undergraduate students.

Rule 13.127, Notice to Students Regarding Designated Tuition Set Aside for Financial Assistance, outlines institutional requirements to notify students regarding tuition set aside for financial aid purposes. The rule is the reconstituted Chapter 21, Subchapter QQ, with nonsubstantive revisions to consolidate the subchapter into a single section. References to the "Commissioner" are replaced with "Coordinating Board" to align with practice. Texas Education Code, 56.014, authorizes the Coordinating Board to adopt rules relating to institutions' required notice regarding tuition set aside for financial assistance.

Rule 13.128, Reserve Officers' Training Corps (ROTC) Program Fee Calculation, outlines the methodology by which the Coordinating Board calculates, pursuant to Texas Education Code, §51.9112, a standard program fee for ROTC courses at institutions of higher education, as well as the circumstances under which an institution may exceed the fee. Subsection (d) details how the calculation is conducted, codifying current practice. There would be no change in how the ROTC program fee is determined as a result of the adoption of this rule. Texas Education Code, §51.9112, authorizes the Coordinating Board to adopt rules relating to the calculation of the ROTC program fee.

Dr. Charles Contéro-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 Contéro-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 clarity, specificity, and operability of rules relating to tuition and fees. 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 proposal may be submitted to Dr. Charles Contéro-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 new section is proposed under Texas Education Code, Sections 51.9112, 54.014, 54.075, and 56.014, which provide the Coordinating Board with the authority to adopt rules relating to the ROTC program fee, tuition rates for excess or repeated undergraduate hours, tuition rates generally, and institutional notice regarding tuition set aside for financial assistance, respectively.

The proposed new section affects Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G.

§13.120. Authority and Purpose.

(a) Authority. Unless otherwise noted in a section, authority for these provisions is provided by Texas Education Code, chapter 54, subchapter B, Tuition Rates.

(b) The purpose of this subchapter is to establish procedures relating to the determination of various tuition rates; the collection, re-funding, and reporting of tuition; and the administration of other tuition-related matters.

§13.121. Definitions.

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

(1) Mandatory or Required Fee--A fee authorized by statute or the governing board of an institution that the institution charges to all students as a condition of enrollment. For institutions other than public community colleges, such fees would be required to be paid by the census date or other date as mandated by the state for formula funding purposes.

(2) Tuition--Statutory, designated, and/or board-authorized tuition.

(A) Statutory Tuition--A tuition charge authorized under Texas Education Code, §54.051, in an amount determined by the Texas Legislature for a resident or nonresident student. This includes the charge for state-funded continuing education courses.

(B) Designated Tuition--A tuition charge authorized under Texas Education Code, §54.0513, that institutions other than public community colleges may impose on any graduate or undergraduate, resident or nonresident student, in an amount that the governing board of the institution considers necessary for the effective operation of the institution.

(C) Board-authorized Tuition--A tuition charge that a general academic teaching institution or a medical and dental unit may impose on any graduate resident or nonresident student in an amount as specified in Texas Education Code, §54.008.

§13.123. Collection of Tuition and Mandatory Fees.

(a) On or before the respective census date for the semester or term, as defined in §13.1 of this chapter (relating to Definitions), each institution of higher education, as defined by §13.1 of this chapter, shall collect in full from each student the amounts set as tuition and mandatory fees established by state law or the respective governing boards, unless:

(1) the student's payment due date has been postponed due to pending disbursements of financial aid as described and provided by in Texas Education Code, §54.0071;

(2) the student's payment due date has been postponed based on the student's election to pay tuition and mandatory fees by installment as provided in Texas Education Code, §54.007; or

(3) the institution has determined that the student meets the eligibility requirements that allow the student to earn credit at no cost to the student, such as occurs in chapter 13, subchapter Q of this title (relating to Financial Aid for Swift Transfer (FAST) Program).

(b) An institution of higher education may collect on a due date subsequent to the census date unpaid tuition and mandatory fee balances resulting from:

(1) an adjustment to a student's enrollment status or an administrative action; or

(2) unpaid residual balances of tuition and mandatory fees constituting less than five percent of the total amount of tuition

and mandatory fees charged to the student by the institution for that semester or term.

(c) An institution of higher education shall collect from each student who is to be counted for state formula funding appropriations, the tuition and mandatory fees established by state law or by its governing board on or before the end of the 20th class day for each regular semester and the 15th class day for each summer session.

(1) An institution of higher education may fulfill its obligation under this section by complying with subsection (a) of this section.

(2) An institution may consider a valid contract with the United States Government for instruction of eligible military personnel or a valid contract with private business or public service-type organization or institution, such as a hospital, as a collection for the purpose of this section after final payment and adjustment of the amount paid under the contract.

(d) Each institution shall adopt a policy regarding the postponement of a student's payment due date due to pending disbursement of financial aid as described in Texas Education Code, §54.0071 and §54.007(f). The institution shall reference its tuition payment policy in any billing statement provided to students regarding the collection of tuition and mandatory fees.

(e) The institution must require that a returned check be covered by a transfer from a self-supporting auxiliary enterprise fund or other non-state fund source (e.g., food service, bookstore) within ten days of the date the institution receives the returned check in order for semester credit hours, or their equivalent, to be submitted for state funding.

(f) The institution may not reimburse an auxiliary enterprise or other non-state fund source with state-provided funds.

(g) Each institution shall retain a record of individual student tuition or tuition and fee payment and returned checks for verification by the State Auditor.

§13.124. Reporting of Tuition and Fees.

(a) Authority. Texas Education Code, §54.075, authorizes the Board to adopt rules to carry out the purposes of Texas Education Code, chapter 54, subchapter B.

(b) Each institution of higher education, as defined in §13.1 of this chapter (relating to Definitions), shall report annually to the Coordinating Board the types and amounts of tuition and fees charged to students during the previous academic year. Each institution shall separate these data by semester.

§13.125. Tuition Rate for Excess Hours of Undergraduate Students.

(a) Authority. Authority for this section is Texas Education Code, §54.014, Tuition for Repeated or Excessive Undergraduate Hours.

(b) Excess Hours. An institution of higher education, as defined in §13.1 of this chapter (relating to Definitions) may charge a higher tuition rate, not to exceed the rate charged to nonresident undergraduate students, to a student whose hours can no longer be submitted for formula funding under §13.103 of this chapter (relating to Limitation on Formula Funding for Excess Hours), unless those hours are exempted under §13.104 of this chapter (relating to Exemptions for Excess Hours).

(c) If an institution charges a higher tuition rate under this section, it may adopt a policy under which a student is exempted from the payment of that higher tuition rate if payment of the higher tuition rate would result in an economic hardship for the student.

§13.126. Tuition Rate for Repeated Hours of Undergraduate Students.

(a) Authority. Authority for this section is Texas Education Code, §54.014, Tuition for Repeated or Excessive Undergraduate Hours.

(b) Repeated Hours. Unless the hours are exempted under §13.106 of this chapter (relating to Exemptions for Repeated Hours for Attempted Courses), an institution may charge a higher tuition rate, not to exceed the rate charged to nonresident undergraduate students, to a student who enrolls in a course he or she has already completed, regardless of whether the hours may be submitted for formula funding.

(c) If an institution charges a higher tuition rate under this section, it shall adopt a policy under which a student is exempted from the payment of that higher tuition rate if payment of the higher tuition rate would result in an economic hardship for the student.

(d) An institution shall exempt a student from payment of higher tuition for any course repeated in the final semester or term before graduation if the course(s) is taken for the purpose of receiving a grade that will satisfy a degree requirement. This exemption applies for only one semester. The exemption does not affect an institution's ability to charge a higher tuition rate for courses that cannot be reported for funding for other reasons such as the excess credit hour limit, or an institution's ability to waive higher tuition rates for economic hardship.

§13.127. Notice to Students Regarding Designated Tuition Set Aside for Financial Assistance.

(a) Authority. Authority for this section is provided in the Texas Education Code, §56.014, Notice to Students Regarding Tuition Set Aside for Financial Assistance.

(b) Each institution of higher education that is required to set aside a portion of a student's designated tuition to provide financial assistance shall provide to each student who pays designated tuition a notice that includes:

(1) the amount of designated tuition that is set aside for financial aid programs, based on the number of semester credit hours (or equivalent) for which the students originally enrolled; and

(2) the generalized formula the institution employs for calculating tuition set-asides.

(c) For the purpose of subsection (b)(2) of this section, no update to the notice is required as a result of a change in the number of credit hours after the student originally enrolls.

(d) The institution shall include the notice with one of the following:

(1) the student's tuition bill or billing statement, if the institution provides the student with a printed bill or statement for the payment of tuition;

(2) the student's tuition receipt, if the institution provides the student with a printed receipt for the payment of tuition; or

(3) a statement prominently displayed in an e-mail, if the institution does not provide the student with a printed tuition bill, statement, or receipt.

§13.128. Reserve Officers' Training Corps (ROTC) Program Fee Calculation.

(a) Authority. Authority for this section is Texas Education Code, §51.9112, Reserve Officers' Training Corps (ROTC) Program: Fees and Course Credit.

(b) The Coordinating Board shall determine a standard fee for a course offered through a Reserve Officers' Training Corps (ROTC)

program using the methodology described in subsection (d) of this section.

(c) An institution of higher education may not charge a student enrolled in an ROTC course any amount for the course in excess of the standard fee, unless the institution offers course credit toward the student's degree for a course in which the student enrolls for the purposes of an ROTC program. In that case, the institution may charge the student tuition for that course after subtracting any reimbursement or other amount the institution receives from the applicable military service or other source for offering the course.

(d) Methodology. Each year, the Coordinating Board will determine the standard ROTC fee for the forthcoming fiscal year using the procedure detailed in this subsection.

(1) The Coordinating Board identifies (by querying the CBM0CS database for military science courses) all institutions of higher education with ROTC programs.

(2) Using the General Academic Institution Expenditure Study, the Coordinating Board identifies the total non-salary expenditures and semester credit hours associated with upper- and lower-level undergraduate courses in the Liberal Arts discipline for the institutions identified in paragraph (1) of this subsection.

(3) The data described by paragraph (2) of this subsection for the previous three fiscal years are used to forecast values for the current and forthcoming fiscal year using the FORECAST function in Microsoft Excel or a comparable forecasting function. Current fiscal year values are forecasted because actual values are not available at the time of calculation.

(4) The Coordinating Board divides the forecasted expenditures for the forthcoming fiscal year by the forecasted semester credit hours for the forthcoming fiscal year, yielding a forecasted average expenditure per semester credit hour for the forthcoming fiscal year.

(5) The forecasted average expenditure per semester credit hour for the forthcoming fiscal year described by paragraph (4) of this subsection is the standard ROTC program fee for the forthcoming fiscal year. This standard fee is determined annually by the Coordinating Board pursuant to Texas Education Code, §51.9112, and published on the Coordinating Board website.

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

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Texas Higher Education Coordinating Board

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



SUBCHAPTER H. REPORTING OF TUITION AND FEES

19 TAC §§13.140 - 13.143

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter H, §§13.140 - 13.143, concerning Reporting of Tuition and Fees. Specifically, this repeal

will allow for the provisions of this subchapter to be relocated to Chapter 13, Subchapter G, Tuition and Fees. Texas Education Code, §54.075, authorizes the Coordinating Board to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

Dr. Charles Contéro-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 Contéro-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 consolidating tuition-related rules into a single subchapter. 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 proposal may be submitted to Dr. Charles Contéro-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 to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 13.

§13.140. *Purpose.*

§13.141. *Authority.*

§13.142. *Definitions.*

§13.143. *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.

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CHAPTER 21. STUDENT SERVICES SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §21.4, §21.7

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter A, §21.4 and §21.7, concerning General Provisions. Specifically, this repeal will allow all tuition-related rules to be consolidated into Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §54.075 to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

Dr. Charles Contéro-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 Contéro-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 improved rule clarity by consolidating all tuition-related rules into a single location. 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 proposal may be submitted to Dr. Charles Contéro-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 to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

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

§21.4. *Collection of Tuition.*

§21.7. *Tuition and Fee 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.

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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



SUBCHAPTER QQ. PROVISIONS FOR NOTICE TO STUDENTS REGARDING TUITION SET ASIDE FOR FINANCIAL ASSISTANCE

19 TAC §§21.2230 - 21.2232

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter QQ, §§21.2230 - 21.2232, concerning Provisions for Notice to Students Regarding Tuition Set Aside for Financial Assistance. Specifically, this repeal will allow all tuition-related rules to be consolidated into Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §56.014 to adopt rules to effectuate the provisions of that section.

Dr. Charles Contéro-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 Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the section will be the improved rule clarity by consolidating all tuition-related rules into a single location. 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 proposal may be submitted to Dr. Charles Contéro-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 56.014, which provides the Coordinating Board with the authority to adopt rules to effectuate the provisions of that section.

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

§21.2230. *Authority and Purpose.*

§21.2231. *Definitions.*

§21.2232. *Notice to Students.*

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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CHAPTER 26. PROGRAMS OF STUDY

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter A, §§26.101 - 26.107, Agriculture, Food and Natural Resources Programs of Study Advisory Committee; Subchapter B, §§26.121 - 26.127, Architecture and Construction Programs of Study Advisory Committee; Subchapter C, §§26.141 - 26.147, Arts, Audio/Visual

Technology and Communications Programs of Study Advisory Committee; Subchapter D, §§26.161 - 26.167, Business Management and Administration Programs of Study Advisory Committee; Subchapter E, §§26.181 - 26.187, Education and Training Programs of Study Advisory Committee; Subchapter F, §§26.201 - 26.207, Finance Programs of Study Advisory Committee; Subchapter G, §§26.221 - 26.227, Government and Public Administration Programs of Study Advisory Committee; Subchapter H, §§26.241 - 26.247, Health Science Programs of Study Advisory Committee; Subchapter I, §§26.261 - 26.267, Hospitality and Tourism Programs of Study Advisory Committee; Subchapter J, §§26.281 - 26.287, Human Services Programs of Study Advisory Committee; Subchapter K, §§26.301 - 26.307, Information Technology Programs of Study Advisory Committee; Subchapter L, §§26.321 - 26.327, Law, Public Safety, Corrections, and Security Programs of Study Advisory Committee; Subchapter M, §§26.341 - 26.347, Manufacturing Programs of Study Advisory Committee; Subchapter N, §§26.361 - 26.367, Marketing Programs of Study Advisory Committee; Subchapter O, §§26.381 - 26.387, Science, Technology, Engineering and Mathematics Programs of Study Advisory Committee; and Subchapter P, §§26.401 - 26.407, Transportation, Distribution, and Logistics Programs of Study Advisory Committee. Specifically, the repeal of Chapter 26 will eliminate unnecessary rules governing programs of study advisory committees which were set to be abolished no later than January 1, 2020.

The Coordinating Board proposes the repeal of Chapter 26 as part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 26, Subchapters A - P, because the programs of study advisory committees are non-operational, and the rules that govern these programs of study advisory committees should be repealed.

Tina Jackson, Assistant Commissioner for Workforce Education, 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.

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as the result of adopting this rule is to repeal unnecessary rules that govern programs of study advisory committees which were set to be abolished no later than January 1, 2020. 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 repeal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas, 78711 or via email at RuleComments@highered.texas.gov. Comments will be accepted for thirty days following publication of the proposal in the *Texas Register*.

SUBCHAPTER A. AGRICULTURE, FOOD AND NATURAL RESOURCES PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.101 - 26.107

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter A, §§26.101 - 26.107.

- §26.101. *Authority and Specific Purposes of the Agriculture, Food and Natural Resources Programs of Study Advisory Committee.*
- §26.102. *Definitions.*
- §26.103. *Committee Membership Officers.*
- §26.104. *Duration.*
- §26.105. *Meetings.*
- §26.106. *Tasks Assigned to the Committee.*
- §26.107. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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 Nichole Bunker-Henderson
 General Counsel
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SUBCHAPTER B. ARCHITECTURE AND CONSTRUCTION PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.121 - 26.127

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter B, §§26.121 - 26.127.

- §26.121. *Authority and Specific Purposes of the Architecture and Construction Programs of Study Advisory Committee.*
- §26.122. *Definitions.*
- §26.123. *Committee Membership and Officers.*
- §26.124. *Duration.*
- §26.125. *Meetings.*
- §26.126. *Tasks Assigned to the Committee.*
- §26.127. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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SUBCHAPTER C. ARTS, AUDIO/VISUAL TECHNOLOGY AND COMMUNICATIONS PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.141 - 26.147

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter C, §§26.141 - 26.147.

- §26.141. *Authority and Specific Purposes of the Arts, Audio/Visual Technology and Communications Programs of Study Advisory Committee.*
- §26.142. *Definitions.*
- §26.143. *Committee Membership and Officers.*
- §26.144. *Duration.*
- §26.145. *Meetings.*
- §26.146. *Tasks Assigned to the Committee.*
- §26.147. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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 Nichole Bunker-Henderson
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**SUBCHAPTER D. BUSINESS MANAGEMENT
AND ADMINISTRATION PROGRAMS OF
STUDY ADVISORY COMMITTEE**

19 TAC §§26.161 - 26.167

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter D, §§26.161 - 26.167.

§26.161. *Authority and Specific Purposes of the Business Management and Administration Programs of Study Advisory Committee.*

§26.162. *Definitions.*

§26.163. *Committee Membership and Officers.*

§26.164. *Duration.*

§26.165. *Meetings.*

§26.166. *Tasks Assigned to the Committee.*

§26.167. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6209

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**SUBCHAPTER E. EDUCATION AND
TRAINING PROGRAMS OF STUDY ADVISORY
COMMITTEE**

19 TAC §§26.181 - 26.187

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter E, §§26.181 - 26.187.

§26.181. *Authority and Specific Purposes of the Education and Training Programs of Study Advisory Committee.*

§26.182. *Definitions.*

§26.183. *Committee Membership and Officers.*

§26.184. *Duration.*

§26.185. *Meetings.*

§26.186. *Tasks Assigned to the Committee.*

§26.187. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6209

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**SUBCHAPTER F. FINANCE PROGRAMS OF
STUDY ADVISORY COMMITTEE**

19 TAC §§26.201 - 26.207

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter F, §§26.201 - 26.207.

§26.201. *Authority and Specific Purposes of the Finance Programs of Study Advisory Committee.*

§26.202. *Definitions.*

§26.203. *Committee Membership and Officers.*

§26.204. *Duration.*

§26.205. *Meetings.*

§26.206. *Tasks Assigned to the Committee.*

§26.207. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

General Counsel

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For further information, please call: (512) 427-6209

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**SUBCHAPTER G. GOVERNMENT AND
PUBLIC ADMINISTRATION PROGRAMS OF
STUDY ADVISORY COMMITTEE**

19 TAC §§26.221 - 26.227

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter G, §§26.221 - 26.227.

§26.221. *Authority and Specific Purposes of the Government and Public Administration Programs of Study Advisory Committee.*

§26.222. *Definitions.*

§26.223. *Committee Membership and Officers.*

§26.224. *Duration.*

§26.225. *Meetings.*

§26.226. *Tasks Assigned to the Committee.*

§26.227. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

General Counsel

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For further information, please call: (512) 427-6209



SUBCHAPTER H. HEALTH SCIENCE PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.241 - 26.247

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter H, §§26.241 - 26.247.

§26.241. *Authority and Specific Purposes of the Health Science Programs of Study Advisory Committee.*

§26.242. *Definitions.*

§26.243. *Committee Membership and Officers.*

§26.244. *Duration.*

§26.245. *Meetings.*

§26.246. *Tasks Assigned to the Committee.*

§26.247. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

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For further information, please call: (512) 427-6209



SUBCHAPTER I. HOSPITALITY AND TOURISM PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.261 - 26.267

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter I, §§26.261 - 26.267.

§26.261. *Authority and Specific Purposes of the Hospitality and Tourism Programs of Study Advisory Committee.*

§26.262. *Definitions.*

§26.263. *Committee Membership and Officers.*

§26.264. *Duration.*

§26.265. *Meetings.*

§26.266. *Tasks Assigned to the Committee.*

§26.267. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

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Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6209



SUBCHAPTER J. HUMAN SERVICES PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.281 - 26.287

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter J, §§26.281 - 26.287.

§26.281. *Authority and Specific Purposes of the Human Services Programs of Study Advisory Committee.*

§26.282. *Definitions.*

§26.283. *Committee Membership and Officers.*

§26.284. *Duration.*

§26.285. *Meetings.*

§26.286. *Tasks Assigned to the Committee.*

§26.287. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6209



SUBCHAPTER K. INFORMATION
TECHNOLOGY PROGRAMS OF STUDY
ADVISORY COMMITTEE

19 TAC §§26.301 - 26.307

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter K, §§26.301 - 26.307.

§26.301. *Authority and Specific Purposes of the Information Technology Programs of Study Advisory Committee.*

§26.302. *Definitions.*

§26.303. *Committee Membership and Officers.*

§26.304. *Duration.*

§26.305. *Meetings.*

§26.306. *Tasks Assigned to the Committee.*

§26.307. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6209



SUBCHAPTER L. LAW, PUBLIC SAFETY,
CORRECTIONS, AND SECURITY PROGRAMS
OF STUDY ADVISORY COMMITTEE

19 TAC §§26.321 - 26.327

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter L, §§26.321 - 26.327.

§26.321. *Authority and Specific Purposes of the Law, Public Safety, Corrections, and Security Programs of Study Advisory Committee.*

§26.322. *Definitions.*

§26.323. *Committee Membership and Officers.*

§26.324. *Duration.*

§26.325. *Meetings.*

§26.326. *Tasks Assigned to the Committee.*

§26.327. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

General Counsel

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For further information, please call: (512) 427-6209



SUBCHAPTER M. MANUFACTURING
PROGRAMS OF STUDY ADVISORY
COMMITTEE

19 TAC §§26.341 - 26.347

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter M, §§26.341 - 26.347.

§26.341. *Authority and Specific Purposes of the Manufacturing Programs of Study Advisory Committee.*

§26.342. *Definitions.*

§26.343. *Committee Membership and Officers.*

§26.344. *Duration.*

§26.345. *Meetings.*

§26.346. *Tasks Assigned to the Committee.*

§26.347. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

General Counsel

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For further information, please call: (512) 427-6209



SUBCHAPTER N. MARKETING PROGRAMS
OF STUDY ADVISORY COMMITTEE

19 TAC §§26.361 - 26.367

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter N, §§26.361 - 26.367.

§26.361. *Authority and Specific Purposes of the Marketing Programs of Study Advisory Committee.*

§26.362. *Definitions.*

§26.363. *Committee Membership and Officers.*

§26.364. *Duration.*

§26.365. *Meetings.*

§26.366. *Tasks Assigned to the Committee.*

§26.367. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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TRD-202501229

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6209



SUBCHAPTER O. SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.381 - 26.387

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter O, §§26.381 - 26.387.

§26.381. *Authority and Specific Purposes of the Science, Technology, Engineering and Mathematics Programs of Study Advisory Committee.*

§26.382. *Definitions.*

§26.383. *Committee Membership and Officers.*

§26.384. *Duration.*

§26.385. *Meetings.*

§26.386. *Tasks Assigned to the Committee.*

§26.387. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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TRD-202501230

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 427-6209



SUBCHAPTER P. TRANSPORTATION, DISTRIBUTION, AND LOGISTICS PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.401 - 26.407

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter P, §§26.401 - 26.407.

§26.401. *Authority and Specific Purposes of the Transportation, Distribution, and Logistics Programs of Study Advisory Committee.*

§26.402. *Definitions.*

§26.403. *Committee Membership and Officers.*

§26.404. *Duration.*

§26.405. *Meetings.*

§26.406. *Tasks Assigned to the Committee.*

§26.407. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

General Counsel

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For further information, please call: (512) 427-6209



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 151. COMMISSIONER'S RULES CONCERNING PASSING STANDARDS FOR EDUCATOR CERTIFICATION EXAMINATIONS

19 TAC §151.1001

The Texas Education Agency (TEA) proposes an amendment to §151.1001, concerning passing standards for educator certification examinations. The proposed amendment would specify the satisfactory scores for the examinations for Deafblind EC-12 and Special Education Specialist EC-12.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code, §21.048(a), requires the commissioner to establish the satisfactory levels of performance required on educator certification examinations and requires a satisfactory level of performance on each core subject covered by an examination. The proposed passing standards were established by subject-matter expert stakeholder committee groups.

Section 151.1001 specifies the passing standards for all pedagogical and content certification examinations as approved by the commissioner. The proposed amendment to Figure: 19 TAC §151.1001(b)(12) would introduce passing standards for the Deafblind EC-12 and Special Education Specialist EC-12 Texas Examinations of Educator Standards examinations.

The average passing standard is expressed as an average raw cut score of all active forms of a test or the minimum proficiency level. It is critical to note that the actual raw cut scores may vary

slightly from form to form to balance the overall difficulty of the test yet maintain consistency in scoring.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner of educator preparation, certification and enforcement, 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 expand an existing regulation by including passing standards for new examinations.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. McLoughlin has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide clarity to educators and others regarding the required passing standards for Texas certification examinations. 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 April 25, 2025, and ends May 27, 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 April 25, 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 amendment is proposed under Texas Education Code, §21.048(a), which requires the commissioner of education to determine the level of performance considered to be satisfactory on educator certification examinations and further authorizes the commissioner to require a satisfactory level of performance on each core subject covered by an examination.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §21.048(a).

§151.1001. Passing Standards.

(a) As required by the Texas Education Code, §21.048(a), the commissioner of education shall determine the satisfactory level of performance for each educator certification examination and require a satisfactory level of performance on each core subject covered by an examination. The figures in this section identify the passing standards established by the commissioner for educator certification examinations.

(b) The figures in this subsection identify the passing standards established by the commissioner for classroom teacher examinations.

(1) The figure in this paragraph identifies the passing standards for early childhood through Grade 6 examinations.
Figure: 19 TAC §151.1001(b)(1) (No change.)

(2) The figure in this paragraph identifies the passing standards for Grades 4-8 examinations.
Figure: 19 TAC §151.1001(b)(2) (No change.)

(3) The figure in this paragraph identifies the passing standards for secondary mathematics and science examinations.
Figure: 19 TAC §151.1001(b)(3) (No change.)

(4) The figure in this paragraph identifies the passing standards for secondary English language arts and social studies examinations.
Figure: 19 TAC §151.1001(b)(4) (No change.)

(5) The figure in this paragraph identifies the passing standards for speech and journalism examinations.
Figure: 19 TAC §151.1001(b)(5) (No change.)

(6) The figure in this paragraph identifies the passing standards for fine arts examinations.
Figure: 19 TAC §151.1001(b)(6) (No change.)

(7) The figure in this paragraph identifies the passing standards for health and physical education examinations.
Figure: 19 TAC §151.1001(b)(7) (No change.)

(8) The figure in this paragraph identifies the passing standards for computer science and technology applications examinations.
Figure: 19 TAC §151.1001(b)(8) (No change.)

(9) The figure in this paragraph identifies the passing standards for career and technical education examinations.
Figure: 19 TAC §151.1001(b)(9) (No change.)

(10) The figure in this paragraph identifies the passing standards for bilingual examinations.
Figure: 19 TAC §151.1001(b)(10) (No change.)

(11) The figure in this paragraph identifies the passing standards for languages other than English (LOTE) examinations.
Figure: 19 TAC §151.1001(b)(11) (No change.)

(12) The figure in this paragraph identifies the passing standards for special education examinations.

Figure: 19 TAC §151.1001(b)(12)

[Figure: 19 TAC §151.1001(b)(12)]

(13) The figure in this paragraph identifies the passing standards for supplemental examinations.

Figure: 19 TAC §151.1001(b)(13) (No change.)

(14) The figure in this paragraph identifies the passing standards for pedagogy and professional responsibilities examinations.

Figure: 19 TAC §151.1001(b)(14) (No change.)

(15) The figure in this paragraph identifies the passing standards for content certification examinations.

Figure: 19 TAC §151.1001(b)(15) (No change.)

(c) The figure in this subsection identifies the passing standards established by the commissioner for student services examinations.

Figure: 19 TAC §151.1001(c) (No change.)

(d) The figure in this subsection identifies the passing standards established by the commissioner for administrator examinations.

Figure: 19 TAC §151.1001(d) (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 April 14, 2025.

TRD-202501253

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: May 25, 2025

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



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 28. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES

SUBCHAPTER N. TEXAS CRIME LABORATORY RECORDS PORTAL

37 TAC §§28.211 - 28.215

The Texas Department of Public Safety (the department) proposes new §§28.211 - 28.215, concerning Texas Crime Laboratory Records Portal. These new rules implement Senate Bill 991, 88th Leg., R.S. (2023), which establishes an electronic discovery portal hosted by the department that makes crime laboratory records equally available to prosecutors and defense counsel.

Suzy Whittenton, Chief Financial Officer, has determined that for each year of the first five-year period these rules are in effect there may be fiscal implications for state or local government. Ms. Whittenton has also determined that the proposed rules may result in an adverse economic effect on small businesses, but not on micro-businesses or rural communities.

The total estimated number of Texas accredited forensic laboratories is 40. Five to ten of these laboratories are small businesses while the remaining are state, county, and city laboratories. These laboratories will have costs associated with initial set up of the portal and recurring annual expenses. Expenses for these laboratories will be related to added labor, goods, and services, including the acquisition of scanning equipment, servers, increased digital storage, and website hosting services. The estimated fiscal impact for the first fiscal year is \$3,000-\$50,000 for initial setup and then recurring annual costs estimated to range from \$1,000-\$21,000 for digital storage, website administration, and labor. For crime laboratories that have adequate storage and existing services, the cost to participate may be negligible.

The department considered alternative methods to mitigate these effects under a regulatory flexibility analysis, but none were suitable because crime laboratories in Texas are statutorily required to participate in the portal. For example, the department considered exempting smaller laboratories in Texas which performed an insufficient number of forensic analyses in criminal actions in Texas to warrant participation in the portal, but the statutory scheme only provided this authority to the department for crime laboratories located outside of Texas. In addition, the department considered gradually phasing in the requirement for crime laboratories to participate in the portal using a pilot style program, but this was not consistent with the statutory framework. Therefore, no alternatives consistent with the statutory requirements or with the health, safety, environmental, and economic welfare of the state were identified.

There is no anticipated economic cost to individuals who are required to comply with these rules as proposed. There is no anticipated negative impact on local employment.

Ms. Whittenton has determined that for each year of the first five-year period the rules are in effect the public benefit anticipated as a result of these rules will be more efficient and consistent access to crime laboratory records.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does create a government program; will require the creation of new employee positions; will require an increase in future legislative appropriations to the agency; and will not require an increase or decrease in fees paid to the agency. The proposed rulemaking does create a new regulation. The proposed rulemaking does not expand, limit, or repeal an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rules are in effect, the proposed

rules should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Justin Parker, Crime Laboratory Division, Texas Department of Public Safety, 402 W. IH-30, Garland, Texas 75043, or by email to CLRConnect@dps.texas.gov. Comments must be received no later than thirty (30) days from the date of publication of this proposal.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; §411.162, which authorizes the department by rule to establish and maintain a central computerized portal that facilitates the process for requesting crime laboratory records among crime laboratories, attorneys representing the state, and parties authorized to access the records pursuant to Article 39.14, Code of Criminal Procedure; §411.163, which authorizes the department by rule to require mandatory participation in the transfer of crime laboratory records using the crime laboratory portal and provide exemptions; §411.164, which authorizes the department by rule to require the attorney representing the state to provide access and use of the crime laboratory portal to the defense; and Senate Bill 991, 88th Leg., R.S. (2023).

This proposal is made pursuant to Texas Government Code, §§411.004(3), 411.162, 411.163, and 411.164.

§28.211. Definitions and Purpose.

(a) In this subchapter, the terms "accredited field of forensic science" and "forensic examination or test not subject to accreditation" have the meanings provided by Texas Code of Criminal Procedure, Article 38.01; and the terms "crime laboratory," "criminal action," and "forensic analysis" have the meanings provided by Texas Code of Criminal Procedure, Article 38.35.

(b) The Texas Crime Laboratory Records Portal (the portal) administered by the department, as required by Texas Government Code, §411.162, is a central computerized portal that facilitates the sharing of crime laboratory records between crime laboratories, attorneys representing the state, and defense counsel. The purpose of the portal is to ensure that attorneys representing the state and defense counsel have equal access to relevant forensic analysis records.

§28.212. Mandatory Participation and Exemption.

(a) All crime laboratories that operate disciplines in an accredited field of forensic science and conduct forensic analysis for use in a criminal action in Texas must participate in the portal by transferring crime laboratory records as soon as practicable through the portal for at least those accredited fields of forensic science. A crime laboratory may also choose to participate in the portal for any forensic examination or test not subject to accreditation but for which the crime laboratory performs casework.

(b) A crime laboratory that only performs forensic examinations or tests not subject to accreditation is not required to participate in the portal but may choose to participate.

(c) A crime laboratory located outside of Texas but accredited by the Texas Forensic Science Commission that performs an average of fewer than 300 cases annually in Texas during the immediately preceding five-year period may submit a request to be designated exempt from mandatory participation in the portal.

(1) A crime laboratory's request to be designated exempt from mandatory participation must be made to the DPS Crime Laboratory Records Program Manager (manager) at CLRConnect@dps.texas.gov.

(2) The manager must respond to the request for exemption within 60 days of receipt of the request.

(3) A crime laboratory that is denied an exemption request may appeal that decision to the DPS Crime Laboratory Division Chief by mailing an appeal request with relevant information, including the exemption request and the response, to: Crime Laboratory Division Chief, Texas Department of Public Safety, Attn: CLR Connect Exemption Appeal, 5805 N. Lamar Blvd. (MSC 0460), Austin, Texas, 78752.

(d) Exemptions are effective for two years. Subsequent exemption requests are not guaranteed and must be requested no fewer than 60 days before the exemption expires.

(e) The department must provide a list on the portal webpage of each crime laboratory that has been designated exempt from mandatory portal participation with the exemption effective date.

(f) A crime laboratory, regardless of an exemption designation, must continue to comply with all discovery obligations as set forth by Texas Code of Criminal Procedure, Article 39.14.

§28.213. Records Available Through the Portal.

All case-specific records related to a criminal action's forensic analysis that have reached a crime laboratory's designated completion step must be made available through the portal as soon as practicable and obtainable by any authorized user with sufficient rights to access that case. A case-specific record is a record pertaining solely to a single case or cases linked to a specific criminal action.

§28.214. Records Available Through the Portal or Public Website.

(a) A crime laboratory must make non-case-specific records available either through the portal or on the crime laboratory's public website. A non-case-specific record is a record relevant beyond a single case or cases linked to a specific criminal action, including information on instruments, techniques, laboratory personnel, or general methodologies. Crime laboratories that make records available on a public website must include information related to the location of those records on the portal.

(b) The portal must include a process for requesting non-case-specific records not otherwise available through the portal or made publicly available on a crime laboratory's website.

§28.215. Prosecutor Responsibility to Provide Defense Counsel Access to the Portal.

Attorneys representing the state must designate at least one administrator to maintain up-to-date portal access to defense counsel and others assigned to the case consistent with Texas Code of Criminal Procedure, Article 39.14 (d), (e), and (f).

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501232

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Earliest possible date of adoption: May 25, 2025

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



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 1. ADMINISTRATION

PART 2. TEXAS ETHICS COMMISSION

CHAPTER 8. ADVISORY OPINIONS

1 TAC §§8.3, 8.5, 8.11, 8.18, 8.21

The Texas Ethics Commission (TEC) re-adopts chapter 8 of the Ethics Commission Rules, with amendments, as part of its comprehensive review with a review of the TEC's rules.

The amended rules are adopted with two changes to the proposed text as published in the January 24, 2025, issue of the *Texas Register* (50 TexReg 509). The amended rules will be republished. The only changes from the previously published rules was not substantive. The change includes the phrase "relating to the same issue of law as the advisory opinion request" at the end of amended §8.3(b), and the insertion of the word "section" in §8.11(b).

The TEC readopts without amendment §§8.1, 8.7, 8.9, 8.13, 8.15, and 8.19, as the reasons for originally adopting these rules still exists.

The adopted amendments to Chapter 8 include:

- Repealing parts of §8.3, which are unnecessary as they just repeat statute;
- Amending §8.5 to make clear that a person may not request an opinion about how the law relates to another person;
- Adding §8.11(e) to clearly authorize staff to ask the requestor to clarify a request;
- Adding §8.11(f) to clearly authorize staff to request comments on a pending advisory opinion request from experts or interested parties, similar to the practice of the Office of the Attorney General;
- Repealing §8.17 and §8.18(4), which purported to give staff the authority to answer an advisory opinion request with a non-binding letter from the executive director rather than providing an advisory opinion; and
- Amending §8.21 to require that advisory opinions adopted by the TEC be posted on the TEC's website rather than a "single reference document."

The amendments to chapter 8 are designed to more closely track statutory language and to provide more clarity and notice of the TEC's interpretations of the statutory requirements in Chapter 571 of the Government Code regarding advisory opinions.

State law requires state agencies to "review and consider for readoption each of its rules ... not later than the fourth anniversary of the date on which the rule takes effect and every four

years after that date." Tex. Gov't Code §2001.039. The law further requires agencies to "readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section." *Id.* The TEC is authorized to adopt rules to administer Chapter 571 of the Government Code. Tex. Gov't Code §§ 571.061, .062.

The TEC received several public comments from Ross Fischer. First, Mr. Fischer suggested adding the phrase "relating to the same issue of law as the advisory opinion request" to the end of §8.3(c), regarding Subject of an Advisory Opinion. Mr. Fischer suggested that without this change, the rule could read to allow the refusal of an advisory opinion request on a matter unrelated to a pending sworn complaint. The TEC adopted this clarifying language.

Mr. Fischer also suggested adding the following language to subsection 8.11(f): "in a manner that preserves a requestor's confidentiality," which would clarify that the rule does not permit the executive director to unilaterally waive a requestor's confidentiality in the process of seeking outside input. Although the TEC agrees that the TEC cannot reveal the identity of the requestor, the rule does not need to repeat that statutory requirement. The addition of the commenter's suggested language is surplusage because the law requires that the identity of a requestor remain confidential, unless the confidentiality is waived by the requestor. Section 8.11(f) does not and cannot change that legal requirement.

These amended rules are adopted under Texas Government Code §571.062, which authorizes the TEC to adopt rules to administer Chapter 571 of the Government Code.

The adopted amended rules affect Chapter 571 of the Texas Government Code.

§8.3. *Subject of an Advisory Opinion.*

(a) The commission may not issue an advisory opinion that concerns the same or substantially similar facts of pending litigation known to the commission.

(b) For purposes of this section, the term litigation includes a sworn complaint proceeding before the commission if the request is made by a respondent or complainant or the agent of a respondent or complainant of pending sworn complaint relating to the same issue of law as the advisory opinion request.

(c) An advisory opinion cannot resolve a disputed question of fact.

§8.11. *Review and Processing of a Request.*

(a) Upon receipt of a written request for an advisory opinion, the executive director shall determine whether the request:

(1) pertains to the application of a law specified under §571.091, Gov't Code;

(2) meets the standing requirements of §8.5 of this chapter; and

(3) meets the form requirements of §8.7 of this chapter.

(b) If the executive director determines that a request for an opinion meets the requirements of this chapter as set forth in subsections (a)(1)-(3) of this section, the executive director shall assign an AOR number to the request. The executive director shall notify the person making the request of the AOR number and of the proposed wording of the question to be answered by the commission.

(c) If the executive director determines that a request for an opinion does not meet the requirements of this chapter as set forth in subsections (a)(1)-(3) of this section, the executive director shall notify the person making the request of the reason the person making the request is not entitled to an advisory opinion in response to the request.

(d) A person who requests an opinion may withdraw the request prior to its inclusion on a meeting agenda filed by the Commission pursuant to the Open Meetings Law. Once a request is included on such an agenda, it may not be withdrawn by the requestor.

(e) The executive director may submit written questions to the requestor to clarify the real or hypothetical facts submitted with the request.

(f) The executive director may invite comments regarding an advisory opinion request from individuals or entities that may have expertise or an interest in the subject of the request.

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

Filed with the Office of the Secretary of State on April 10, 2025.

TRD-202501156

Jim Tinley

General Counsel

Texas Ethics Commission

Effective date: April 30, 2025

Proposal publication date: January 24, 2025

For further information, please call: (512) 463-5800



1 TAC §8.17

The Texas Ethics Commission (the TEC) adopts the repeal of Texas Ethics Commission rule §8.17 regarding Request Answered by Written Response. The repealed rule is adopted without change to the proposed text as published in the January 24, 2025, issue of the *Texas Register* (50 TexReg 510). The repealed rule will not be republished.

State law requires state agencies to "review and consider for readoption each of its rules ... not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date." Tex. Gov't Code §2001.039. The law further requires agencies to "readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section." *Id.* The TEC is authorized to adopt rules to administer Chapter 571 of the Government Code. Tex. Gov't Code §§ 571.061, .062.

The TEC is continuing its comprehensive review with a review of the TEC's rules regarding advisory opinions, which are codified in Chapter 8. The adoption of amendments to some rules and

the repeal of one rule seeks to clarify the rules related to requests for advisory opinions.

Section 8.17 of the TEC rules authorized the executive director to issue a non-binding written letter if a question presented in an advisory opinion request is clearly answered by reference to a previous advisory opinion, statute, or rule. The option to issue a non-binding letter rather than an advisory opinion has not been exercised in recent years and is out-of-step with statute, which requires the TEC to issue an advisory opinion upon written request. After reviewing §8.17 the TEC determined the rule was not necessary and therefore adopts repeal of the rule.

No public comments were received on this repealed rule.

The repealed rule is adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Chapter 571 of the Government Code.

The adopted repealed rule affects Chapter 571 of the Government 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 April 10, 2025.

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Jim Tinley

General Counsel

Texas Ethics Commission

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For further information, please call: (512) 463-5800



CHAPTER 13. REFERRALS TO PROSECUTORS

1 TAC §13.1

The Texas Ethics Commission (the Commission) adopts new §13.1 in the Texas Ethics Commission Rules, regarding Referral to Prosecuting Attorney. The new rule is adopted without changes to the proposed text as published in the January 24, 2025, issue of the *Texas Register* (50 TexReg 511). The rule will not be republished.

This rule is being adopted in response to the CCA's recent decision in *Ex Parte Charette*, which held that a referral from the TEC is a jurisdictional prerequisite for a court to hear criminal charges against a person accused of violating title 15 of the Election Code. *In re Charette*, Nos. PD-0522-21, PD-0523-21, PD-0524-21, PD-0525-21, 2024 Tex. Crim. App. LEXIS 690 (Crim. App. Sep. 11, 2024). The purpose of this rule is to provide information regarding the TEC's procedures for making criminal referrals as authorized by Section 571.171(a) of the Texas Government Code. TEC adopted an identical emergency rule on September 25, 2024.

Section-by-Section Summary

Subsection (a) clarifies the TEC's exercise of authority granted under section 571.171(a) of the Texas Government Code to refer matters to an appropriate prosecuting attorney for criminal prosecution upon a vote of at least six commission members.

Subsection (b) restates the requirement in section 571.134 of the Texas Government Code that certain referrals shall be delayed until after an election.

The rule is necessary to provide notice that the TEC interprets Section 571.171 to allow for the TEC to refer a matter related to a sworn complaint to the appropriate prosecuting attorney at any time in the complaint process after accepting jurisdiction over the complaint. The rule also makes clear that regardless of when voted on by the commission, the actual referral to an appropriate prosecuting attorney must be delayed in accordance with Section 571.134 of the Government Code.

The Commission received two public comments on this new rule. Shane Suam, a Lago Vista city council member commented that he was concerned with the TEC's "new authority to initiate criminal referrals." The requestor appears to believe that the TEC is granting itself authority to initiate criminal referrals. That is not true. The rule does not create new authority for the TEC. It is an interpretive rule implementing authority granted to the TEC by Section 571.171.

The other public comment came from Ross Fischer, who suggested adding subsection (c) which would read "(c) If the referral is not delayed in accordance with section 571.134 of the Government Code, the commission shall dismiss the complaint at its following meeting."

The TEC also disagrees with the addition of Mr. Fischer's preferred language. It is not clear that dismissal of a sworn complaint for a referral made in violation of Section 571.134 is the proper remedy. Regardless, such a rule be a better fit structurally in Chapter 12 of the TEC rules.

This new rule is adopted under Texas Government Code §571.062, which authorizes the TEC to adopt rules to administer Chapter 571 of the Government Code.

The adopted new rule affects Chapter 571 of the Texas Government Code, including Section 571.062, and the laws placed under the civil enforcement jurisdiction of the TEC as identified in Section 571.061(a) of the Texas Government 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 April 10, 2025.

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Jim Tinley

General Counsel

Texas Ethics Commission

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For further information, please call: (512) 463-5800



PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 351. COORDINATED PLANNING AND DELIVERY OF HEALTH AND HUMAN SERVICES

SUBCHAPTER B. ADVISORY COMMITTEES

DIVISION 1. COMMITTEES

1 TAC §351.847, §351.849

The Texas Health and Human Services Commission (HHSC) adopts the repeal of §351.847, concerning Aging Texas Well Advisory Committee, and §351.849, concerning the Texas Respite Advisory Committee. HHSC also adopts new §351.847, concerning Aging Texas Well Advisory Committee, and §351.849, concerning the Texas Respite Advisory Committee.

The repeals and new §351.847 are adopted without changes to the proposed text as published in the November 1, 2024, issue of the *Texas Register* (49 TexReg 8631). The rules will not be republished.

New §351.849 is adopted with changes to the proposed text as published in the November 1, 2024, issue of the *Texas Register* (49 TexReg 8631). The rule will be republished.

BACKGROUND AND JUSTIFICATION

The Aging Texas Well Advisory Committee (ATWAC) is established under Executive Order Rick Perry (R.P.) 42 and by the executive commissioner in accordance with Texas Government Code §523.0201 and is subject to Texas Administrative Code §351.801. The committee advises the executive commissioner and HHSC on aging topics and issues and makes recommendations to HHSC and state leadership consistent with Executive Order R.P. 42.

The ATWAC is set to abolish on March 1, 2026. Abolition of the ATWAC would result in the loss of a primary source of public input for key aging programs and initiatives. New §351.847 updates the agency name from the Department of Aging and Disability Services (DADS) to HHSC, per Senate Bill (S.B.) 200, 84th Texas Legislature, Regular Session, 2015, extends the abolishment to March 1, 2032, and revises the rule in several places to ensure the rule conforms with HHSC's advisory committee rules standards.

The Texas Respite Advisory Committee (TRAC) is established under Texas Government Code §523.0201; Texas Government Code Chapter 2110; Texas Human Resources Code §161.079; The Lifespan Respite Care Act, 42 United States Code §300ii; and is subject to TAC §351.801. The committee advises the executive commissioner and the health and human services system on developing strategies to reduce barriers to accessing respite services; improving the quality of respite services; and providing training, education, and support to family caregivers.

The TRAC is set to abolish on March 1, 2026. Abolition of the TRAC would result in the loss of a primary source of public input for developing strategies to reduce barriers to accessing respite services and improve the quality of respite services in Texas.

New §351.849 updates the agency name from DADS to HHSC, per S.B. 200, extends the abolishment to March 1, 2028, and revises the rule in several places to ensure the rule conforms with HHSC's advisory committee rules standards.

Certain citations to the Texas Government Code as modified by House Bill (H.B.) 4611, 88th Legislature, Regular Session, 2023 are updated in both of the new sections. HB 4611 made certain non-substantive revisions to Subtitle I, Title 4, Texas Government Code, which governs HHSC, Medicaid, and other social services as part of the legislature's ongoing statutory revision program. The updated citations will become effective on April 1, 2025.

COMMENTS

The 31-day comment period ended Monday, December 2, 2024.

During this period, HHSC received a comment regarding the proposed rules from one organization - the Texas Medical Association (TMA). A summary of the comment relating to the rules and HHSC's responses follow.

Comment: TMA's comment on the proposed rules noted that neither the ATWAC nor the TRAC are required to include a physician member. TMA recommended that the proposed rules be amended to specifically include at least one physician member for both the ATWAC and the TRAC.

Response: HHSC did not revise the rules based on this comment. The current processes of TRAC and ATWAC enable medical professionals to apply under the existing categories and share their expertise. The TRAC committee currently includes a pediatrician and a dentist.

HHSC revised §351.849(f)(1) to align the rule with statute and Executive Order No. GA-55, issued January 31, 2025.

HHSC made a minor edit to §351.849(f)(1)(E) to correct the spelling of "respite."

STATUTORY AUTHORITY

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees, Texas Human Resources Code §161.079, relating to informal caregiver services, and the Lifespan Respite Care Act, 42, United States Code §300ii.

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

Filed with the Office of the Secretary of State on April 14, 2025.

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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

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For further information, please call: (512) 840-8536



1 TAC §351.847, §351.849

STATUTORY AUTHORITY

The new rules are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees, Texas Human Resources Code §161.079, relating

to informal caregiver services, and the Lifespan Respite Care Act, 42, United States Code §300ii.

§351.849. *Texas Respite Advisory Committee.*

(a) Statutory Authority. The Texas Respite Advisory Committee (TRAC) is established under Texas Government Code §523.0201; Texas Government Code Chapter 2110; Texas Human Resources Code §161.079; The Lifespan Respite Care Act, 42 United States Code §300ii; and is subject to Texas Administrative Code §351.801 of this division (relating to Authority and General Provisions).

(b) Purpose. The committee advises the Texas Health and Human Services Commission (HHSC) executive commissioner and health and human services system (HHS) on developing strategies to reduce barriers to accessing respite services; improving the quality of respite services; and providing training, education, and support to family caregivers.

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

(1) assists HHSC to identify barriers and best practices for providing and coordinating respite services in Texas;

(2) responds to requests from HHSC for information about the respite needs of caregivers;

(3) advises HHSC about effective methods for expanding the availability of affordable respite services in Texas through the use of funds available from respite care programs;

(4) cooperates and shares resources and knowledge among community stakeholders to facilitate barrier free access for primary caregivers;

(5) educates the public on the need for community-based options for primary caregivers; and

(6) adopts bylaws to guide the operation of the committee.

(d) Reporting requirements. By July 1 of each year, the committee files an annual written report with the executive commissioner covering the meetings and activities in the immediately preceding fiscal year. The report includes:

(1) a list of the meeting dates;

(2) the members' attendance records;

(3) a brief description of actions taken by the committee;

(4) a description of how the committee accomplished its tasks;

(5) a description of activities the committee anticipates undertaking in the next fiscal year;

(6) recommended amendments to this section; and

(7) the costs related to the committee, including the cost of HHSC staff time spent supporting the committee's activities and the source of funds used to support the committee's activities.

(e) Meetings.

(1) Open meetings. In accordance with statute, the TRAC complies with the requirements for open meetings under Texas Government Code Chapter 551 as if it were a governmental body.

(2) Frequency. The TRAC will meet quarterly.

(3) Quorum. Eight of all members constitutes a quorum.

(f) Membership.

(1) The committee is composed of 15 members appointed by the executive commissioner. In selecting members to serve on the

committee, HHSC considers the applicants' qualifications, background, interest in serving, and geographic location. Fifteen voting members representing the following categories:

- (A) family caregivers;
- (B) primary caregivers;
- (C) providers of respite services;
- (D) faith-based organizations;
- (E) respite care advocacy organizations; and
- (F) members of the general public interested in the issue of respite care.

(2) Members are appointed for staggered terms so that the terms of an equal or almost equal number of members expire on December 31 of each year. Regardless of the term limit, a member serves until his or her replacement has been appointed. This ensures sufficient, appropriate representation.

(A) If a vacancy occurs, the executive commissioner will appoint a person to serve the unexpired portion of that term.

(B) Except as may be necessary to stagger terms, the term of each member is three years. A member may apply to serve one additional term.

(g) Officers. The committee selects a chair and vice chair of the committee from among its members.

(1) The chair serves until January 1 of each even-numbered year. The vice chair serves until January 1 of each odd-numbered year.

(2) A member may serve up to two consecutive terms as chair or vice chair.

(h) Required Training. Each member must complete training on relevant statutes and rules, including this section and §351.801 of this division, Texas Government Code §523.0201, Texas Government Code Chapters 551, 552, and 2110, the HHS Ethics Policy, the Advisory Committee Member Code of Conduct, and other relevant HHS policies. Training will be provided by HHSC.

(i) Travel Reimbursement. To the extent permitted by the current General Appropriations Act, a member of the committee may be reimbursed for their travel to and from meetings if funds are appropriated and available and in accordance with the HHSC Travel Policy.

(j) Date of abolition. The committee is abolished and this section expires on March 1, 2028.

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

Filed with the Office of the Secretary of State on April 14, 2025.

TRD-202501242

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

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Proposal publication date: November 1, 2024

For further information, please call: (512) 840-8536



CHAPTER 354. MEDICAID HEALTH SERVICES

SUBCHAPTER A. PURCHASED HEALTH SERVICES

DIVISION 1. MEDICAID PROCEDURES FOR PROVIDERS

1 TAC §354.1006

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts new §354.1006, concerning Prohibition of Provider Discrimination Based on Immunization Status.

Section 354.1006 is adopted with changes to the proposed text as published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10171). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The new section is necessary to implement Texas Government Code §531.02119, added by House Bill 44, 88th Legislature, Regular Session, 2023, which requires HHSC to adopt rules necessary to prohibit Medicaid and Children's Health Insurance Program (CHIP) providers from discriminating against Medicaid recipients or CHIP members by refusing to provide health care services based solely on immunization status.

Texas Government Code §531.02119 outlines the requirements for the prohibition of discrimination based on immunization status, exceptions to this prohibition, requires HHSC or its designee to withhold payment from providers that violate the requirements until HHSC finds the provider is in compliance, and requires HHSC to establish administrative and judicial reviews for providers who are alleged to be in violation.

COMMENTS

The 31-day comment period ended January 20, 2025.

During this period, HHSC received comments regarding the proposed rules from three commenters: The Immunization Partnership, the Texas Medical Association, and the Texas Pediatric Society. A summary of comments relating to the rule and HHSC's responses follows.

Comment: One commenter commented how an individual may request an exemption is too broad and impacts the administration of physicians' offices and the physicians' patients. The commenter recommended HHSC: 1) allow providers to require a patient seeking an exemption to a provider's immunization policy document the request on a standardized form for retention in patient files; and 2) require immunization exemptions to be documented in ImmTrac2.

Response: HHSC disagrees with the comment and declines to revise the rule as recommended. Allowing providers to require a documented request from the patient using a standardized form would contradict Government Code §531.02119(a-1)(2), which requires providers to accept oral requests for an exemption. In addition, Government Code §531.02119 does not grant HHSC the authority to track exemption requests under this section.

Comment: Two commenters recommended HHSC amend the proposed rule to define that the specialists in oncology or organ transplant services that are exempt from the rule include: 1) any physician who is currently or was previously board certified in a medical specialty relevant to one of those areas of treatment; and 2) a provider whose clinical practice includes the care of patients who are immunocompromised from receiving or having received oncology or organ transplant services.

Response: HHSC disagrees with the comment and declines to revise §354.1006(c) as recommended. Expanding the exemption in §354.1006(c), which applies only to a provider who is a specialist in oncology or organ transplant services, would go beyond the scope of the exemption provided in Texas Government Code §531.02119(d).

Comment: Two commenters recommended HHSC revise the due process provisions to address how HHSC will: 1) determine the existence of an alleged violation; 2) provide notice to the provider; 3) provide an opportunity for the provider to demonstrate compliance; and 4) detail the process for requesting an administrative hearing and judicial review. The commenters also recommended HHSC include an informal resolution process, including the opportunity for an informal resolution meeting.

Response: HHSC revised §354.1006(d) to outline more clearly how HHSC determines if a provider violated the rule before withholding payments; added new paragraph §354.1006(d)(2) to set forth that a provider subject to an HHSC vendor hold has the right to notice of the alleged violation and the procedures for requesting an appeal; and renumbered the other paragraphs accordingly. However, HHSC declines to revise the rule to add specific timelines and an informal resolution process. The processes for requesting an administrative hearing and judicial review are already provided for under Texas Administrative Code Chapter 357, Subchapter I, and under Texas Government Code Chapter 2001.

A minor editorial change was made to renumbered §354.1006(d)(4) to reflect that the final decision is from an administrative appeal instead of an administrative review.

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code §531.02119, which authorizes the executive commissioner of HHSC to adopt rules necessary to prohibit a Medicaid provider from refusing to provide health care services to a Medicaid recipient based solely on the recipient's immunization status; Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Government Code §531.033, which directs the executive commissioner of HHSC to adopt rules as necessary to carry out the commission's duties; and Texas Human Resources Code §32.021 and Texas Government Code §532.0051, which authorize HHSC to administer the federal medical assistance (Medicaid) program.

§354.1006. Prohibition of Provider Discrimination Based on Immunization Status.

(a) Pursuant to Texas Government Code §531.02119, a Medicaid provider may not refuse to provide health care services to a Medicaid recipient based solely on the recipient's refusal or failure to obtain a vaccine or immunization for a particular infectious or communicable disease.

(b) Notwithstanding subsection (a) of this section, a provider is not in violation of this section if the provider:

(1) adopts a policy requiring some or all the provider's patients, including patients who are Medicaid recipients to be vaccinated or immunized against a particular infection or communicable disease to receive health care services from the provider; and

(2) provides an exemption to the policy described in paragraph (1) of this subsection and accepts an oral or written request from the Medicaid recipient or legally authorized representative, as defined

by Texas Health and Safety Code §241.151, for an exemption from each required vaccination or immunization based on:

(A) a reason of conscience, including a sincerely held religious belief, observance, or practice, that is incompatible with the administration of the vaccination or immunization; or

(B) a recognized medical condition for which the vaccination or immunization is contraindicated.

(c) This section does not apply to a provider who is a specialist in:

(1) oncology; or

(2) organ transplant services.

(d) HHSC or its designee withholds payments to any Medicaid participating provider only if HHSC determines, after review of the evidence obtained, that the provider is in violation of this section.

(1) HHSC withholds payments for services to the provider until HHSC determines the provider corrected the circumstances resulting in the vendor hold.

(2) A provider subject to an HHSC vendor hold under this section has the right to notice of the alleged violation and the procedures for requesting an appeal.

(3) A provider has the right to appeal an HHSC vendor hold as provided by Chapter 357, Subchapter I of this title (relating to Hearings Under the Administrative Procedure Act).

(4) If the final decision in the administrative appeal is adverse to the appellant, the appellant may obtain a judicial review by filing for review with a district court in Travis County not later than the 30th day after the date of the notice of the final decision as provided under Texas Government Code Chapter 2001.

(e) Subsection (d) of this section applies only to an individual provider. HHSC or its designee may not refuse to reimburse a provider who did not violate this section based on the provider's membership in a provider group or medical organization with an individual provider who violated this section.

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

Filed with the Office of the Secretary of State on April 9, 2025.

TRD-202501154

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

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Proposal publication date: December 20, 2024

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



CHAPTER 381. GUARDIANSHIP SERVICES

The Texas Health and Human Services Commission (HHSC) adopts the repeal of Chapter 381, comprising of Subchapter A, §381.1, concerning Purpose; and §381.2, concerning Definitions; Subchapter B, §381.101, concerning Duties; §381.102, concerning Membership and Eligibility; and §381.103, concerning Officers and Meetings; Subchapter C, §381.201, concerning Eligible Projects; §381.202, concerning Eligible Applicants; §381.203, Application and Selection Process; §381.204,

concerning Grant Period; §381.205, concerning Continuation Funding Policy; §381.206, concerning Grant Amounts; §381.207, concerning Notification of Award; §381.208, concerning Request for Reconsideration; §381.209, concerning Contract; §381.210, concerning Progress Reports; Subchapter D, §381.301, concerning Purpose; §381.303, concerning Applicability of Standards to Guardianship Programs; §381.305, concerning Ineligibility of Non-compliant Programs; §381.315, concerning Form of Entity; §381.317, concerning Fiscal Responsibility; §381.319, concerning Budget; §381.321, concerning Insurance; §381.323, concerning Fees for Services; §381.325, concerning Guardianship Bonds; §381.331, concerning Guardianship Accountability; §381.333, concerning Service Provider Employee Screening; §381.335, concerning Confidentiality; §381.337, concerning Supervision of Employees and Volunteers; §381.339, concerning Community Involvement; §381.345, concerning Less Restrictive Alternatives to Guardianship; §381.347, concerning Guardianship Program Service Levels, §381.349, concerning Role of Volunteers; §381.351, concerning Staffing Requirements; §381.353, concerning Training Requirements; §381.355, concerning Conflicts of Interest; §381.357, concerning Referral, Intake, and Assessments; §381.359, concerning Prioritization of Potential Clients on Waiting Lists; §381.361, concerning Responsibility for Burial or Cremation; §381.363, concerning Evaluation and Monitoring of Caseloads; §381.365, concerning Personal Care Plans for Guardianship Clients; and §381.367, concerning Financial Care Plans for Guardianship Clients.

The repeals are adopted without changes to the proposed text as published in the November 1, 2024, issue of the *Texas Register* (49 TexReg 8640). The repeals will not be republished.

BACKGROUND AND JUSTIFICATION

The repeals are necessary because the authority for the HHSC Guardianship Advisory Board and related guardianship program grants and standards were transferred from HHSC to the Office of Court Administration by Senate Bill (S.B.) 966, 83rd Legislature, Regular Session, 2013. The governing statute for the HHSC Guardianship Advisory Board and related grants and standards, Texas Government Code Chapter 531, Subchapter D, was subsequently repealed by S.B. 200, 84th Legislature, Regular Session, in 2015.

COMMENTS

The 31-day comment period ended Monday, December 2, 2024.

During this period, HHSC did not receive any comments regarding the proposed repeals.

SUBCHAPTER A. PURPOSE AND DEFINITIONS

1 TAC §381.1, §381.2

STATUTORY AUTHORITY

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, and Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees.

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

Filed with the Office of the Secretary of State on April 14, 2025.

TRD-202501243

Karen Ray
Chief Counsel

Texas Health and Human Services Commission

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Proposal publication date: November 1, 2024

For further information, please call: (512) 840-8536

SUBCHAPTER B. GUARDIANSHIP ADVISORY BOARD

1 TAC §§381.101 - 381.103

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, and Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees.

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

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Karen Ray
Chief Counsel

Texas Health and Human Services Commission

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For further information, please call: (512) 840-8536

SUBCHAPTER C. GRANTS FOR LOCAL GUARDIANSHIP PROGRAMS

1 TAC §§381.201 - 381.210

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, and Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees.

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

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Karen Ray
Chief Counsel
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SUBCHAPTER D. STANDARDS FOR GUARDIANSHIP PROGRAMS

DIVISION 1. GENERAL

1 TAC §§381.301, 381.303, 381.305

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, and Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees.

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

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DIVISION 2. ADMINISTRATION AND FISCAL MANAGEMENT

1 TAC §§381.315, 381.317, 381.319, 381.321, 381.323, 381.325

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, and Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees.

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

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DIVISION 3. PERSONNEL MANAGEMENT

1 TAC §§381.331, 381.333, 381.335, 381.337, 381.339

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, and Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees.

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

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DIVISION 4. GUARDIANSHIP PROGRAMS AND CLIENT SERVICES

1 TAC §§381.345, 381.347, 381.349, 381.351, 381.353, 381.355, 381.357, 381.359, 381.361, 381.363, 381.365, 381.367

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, and Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees.

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

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Karen Ray
Chief Counsel
Texas Health and Human Services Commission
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For further information, please call: (512) 840-8536



TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

10 TAC §1.15

The Texas Department of Housing and Community Affairs (the Department) adopts the repeal of 10 TAC Chapter 1, Administration, §1.15, Integrated Housing Rule without changes to the proposed text as published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 600). The rule will not be republished. §1.15, Integrated Housing Rule. The purpose of the repeal is to include updates to references and make minor technical corrections.

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 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 integrated housing for recipients of Department funds.
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 workload 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 section 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.

SUMMARY OF PUBLIC COMMENT. The public comment period was held from January 31, 2025 through March 4, 2025, to receive input on the proposed action. No comment was received.

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.

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

Filed with the Office of the Secretary of State on April 10, 2025.

TRD-202501186

Bobby Wilkinson
Executive Director

Texas Department of Housing and Community Affairs

Effective date: April 30, 2025

Proposal publication date: January 31, 2025

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



10 TAC §1.15

The Texas Department of Housing and Community Affairs (the Department) adopts new 10 TAC Chapter 1, Administration, §1.15, Integrated Housing Rule without changes to the proposed text as published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 601). The rule will not be republished. The

purpose of the new rule is to include updates to references and make minor technical corrections.

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 changes to an existing activity: requirements relating to integrated housing 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 workload 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 they are replacing sections 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 nor 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 more current and germane rule. 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.

SUMMARY OF PUBLIC COMMENT. The public comment period was held from January 31, 2025 through March 4, 2025, to receive input on the proposed action. No public comment was received.

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.

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

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Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

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



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

10 TAC §§1.401, 1.403, 1.404, 1.407

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the proposed text as published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 602), amendments to 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.401, Effective Date and Definitions, §1.403, Single Audit Requirements, §1.404, Purchase and Procurement Standards, and §1.407, Inventory Report. The rules will not be republished. The purpose of the amendments is to bring the rules into conformance with the Texas Grant Management Standards Version 2.0 published by the Texas Comptroller of Public Accounts in October 2024.

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 amendments would be in effect:

1. The amendments do not create or eliminate a government program but relate to changes to an existing activity: how state and federal requirements are applied to recipients of Department funds.

2. The amendments do 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 amendments do not require additional future legislative appropriations.

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

5. The amendments are not creating a new regulation.

6. The amendments will amend an existing regulation.

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

8. The amendments 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 amendments and determined that the amendments 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 amendments 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 amendments as to their possible effects on local economies and has determined that for the first five years the amendments 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 amendments are in effect, the public benefit anticipated as a result of the changed sections would be an updated and compliant rule. There will not be economic costs to individuals required to comply with the amended 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 amendments are in effect, enforcing or administering the amendments does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT. The public comment period was held from January 31, 2025 to March 4, 2025 and no comment was received.

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

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

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

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CHAPTER 2. ENFORCEMENT

SUBCHAPTER B. ENFORCEMENT FOR NONCOMPLIANCE WITH PROGRAM REQUIREMENTS OF CHAPTERS 6 AND 7

10 TAC §2.201, §2.202

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the proposed text as published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 606), the repeal of 10 TAC Chapter 2, Subchapter B, Enforcement for Noncompliance with Program Requirements of Chapters 6 and 7, §2.201, Cost Reimbursement, and §2.202 Sanctions and Contract Closeout. The rule will not be republished. The purpose of the repeal is to make changes to bring this rule into consistency with other more recent revisions to Department rules and processes and to improve clarity.

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 repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to changes to an existing activity: how to handle certain facets of enforcement actions relating to the Community Affairs and Homelessness Programs.

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.

SUMMARY OF PUBLIC COMMENT. The public comment period was held January 31, 2025 through March 4, 2025, to receive input on the proposed action. No public comment was received.

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.

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

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Executive Director

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



10 TAC §2.201, §2.202

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the proposed text as published on January 31, 2025, issue of the *Texas Register* (50 TexReg 607), new 10 TAC Chapter 2, Subchapter B, Enforcement for Noncompliance with Program Requirements of Chapters 6 and 7, §2.201, Cost Reimbursement, and §2.202 Sanctions and Contract Closeout. The rules will not be republished. The purpose of the action is to make changes to bring these rules into consistency with other more recent revisions to Department rules and processes and to improve clarity.

Tex. Gov't Code §2001.0045(b) does not apply to the rules 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 sections would be in effect:

1. The new sections do not create or eliminate a government program but relates to changes to an existing activity: how to handle certain facets of enforcement actions relating to the Community Affairs and Homelessness Programs.

2. The new sections do 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 sections do not require additional future legislative appropriations.

4. The new sections 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 sections are not creating a new regulation, except that they are replacing sections being repealed simultaneously to provide for revisions.

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

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

8. The new sections 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 sections and determined that they 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 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 sections as to their possible effects on local economies and has determined that for the first five years the new sections 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 rules.

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 sections would be a more current and germane rule. There will not be economic costs to individuals required to comply with the new sections.

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 sections does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT. The public comment period was held January 31, 2025 through March 4, 2025, to receive input on the proposed action. No public comment was received.

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

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

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

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CHAPTER 5. SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

10 TAC §§5.801, §5.802

The Texas Department of Housing and Community Affairs (the Department) adopts the repeal of 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.801, Project Access Initiative and §5.802, Waiting List without changes to the January 31, 2025, issue of the *Texas Register* (50 TexReg 609). The

rules will not be republished. The purpose of the repeal is to eliminate an outdated rule, while adopting a new updated rule under separate action.

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

1. Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the repeal would be in effect, the repeal does not create or eliminate a government program, but relates to the repeal, and simultaneous readoption making changes to an existing activity, administration of the Department's Section 8 Housing Choice Voucher Program.

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

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

4. The repeal does not result in an increase in fees paid to the Department, nor 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 action will repeal an existing regulation, but is associated with a simultaneous readoption making changes to an existing activity, the administration of the Department's Section 8 Housing Choice Voucher Program.

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 this 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 repealed chapter would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed chapter.

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.

SUMMARY OF PUBLIC COMMENT AND STAFF REASONED RESPONSE. The Department accepted public comment between January 24, 2025, to February 24, 2025. No comment was received.

The Board adopted the final order adopting the repeal on April 10, 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 proposed repealed chapter affects no other code, article, or statute.

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

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



10 TAC §5.801, §5.802

The Texas Department of Housing and Community Affairs (the Department) adopts, without changes to the proposed text as published in the January 31, 2025, issue of the *Texas Register* (50 TexReg 610), the new 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.801 and §5.802. The rules will not be republished. The purpose of the new sections are to comply with federal requirements and update procedures to include additional special purpose vouchers.

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

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

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

1. The new rules do not create or eliminate a government program, but relates to the readoption of this rule which makes changes to administration of the Department's Section 8 Housing Choice Voucher Programs.
2. The new rules do 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 rules do not require additional future legislative appropriations.

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

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

6. The new rules will not expand or repeal an existing regulation.

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

8. The new rules 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, in drafting these new rules, has attempted to reduce any adverse economic effect on small or micro-business or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code §2306.111.

1. The Department has evaluated this new rule and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. The Department has determined that because the new rules serve to clarify and update existing requirements and does not establish new requirements for which there would be an associated cost, there will be no economic effect on small or micro-businesses or rural communities.

c. **TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043.** The new rules 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 rules as to their possible effects on local economies and has determined that for the first five years the rule will be in effect the new rules have no economic effect on local employment because the rules serve to clarify and update existing requirements and do not establish new requirements or activities that may positively or negatively impact local economies.

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that these rules outlines administration of an existing department program and is purely administrative, there are no "probable" effects of the proposed new rules on particular geographic regions.

e. **PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5).** Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the new rules are in effect, the public benefit anticipated as a result of the rules will be a more germane rule that better aligns administration to federal and state requirements. There will not be any economic cost to any individuals required to comply with the new sections because the processes described by the rules have already been in place through the rules found as this section being repealed.

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 rules are in effect, en-

forcing or administering the rules does not have any foreseeable implications related to costs or revenues of the state or local governments because the rule updates and clarifies existing requirements and does not impose new requirements.

SUMMARY OF PUBLIC COMMENT AND STAFF REASONED RESPONSE. The Department accepted public comment between January 24, 2025, to February 24, 2025. No comment was received.

The Board adopted the final order adopting the repeal on April 10, 2025.

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

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

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

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CHAPTER 10. UNIFORM MULTIFAMILY RULES

SUBCHAPTER E. POST AWARD AND ASSET MANAGEMENT REQUIREMENTS

10 TAC §10.405, §10.406

The Texas Department of Housing and Community Affairs (the "Department") adopts the amendment, with changes, to 10 TAC Chapter 10, Subchapter E, §10.405 and §10.406, Post Award and Asset Management Requirements to the proposed text as published in the December 27, 2024, issue of the *Texas Register* (49 TexReg 10455). The rules will be republished. The purpose of the amendment is to make corrections to gain consistency across other sections of rule, correct references, clarify existing language and processes that will ensure accurate processing of post award activities, and to communicate more effectively with multifamily Development Owners regarding their responsibilities after funding or award by the Department.

Tex. Gov't Code §2001.0045(b) does not apply to the amended rules because it was determined that no costs are associated with this action, and therefore no costs warrant being offset. In general, most changes were corrective in nature and clarify language or processes to more adequately communicate the language or process. The only substantial change from the proposed amendment, located in §10.406 Ownership Transfers (§2306.6713), is that staff added a requirement that specifies that a change in the ownership structure that results in a property tax exemption will require a resolution of support from the municipality or a letter of support from the mayor, or if the

Development is not within a municipality or its Extra Territorial Jurisdiction (ETJ), a resolution of support from the commissioners court or letter of support from the county judge. In response to public comment, §10.406 was further revised to specify that the requirement only pertains to Competitive Housing Tax Credit Developments for the addition of a public facility corporation, a housing finance corporation, or a public housing authority prior to issuance of IRS Form(s) 8609.

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.

1. Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the amended rules would be in effect, the amendment does not create or eliminate a government program, but relates to changes to an existing activity, concerning the post award activities of Low-Income Housing Tax Credit (LI-HTC) and other Department-funded multifamily Developments.

2. The amendment does not require a change in work that would require the creation of new employee positions, nor are the amendments significant enough to reduce workload to a degree that any existing employee positions are eliminated.

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

4. The amendment does not result in an increase in fees paid to the Department or in a substantial decrease in fees paid to the Department.

5. The amendment is not creating a new regulation, but are revisions to provide additional clarification.

6. The amendment will not repeal an existing regulation.

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

8. The amendment will not negatively or positively 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.

1. The Department has evaluated these amended rules and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. These amended rules relate to the procedures for the handling of post award and asset management activities of multifamily developments awarded funds through various Department programs. Other than in the case of a small or micro-business that is an owner or a party to one of the Department's properties, no small or micro-businesses are subject to the amended rules. If a small or micro-business is such an owner or participant, the amended rules provide for a more clear, transparent process for doing so and do not result in a negative impact for those small or micro-businesses. There are not likely to be any rural communities subject to the amended rules because these amended rules are applicable only to the owners or operators of properties in the Department's portfolio, not municipalities.

3. The Department has determined that because this amended rules relate only to the process in use for the post award and asset management activities of the Department's portfolio, there

will be no economic effect on small or micro-businesses or rural communities.

c. **TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043.** The amendment does not contemplate nor 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 amended rules as to their possible effects on local economies and has determined that for the first five years the amended rules will be in effect, there will be no economic effect on local employment, because the amended rules only provide for administrative processes required of properties in the Department's portfolio. No program funds are channeled through these amended rules, so no activities under these amended rules would support additional local employment opportunities. Alternatively, the amended rules would also not cause any negative impact on employment. Therefore, no local employment impact statement is required to be prepared for the amended rules.

Texas Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that no impact is expected on a statewide basis, there are also no "probable" effects of the amended rules on particular geographic regions.

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 amended rules are in effect, the benefit anticipated as a result of the amended sections would be increased clarity and consistency across rule sections. There will not be economic costs to individuals required to comply with the amendment.

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 amended rules are in effect, enforcing or administering the amended rules does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENTS AND STAFF REASONED RESPONSE. The Department accepted public comment between December 27, 2024, and January 27, 2025. Comments regarding the amended rules were accepted in writing and e-mail with comments received from: (1) Barry J. Palmer, Director, Coats Rose, (2) Kathryn Saar, QAP Chair, and Karsten Lowe, Co-Chair, Texas Affiliation of Affordable Housing Providers (TAAHP), and (3) Cynthia L. Bast, Partner, BakerHostetler. Comments were received on §10.406 Ownership Transfers (§2306.6713).

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

Except as described herein the adopted amended rules affect no other code, article, or statute.

§10.405. *Amendments and Extensions.*

(a) Amendments to Housing Tax Credit (HTC) Application or Award Prior to Land Use Restriction Agreement (LURA) recording or amendments that do not result in a change to the LURA (§2306.6712). The Department expects the Development Owner to construct or re-

habilitate, operate, and own the Development consistent with the representations in the Application. The Department must receive notification of any amendments to the Application. Regardless of development stage, the Board shall re-evaluate a Development that undergoes a material change, as identified in paragraph (3) of this subsection at any time after the initial Board approval of the Development (§2306.6731(b)). The Board may deny an amendment request and subsequently may rescind any Commitment or Determination Notice issued for an Application, and may reallocate the credits to other Applicants on the waiting list.

(1) Requesting an amendment. The Department shall require the Applicant to file a formal, written request for an amendment to the Application. Such request must include a detailed explanation of the amendment request and other information as determined to be necessary by the Department, and the applicable fee as identified in Chapter 11, Subchapter E of this title (relating to Fee Schedule, Appeals, and other Provisions) in order to be received and processed by the Department. Department staff will evaluate the amendment request to determine if the change would affect an allocation of Housing Tax Credits by changing any item that received points, by significantly affecting the most recent underwriting analysis, or by materially altering the Development as further described in this subsection.

(2) Notification Items. The Department must be notified of the changes described in subparagraphs (A) - (F) of this paragraph. The changes identified are subject to staff agreement based on a review of the amendment request and any additional information or documentation requested. Notification items will be considered satisfied when an acknowledgment of the specific change(s) is received from the Department and include:

(A) Changes to Development Site acreage required by the City or other local governmental authority, or changes resulting from survey discrepancies, as long as such change does not also result in a modification to the residential density of more than 5%;

(B) Minor modifications to the site plan that will not significantly impact development costs, including, but not limited to, relocation or rearrangement of buildings on the site (as long as the number of residential and non-residential buildings remains the same), and movement, addition, or deletion of ingress/egress to the site;

(C) Increases or decreases in net rentable square footage or common areas that do not result in a material amendment under paragraph (4) of this subsection;

(D) Changes in amenities that do not require a change to the recorded LURA and do not negatively impact scoring, including changes to outdated amenities that could be replaced by an amenity with equal benefit to the resident community;

(E) Changes in Developers or Guarantors (notifications for changes in Guarantors that are also the General Contractor or are only providing guaranties during the construction period are not required) with no new Principals (who were not previously checked by Previous Participation review that retain the natural person(s) used to meet the experience requirement in Chapter 11 of this title (relating to Qualified Allocation Plan)); and

(F) Any other amendment not identified in paragraphs (3) and (4) of this subsection.

(3) Non-material amendments. The Executive Director or designee may administratively approve all non-material amendments, including, but not limited to:

(A) Any amendment that is determined by staff to exceed the scope of notification acknowledgement, as identified in para-

graph (2) of this subsection but not to rise to a material alteration, as identified in paragraph (4) of this subsection;

(B) Changes in Developers or Guarantors (excluding changes in Guarantors that are also the General Contractor or are only providing guaranties during the construction period) not addressed in §10.405(a)(2)(E). Changes in Developers or Guarantors will be subject to Previous Participation requirements as further described in Chapter 11 of this title and the credit limitation described in §11.4(a) of this title; and

(C) For Exchange Developments only, requests to change elections made on line 8(b) of the IRS Form(s) 8609 to group buildings together into one or more multiple building projects. The request must include an attached statement identifying the buildings in the project. The change to the election may only be made once during the Compliance Period.

(4) Material amendments. Amendments considered material pursuant to this paragraph must be approved by the Board. When an amendment request requires Board approval, the Development Owner must submit the request and all required documentation necessary for staff's review of the request to the Department at least 45 calendar days prior to the Board meeting in which the amendment is anticipated to be considered. Before the 15th day preceding the date of Board action on the amendment, notice of an amendment and the recommendation of the Executive Director and Department staff regarding the amendment will be posted to the Department's website and the Applicant will be notified of the posting (§2306.6717(a)(4)). Material Amendment requests may be denied if the Board determines that the modification proposed in the amendment would materially alter the Development in a negative manner or would have adversely affected the selection of the Application in the Application Round. Material alteration of a Development includes, but is not limited to:

- (A) A significant modification of the site plan;
- (B) A modification of the number of Units or bedroom mix of Units;
- (C) A substantive modification of the scope of tenant services;
- (D) A reduction of 3% or more in the square footage of the Units or common areas;
- (E) A significant modification of the architectural design of the Development;
- (F) A modification of the residential density of at least 5%;
- (G) A request to implement a revised election under §42(g) of the Code prior to filing of IRS Form(s) 8609;
- (H) Exclusion of any requirements as identified in Chapter 11, Subchapter B of this title (relating to Site and Development Requirements and Restrictions) and Chapter 11, Subchapter C of this title (relating to Application Submission Requirements, Ineligibility Criteria, Board Decisions and Waiver of Rules); or
- (I) Any other modification considered material by the staff and therefore required to be presented to the Board as such.

(5) Amendment requests will be denied if the Department finds that the request would have changed the scoring of an Application in the competitive process such that the Application would not have received a funding award or if the need for the proposed modification was reasonably foreseeable or preventable by the Applicant at the time the Application was submitted, unless good cause is found for the approval of the amendment.

(6) This section shall be administered in a manner that is consistent with §42 of the Code. If a Development has any uncorrected issues of noncompliance outside of the corrective action period (other than the provision being amended) or otherwise owes fees to the Department, such non-compliance or outstanding payment must be resolved to the satisfaction of the Department before a request for amendment will be acted upon.

(7) In the event that an Applicant or Developer seeks to be released from the commitment to serve the income level of tenants identified in the Application and Credit Underwriting Analysis Report at the time of award and as approved by the Board, the procedure described in subparagraphs (A) and (B) of this paragraph will apply to the extent such request is not prohibited based on statutory and/or regulatory provisions:

(A) For amendments that involve a reduction in the total number of Low-Income Units, or a reduction in the number of Low-Income Units at any rent or income level, as approved by the Board, evidence noted in either clause (i) or (ii) of this subparagraph must be presented to the Department to support the amendment:

(i) In the event of a request to implement (rent to a household at an income or rent level that exceeds the approved AMI limits established by the minimum election within the Development's Application or LURA) a revised election under §42(g) of the Code prior to an Owner's submission of IRS Form(s) 8609 to the IRS, Owners must submit updated information and exhibits to the Application as required by the Department; or

(ii) For all other requests for reductions in the total number of Low-Income Units or reductions in the number of Low-Income Units at any rent or income level, prior to issuance of IRS Form(s) 8609 by the Department, the lender and syndicator must submit written confirmation that the Development is infeasible without the adjustment in Units. The Board may or may not approve the amendment request; however, any affirmative recommendation to the Board is contingent upon concurrence from Department staff that the Unit adjustment is necessary for the continued financial feasibility of the Development; and

(B) If it is determined by the Department that the loss of low-income targeting points would have resulted in the Application not receiving an award in the year of allocation, and the amendment is approved by the Board, the approved amendment will carry a penalty that prohibits the Applicant and all Persons or entities with any ownership interest in the Application (excluding any tax credit purchaser/syndicator), from participation in the Housing Tax Credit Program (for both the Competitive Housing Tax Credit Developments and Tax-Exempt Bond Developments) for 24 months from the time that the amendment is approved.

(b) Amendments to LURAs. Department approval shall be required for any amendment to a LURA in accordance with this section. An amendment request shall be submitted in writing, containing a detailed explanation of the request, the reason the change is necessary, the good cause for the change, financial information related to any financial impact on the Development, information related to whether the necessity of the amendment was reasonably foreseeable at the time of application, and other information as determined to be necessary by the Department, along with any applicable fee as identified in Chapter 11, Subchapter E of this title (relating to Fee Schedule, Appeals, and other Provisions). The Department may order or require the Development Owner to order a Market Study or appraisal at the Development Owner's expense. If a Development has any uncorrected issues of non-compliance outside of the corrective action period (other than the provision being amended) or otherwise owes fees to the Department, such

non-compliance or outstanding payment must be resolved to the satisfaction of the Department, before a request for amendment will be acted upon. The Department will not approve changes that would violate state or federal laws including the requirements of §42 of the Code, 24 CFR Part 92 (HOME Final Rule), 24 CFR Part 93 (NHTF Interim Rule), Chapter 1 of this title (relating to Administrative Requirements), Chapter 11 of this title (relating to Qualified Allocation Plan), Chapter 12 of this title (relating to Multifamily Housing Revenue Bond Rules), Chapter 13 of this title (relating to Multifamily Direct Loan Rule), Tex. Gov't Code, Chapter 2306, and the Fair Housing Act. For Tax-Exempt Bond Developments, compliance with their Regulatory Agreement and corresponding bond financing documents. Prior to staff taking a recommendation to the Board for consideration, the procedures described in paragraph (3) of this subsection must be followed.

(1) Non-Material LURA Amendments. The Executive Director or designee may administratively approve all LURA amendments not defined as Material LURA Amendments pursuant to paragraph (2) of this subsection. A non-material LURA amendment may include but is not limited to:

(A) HUB participation removal. Removal of a HUB participation requirement will only be processed as a non-material LURA amendment after the issuance of IRS Form(s) 8609 and requires that the Department find that:

(i) The HUB is requesting removal of its own volition or is being removed as the result of a default under the organizational documents of the Development Owner;

(ii) the participation by the HUB has been substantive and meaningful, or would have been substantive or meaningful had the HUB not defaulted under the organizational documents of the Development Owner, enabling it to realize not only financial benefit but to acquire skills relating to the ownership and operating of affordable housing; and

(iii) where the HUB will be replaced as a general partner or special limited partner that is not a HUB and will sell its ownership interest, an ownership transfer request must be submitted as described in §10.406 of this subchapter;

(B) A change resulting from a Department work out arrangement as recommended by the Department's Asset Management Division;

(C) A change in the Right of First Refusal period as described in amended §2306.6726 of the Tex. Gov't Code;

(D) Where the Board has approved a de minimis modification of the Unit Mix or bedroom mix of Units to increase the Development's accessibility;

(E) In accordance with HOMEfires, Vol. 17 No. 1 (January 2023, as may be amended from time to time) bifurcation of the term of a HOME or NSP LURA with the Department that requires a longer affordability period than the minimum federal requirement, into a federal and state affordability period; or

(F) A correction of error.

(2) Material LURA Amendments. Development Owners seeking LURA amendment requests that require Board approval must submit the request and all required documentation necessary for staff's review of the request to the Department at least 45 calendar days prior to the Board meeting at which the amendment is anticipated to be considered. Before the 15th day preceding the date of Board action on the amendment, notice of an amendment and the recommendation of the Executive Director and Department staff regarding the amendment will be posted to the Department's website and the Applicant will be

notified of the posting (§2306.6717(a)(4)). The Board must consider the following material LURA amendments:

(A) Reductions to the number of Low-Income Units;

(B) Changes to the income or rent restrictions;

(C) Changes to the Target Population;

(D) The removal of material participation by a Non-profit Organization as further described in §10.406 of this subchapter;

(E) The removal of material participation by a HUB prior to filing of IRS Form(s) 8609;

(F) Any amendment that affects a right enforceable by a tenant or other third party under the LURA; or

(G) Any LURA amendment deemed material by the Executive Director.

(3) Prior to staff taking a recommendation to the Board for consideration, the Development Owner must provide reasonable notice and hold a public hearing regarding the requested amendment(s) at least 20 business days prior to the scheduled Board meeting where the request will be considered. Development Owners will be required to submit a copy of the notification with the amendment request. If a LURA amendment is requested prior to issuance of IRS Form(s) 8609 by the Department, notification must be provided to the recipients described in subparagraphs (A) - (E) of this paragraph. If an amendment is requested after issuance of IRS Form(s) 8609 by the Department, notification must be provided to the recipients described in subparagraph (A) - (B) of this paragraph. Notifications include:

(A) Each tenant of the Development;

(B) The current lender(s) and investor(s);

(C) The State Senator and State Representative of the districts whose boundaries include the Development Site;

(D) The chief elected official for the municipality (if the Development Site is within a municipality or its extraterritorial jurisdiction); and

(E) The county commissioners of the county in which the Development Site is located (if the Development Site is located outside of a municipality).

(4) Contents of Notification. The notification must include, at a minimum, all of the information described in subparagraphs (A) - (D) of this paragraph:

(A) The Development Owner's name, address and an individual contact name and phone number;

(B) The Development's name, address, and city;

(C) The change(s) requested; and

(D) The date, time, and location of the public hearing where the change(s) will be discussed.

(5) Verification of public hearing. Minutes of the public hearing and attendance sheet must be submitted to the Department within three business days after the date of the public hearing.

(6) Approval. Once the LURA Amendment has been approved administratively or by the Board, as applicable, Department staff will provide the Development Owner with a LURA amendment for execution and recording in the county where the Development is located.

(c) HTC Extensions. Extensions must be requested if the original deadline associated with Carryover, the 10% Test (including sub-

mission and expenditure deadlines), construction status reports, or cost certification requirements will not be met. Extension requests submitted at least 30 calendar days in advance of the applicable original deadline will not be required to submit an extension fee as described in §11.901 of this title. Any extension request submitted fewer than 30 days in advance of the applicable original deadline or after the original deadline will not be processed unless accompanied by the applicable fee. Extension requests will be approved by the Executive Director or designee, unless, at staff's discretion it warrants Board approval due to extenuating circumstances stated in the request. The extension request must specify a requested extension date and the reason why such an extension is required. If the Development Owner is requesting an extension to the Carryover submission or 10% Test deadline(s), a point deduction evaluation will be completed in accordance with Tex. Gov't Code, §2306.6710(b)(2), and §11.9(f) of this title (relating to Factors Affecting Scoring and Eligibility in current and future Application Rounds). Therefore, the Development Owner must clearly describe in their request for an extension how the need for the extension was beyond the reasonable control of the Applicant/Development Owner and could not have been reasonably anticipated. Carryover extension requests will not be granted an extended deadline later than December 1st of the year the Commitment was issued.

§10.406. Ownership Transfers (§2306.6713).

(a) Ownership Transfer Notification. All multifamily Development Owners must provide written notice and a completed Ownership Transfer packet, if applicable, to the Department at least 45 calendar days prior to any sale, transfer, or exchange of the Development or any portion of or Controlling interest in the Development. Except as otherwise provided herein, the Executive Director's prior written approval of any such transfer is required. The Executive Director may not unreasonably withhold approval of the transfer requested in compliance with this section.

(b) Exceptions. The exceptions to the ownership transfer process in this subsection are applicable.

(1) A Development Owner shall be required to notify the Department but shall not be required to obtain Executive Director approval when the transferee is an Affiliate of the Development Owner with no new Principals, or the transferee is a Related Party who does not Control the Development and the transfer is being made for estate planning purposes.

(2) Transfers that are the result of an involuntary removal of the general partner by the investment limited partner do not require advance approval, but must be reported to the Department as soon as possible due to the sensitive timing and nature of this decision. In the event the investment limited partner has proposed a new general partner or will permanently replace the general partner, a full Ownership Transfer packet must be submitted.

(3) Changes to the investment limited partner, non-Controlling limited partner, or other non-Controlling partners affiliated with the investment limited partner do not require Executive Director approval. A General Partner's acquisition of the interest of the investment limited partner does not require Executive Director approval, unless some other change in ownership is occurring as part of the same overall transaction.

(4) Changes resulting from foreclosure do not require advance approval but acquiring parties must notify the Department as soon as possible of the revised ownership structure and ownership contact information.

(5) Changes resulting from a deed-in-lieu of foreclosure do not require Executive Director approval. However, advance notification must be provided to both the Department and to the tenants at

least 30 days prior to finalizing the transfer. This notification must include information regarding the applicable rent/income requirements post deed-in-lieu of foreclosure.

(c) General Requirements.

(1) Any new Principal in the ownership of a Development must be eligible under §11.202 of Subchapter C (relating to Ineligible Applicants and Applications). In addition, Persons and Principals will be reviewed in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee).

(2) Changes in Developers or Guarantors must be addressed as non-material amendments to the application under §10.405 of this Subchapter.

(3) To the extent an investment limited partner or its Affiliate assumes a Controlling interest in a Development Owner, such acquisition shall be subject to the Ownership Transfer requirements set forth herein. Principals of the investment limited partner or Affiliate will be considered new Principals and will be reviewed as stated under paragraph (1) of this subsection.

(4) Simultaneous transfer or concurrent offering for sale of the General Partner's and Limited Partner's control and interest will be subject to the Ownership Transfer requirements set forth herein and will trigger a Right of First Refusal, if applicable.

(5) Any initial operating, capitalized operating, or replacement reserves funded with an allocation from the HOME American Rescue Plan (HOME-ARP) and Special Reserves required by the Department must remain with the Development.

(d) Transfer Actions Warranting Debarment. If the Department determines that the transfer, involuntary removal, or replacement was due to a default by the General Partner under the Limited Partnership Agreement, or other detrimental action that put the Development at risk of failure or the Department at risk for financial exposure as a result of non-compliance, staff will refer the matter to the Enforcement Committee for debarment consideration pursuant to §2.401 of this title (relating to Enforcement, Debarment from Participation in Programs Administered by the Department). In addition, a record of transfer involving Principals in new proposed awards will be reported and may be taken into consideration in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee), prior to recommending any new financing or allocation of credits.

(e) Transfers Prior to 8609 Issuance or Construction Completion. Prior to the issuance of IRS Form(s) 8609 (for Housing Tax Credits) or the completion of construction (for all Developments funded through other Department programs), an Applicant may request a change to its ownership structure to add Principals or to remove Principals provided not all controlling Principals identified in the Application will be removed. The party(ies) reflected in the Application as having Control must remain in the ownership structure and retain Control, unless approved otherwise by the Executive Director. A development sponsor, General Partner or Development Owner may not sell the Development in whole or voluntarily end their Control prior to the issuance of 8609s. In addition, for Competitive HTC Developments, changes in the ownership structure for the addition of a public facility corporation, a housing finance corporation, or a public housing authority prior to the issuance of 8609s that will result in a 100% property tax exemption that was not previously reflected in the Application, require a resolution of support from the municipality or a letter of support from the mayor, or if the Development is not within a municipality or its Extra Territorial Jurisdiction (ETJ), a resolution

of support from the commissioners court or letter of support from the county judge.

(f) Nonprofit Organizations. If the ownership transfer request is to replace a nonprofit organization within the Development ownership entity, the replacement nonprofit entity must adhere to the requirements in paragraph (1) or (2) of this subsection.

(1) If the LURA requires ownership or material participation in ownership by a Qualified Nonprofit Organization, and the Development received Tax Credits pursuant to §42(h)(5) of the Code, the transferee must be a Qualified Nonprofit Organization that meets the requirements of §42(h)(5) of the Code and Tex. Gov't Code §2306.6706, if applicable, and can demonstrate planned participation in the operation of the Development on a regular, continuous, and substantial basis.

(2) If the LURA requires ownership or material participation in ownership by a nonprofit organization or CHDO, the Development Owner must show that the transferee is a nonprofit organization or CHDO, as applicable, that complies with the LURA. If the transferee has been certified as a CHDO by TDHCA prior to 2016 or has not previously been certified as a CHDO by TDHCA, a new CHDO certification package must be submitted for review. If the transferee was certified as a CHDO by TDHCA after 2016, provided no new federal guidance or rules concerning CHDO have been released and the proposed ownership structure at the time of review meets the requirements in 24 CFR Part 92, the CHDO may instead submit a CHDO Self-Certification form with the Ownership Transfer package.

(3) Exceptions to paragraphs (1) and (2) of this subsection may be made on a case by case basis if the Development (for MFDL) is past its Federal Affordability Period or (for HTC Developments) is past its Compliance Period, was not reported to the IRS as part of the Department's Nonprofit Set Aside in any HTC Award year, and follows the procedures outlined in §10.405(b)(1) - (5) of this subchapter. The Board must find that:

(A) The selling nonprofit is acting of its own volition or is being removed as the result of a default under the organizational documents of the Development Owner;

(B) The participation by the nonprofit was substantive and meaningful during the full term of the Compliance Period but is no longer substantive or meaningful to the operations of the Development; and

(C) The proposed purchaser is an affiliate of the current Owner or otherwise meets the Department's standards for ownership transfers.

(g) Historically Underutilized Business (HUB) Organizations. If a HUB is the general partner or special limited partner of a Development Owner and it determines to sell its ownership interest, after the issuance of IRS Form(s) 8609, the purchaser of that partnership interest or the general or special limited partner is not required to be a HUB as long as the LURA does not require it or the procedure described in §10.405(b)(1) of this chapter (relating to Non-Material LURA Amendments) has been followed and approved. The removal of a HUB requirement prior to filing of IRS Form(s) 8609 is subject to the procedure described in §10.405(b)(2) of this Chapter (relating to Material LURA Amendments).

(h) Documentation Required. A Development Owner must submit documentation requested by the Department to enable the Department to understand fully the facts and circumstances pertaining to the transfer and the effects of approval or denial. Documentation must be submitted as directed in the Post Award Activities Manual, which includes but is not limited to:

(1) A written explanation outlining the reason for the request;

(2) Ownership transfer information, including but not limited to the type of sale, terms of any new financing introduced as a result of the transfer, amount of Development reserves to transfer in the event of a property sale, and the prospective closing date;

(3) Pre- and post-transfer organizational charts with TINs of each organization down to the level of natural persons in the ownership structure as described in §11.204(12)(B) of Subchapter C of this title (relating to Required Documentation for Application Submission);

(4) A list of the names and contact information for transferees and Related Parties;

(5) Previous Participation information for any new Principal as described in §11.204(12)(C) of this title (relating to Required Documentation for Application Submission);

(6) Agreements among parties associated with the transfer;

(7) Owners Certifications with regard to materials submitted as further described in the Post Award Activities Manual;

(8) Detailed information describing the organizational structure, experience, and financial capacity of any party holding a controlling interest in any Principal or Controlling entity of the prospective Development Owner;

(9) Evidence and certification that the tenants in the Development have been notified in writing of the proposed transfer at least 30 calendar days prior to the date the transfer is approved by the Department. The ownership transfer approval letter will not be issued until this 30-day period has expired; and

(10) Any required exhibits and the list of exhibits related to specific circumstances of transfer or Ownership as detailed in the Post Award Activities Manual.

(i) Once the Department receives all necessary information under this section and as required under the Post Award Activities Manual, staff shall initiate a qualifications review of a transferee, in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee), to determine the transferee's past compliance with all aspects of the Department's programs, LURAs and eligibility under this chapter and §11.202 of this title (relating to Ineligible Applicants and Applications).

(j) Credit Limitation. As it relates to the Housing Tax Credit amount further described in §11.4(a) of this title (relating to Tax Credit Request and Award Limits), the credit amount will not be applied in circumstances described in paragraphs (1) and (2) of this subsection:

(1) In cases of transfers in which the syndicator, investor or limited partner is taking over ownership of the Development and not merely replacing the general partner; or

(2) In cases where the general partner is being replaced if the award of credits was made at least five years prior to the transfer request date.

(k) Penalties, Past Due Fees, and Underfunded Reserves. The Development Owner must comply with any additional documentation requirements as stated in Subchapter F of this chapter (relating to Compliance Monitoring) and Subchapter G of this chapter (relating to Affirmative Marketing Requirements and Written Policies and Procedures). The Development Owner on record with the Department will be liable for any penalties or fees imposed by the Department (even if such penalty can be attributable to the new Development Owner) unless an ownership transfer has been approved by the Department. In the

event a transferring Development has a history of uncorrected UPSC or NSPIRE violations, ongoing issues related to keeping housing sanitary, safe, and decent, an account balance below the annual reserve deposit amount as specified in §10.404(a) (relating to Replacement Reserve Accounts), or that appears insufficient to meet capital expenditure needs as indicated by the number or cost of repairs included in a PNA or SCR, the prospective Development Owner may be required to establish and maintain a replacement reserve account or increase the amount of regular deposits to the replacement reserve account by entering into a Reserve Agreement with the Department. The Department may also request a plan and timeline relating to needed repairs or renovations that will be completed by the departing and/or incoming Owner as a condition to approving the Transfer. A PNA or SCR may be requested if one has not already been received under §10.404 of this section (relating to Reserve Accounts).

(l) Ownership Transfer Processing Fee. The ownership transfer request must be accompanied by the corresponding ownership transfer fee as outlined in §11.901 of this title (relating to Fee Schedule).

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

Filed with the Office of the Secretary of State on April 14, 2025.

TRD-202501239

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

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



TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 370. HUMAN TRAFFICKING RESOURCE CENTER

26 TAC §370.456

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts new §370.456, concerning Prohibition of Provider Discrimination Based on Immunization Status.

Section 370.456 is adopted with changes to the proposed text as published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10284). This rule will be republished.

BACKGROUND AND JUSTIFICATION

The new section is necessary to implement Texas Government Code §531.02119, added by House Bill 44, 88th Legislature, Regular Session, 2023, which requires HHSC to adopt rules necessary to prohibit Medicaid and Children's Health Insurance Program (CHIP) providers from discriminating against Medicaid recipients or CHIP members by refusing to provide health care services based solely on immunization status.

Texas Government Code §531.02119 outlines the requirements for the prohibition of discrimination based on immunization sta-

tus, exceptions to this prohibition, requires HHSC to withhold payment from providers that violate the requirements until HHSC finds the provider is in compliance, and requires HHSC to establish administrative and judicial reviews for providers who are alleged to be in violation.

COMMENTS

The 31-day comment period ended January 20, 2025.

During this period, HHSC received comments regarding the proposed rules from three commenters: The Immunization Partnership, the Texas Medical Association, and the Texas Pediatric Society. A summary of comments relating to the rule and HHSC's responses follows.

Comment: One commenter commented how an individual may request an exemption is too broad and impacts the administration of physicians' offices and the physicians' patients. The commenter recommended HHSC: 1) allow providers to require a patient seeking an exemption to a provider's immunization policy document the request on a standardized form for retention in patient files; and 2) require immunization exemptions to be documented in ImmTrac2.

Response: HHSC disagrees with the comment and declines to revise the rule as recommended. Allowing providers to require a documented request from the patient using a standardized form would contradict Government Code §531.02119(a-1)(2), which requires providers to accept oral requests for an exemption. In addition, Texas Government Code §531.02119 does not grant HHSC the authority to track exemption requests under this section.

Comment: Two commenters recommended HHSC amend the proposed rule to define that the specialists in oncology or organ transplant services that are exempt from the rule include: 1) any physician who is currently or was previously board certified in a medical specialty relevant to one of those areas of treatment; and 2) a provider whose clinical practice includes the care of patients who are immunocompromised from receiving or having received oncology or organ transplant services.

Response: HHSC disagrees with the comment and declines to revise §370.456(c) as recommended. Expanding the exemption in §370.456(c), which applies only to a provider who is a specialist in oncology or organ transplant services, would go beyond the scope of the exemption provided in Texas Government Code §531.02119(d).

Comment: Two commenters recommended HHSC revise the due process provisions to address how HHSC will: 1) determine the existence of an alleged violation; 2) provide notice to the provider; 3) provide an opportunity for the provider to demonstrate compliance; and 4) detail the process for requesting an administrative hearing and judicial review. The commenters also recommended HHSC include an informal resolution process, including the opportunity for an informal resolution meeting.

Response: HHSC revised §370.456(d) to outline more clearly how HHSC determines if a provider violated the rule before withholding payments; added a new paragraph §370.456(d)(2) to set forth that a provider subject to an HHSC vendor hold has the right to notice of an alleged violation and the procedures for requesting an appeal; and renumbered the other paragraphs accordingly. However, HHSC declines to revise the rule to add specific timelines and an informal resolution process. The processes for requesting an administrative hearing and judicial review are already provided for under Texas Administrative Code

Chapter 357, Subchapter I, and under Texas Government Code Chapter 2001.

A minor editorial change was made to renumbered §370.456(d)(4) to reflect that the final decision is from an administrative appeal instead of an administrative review.

Additionally, due to a filing discrepancy by HHSC, this rule is adopted in Title 26, Chapter 370 instead of Title 1, Chapter 370. The rule will be administratively transferred to the intended location in Title 1, Chapter 370, State Children's Health Insurance Program, Subchapter E, Provider Requirements, §370.456, Prohibition of Provider Discrimination Based on Immunization Status.

STATUTORY AUTHORITY

The new section is adopted under Texas Government Code §531.02119, which authorizes the executive commissioner of HHSC to adopt rules necessary to prohibit a CHIP provider from refusing to provide health care services to a CHIP member based solely on the member's immunization status; Texas Government Code §524.0151, which directs the executive commissioner of HHSC to adopt rules necessary to carry out the commission's duties; and Texas Health and Safety Code §62.051(d), which directs HHSC to adopt rules necessary to implement the Children's Health Insurance Program.

§370.456. *Prohibition of Provider Discrimination Based on Immunization Status.*

(a) Pursuant to Texas Government Code §531.02119, a Children's Health Insurance Program (CHIP) provider may not refuse to provide health care services to a CHIP member based solely on the member's refusal or failure to obtain a vaccine or immunization for a particular infectious or communicable disease.

(b) Notwithstanding subsection (a) of this section, a provider is not in violation of this section if the provider:

(1) adopts a policy requiring some or all the provider's patients, including patients who are CHIP members to be vaccinated or immunized against a particular infection or communicable disease to receive health care services from the provider; and

(2) provides an exemption to the policy described in paragraph (1) of this subsection and accepts an oral or written request from the CHIP member or legally authorized representative, as defined by Texas Health and Safety Code §241.151, for an exemption from each required vaccination or immunization based on:

(A) a reason of conscience, including a sincerely held religious belief, observance, or practice, that is incompatible with the administration of the vaccination or immunization; or

(B) a recognized medical condition for which the vaccination or immunization is contraindicated.

(c) This section does not apply to a provider who is a specialist in:

(1) oncology; or

(2) organ transplant services.

(d) HHSC or its designee withholds payments to any CHIP participating provider only if HHSC determines, after review of the evidence obtained, that the provider is in violation of this section.

(1) HHSC withholds payments for services to the provider until HHSC determines the provider corrected the circumstances resulting in the vendor hold.

(2) A provider subject to an HHSC vendor hold under this section has the right to notice of the alleged violation and the procedures for requesting an appeal.

(3) A provider has the right to appeal an HHSC vendor hold as provided by Chapter 357, Subchapter I of this title (relating to Hearings Under the Administrative Procedure Act).

(4) If the final decision in the administrative appeal is adverse to the appellant, the appellant may obtain a judicial review by filing for review with a district court in Travis County not later than the 30th day after the date of the notice of the final decision as provided under Texas Government Code Chapter 2001.

(e) Subsection (d) of this section applies only to an individual provider. HHSC or its designee may not refuse to reimburse a provider who did not violate this section based on the provider's membership in a provider group or medical organization with an individual provider who violated this section.

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

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Health and Human Services Commission

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 58. OYSTERS, SHRIMP, AND FINFISH

SUBCHAPTER A. STATEWIDE OYSTER FISHERY PROCLAMATION

31 TAC §58.11, §58.30

The Texas Parks and Wildlife Commission in a duly noticed meeting on January 23, 2025, adopted amendments to 31 TAC §58.11 and §58.30, concerning the Statewide Oyster Fishery Proclamation. Section 58.30 is adopted with changes to the proposed text as published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10297) and will be republished. Section 58.11 is adopted without changes and will not be republished.

The change to §58.30, concerning Certificates of Location, removes the unnecessary parentheses surrounding the fee value established in subsection (d)(6)(A). The change is nonsubstantive.

The amendments are necessary as a result of the passage of Senate Bill (S.B.) 1032 by the 88th Texas Legislature (2023), which requires the commission to create a program by rule to

manage the restoration of natural oyster beds. Although the provisions of S.B. 1032 direct the creation of a new program for the issuance of Certificates of Location (CoLs) for restoration purposes, because the department already administers a program that issues CoLs for harvest purposes under the same rules, the practical effect of the amendments as adopted can best be thought of as the broadening of current program rules to address an additional purpose required by statute.

Under Parks and Wildlife Code, Subchapter A, the department may "subject a natural oyster bed to location," which then allows the department to issue a CoL that authorizes the planting of oysters to create a private oyster bed, which may then be harvested. The provisions of S.B. 1032 require the commission to establish by rule a program for the restoration of natural oyster beds, delegating authority to the commission to establish fees, application requirements, location terms, renewal procedures, total area in each bay system to be occupied, siting and marking requirement, and any other requirements necessary to administer the program. The amendments as adopted create and implement such a program, making alterations where necessary to eliminate redundant, unnecessary, or obsolete language, and preventing conflicts with existing provisions applicable to CoLs issued for purposes of harvest.

In addition to elements that implement specific provisions regarding program implementation, the amendments restate statutory language of S.B. 1032 where appropriate or necessary. The department notes that statutory provisions already have the force and effect of law and need not be repeated; however, they are repeated here simply for ease of reference.

The amendment to §58.11, concerning Definitions, alters paragraph (3) to include the planting of cultch in the definition of "Certificate of Location," which is necessary to reflect the fact that the provisions of S.B. 1032 mandate a mechanism for the issuance of CoLs for restoration purposes. The amendment also adds new paragraph (7) to define "cultch" as "substrate of appropriate size and composition for larval oyster attachments, such as shell, rock, or other non-toxic, department-approved material," which is necessary to establish an unambiguous meaning for a term employed in the rules. Finally, the amendment alters the definition of "natural oyster bed" in paragraph (14) to repeat the statutory definition of the term provided in Parks and Wildlife Code, §76.001.

The amendment to §58.30, concerning Certificates of Location, alters subsection (a)(1)(A) to reference the provisions of Parks and Wildlife Code, §76.003, as amended by S.B. 1032, which authorize the issuance of a CoL for degraded natural oyster beds. The amendment also removes current subsection (a)(1)(B), which is a repetition of a statutory provision that was included by S.B. 1032 and referenced in subsection (a)(1)(A).

The amendment also alters subsection (a)(2) to provide that the term of a CoL issued for purposes of harvest is 15 years, which is a repetition of the provisions of Parks and Wildlife Code, §76.018. The amendment also adds new subsection (a)(3) to establish a 15-year term for CoLs issued for purposes of conducting restoration activities. The 15-year term was selected for the sake of consistency because it mirrors the current term established by statute for CoLs issued for purposes of harvest.

New paragraph (5) prohibits the harvest of oysters from CoLs issued for restoration purposes during the term of the CoL and subsequent renewals. The provision is necessary to ensure that restoration activities are the sole purpose for the CoL.

New paragraph (6) prohibits the movement of oysters from an area for which a certificate of location has been issued, which is necessary to ensure that restoration CoLs are not used as propagation sites for commercial activities, but serve only to restore natural populations of oysters in situ.

New paragraph (7) allows the department to authorize a locator to conduct non-harvest activities following any potentially damaging events, such as extreme weather, on areas otherwise closed by the Texas Department of State Health Services, provided the locator has obtained prior written permission from the department (TPWD). The provision is intended to allow locators, when feasible, to monitor and protect their investment in a CoL following potentially damaging phenomena.

The amendment retitles subsection (b) to reflect applicability to both types of CoLs. The amendment also adds new subsection (b)(2) to require the department to designate the dates and times the department is accepting applications for CoLs, and to make such information publicly available. Current rule conditions the payment of the application fee "if applications are being accepted by the department," which leaves unclear the question of when applications are in fact being accepted. The alteration clarifies that issue. The contents of current paragraph (2) are eliminated, as they are no longer necessary.

Current §58.30(b)(4) requires, as part of the application process for a certificate of location, a department inspection of a prospective site for purposes of evaluating its suitability for issuance of a certificate of location and enumerates a list of factors the department may consider. The amendment requires a consultation with the department prior to submission of an application (rather than a site inspection), adds two additional factors (sediment overburden, other habitats) to the list of factors to be considered by the department, and redesignates the paragraph as new paragraph (3). The department has determined that a preliminary consultation with the department is an effective method for making an initial determination of the feasibility of a prospective certificate of location. The two additional factors added to the list of factors to be considered by the department (sediment overburden, other habitats) are necessary to allow the department to more thoroughly assess the suitability of a location for the issuance of a certificate of location. Since the department is charged with the conservation of all aquatic resources, the consideration of impacts of a prospective certificate of location on other habitats is prudent.

The amendment adds new paragraph (4) to require an applicant for a CoL to identify which type of CoL is being sought (harvest or restoration), which is necessary because they are distinctly separate authorizations.

The amendment to subsection (b) alters current paragraph (3) to allow for issuance of certificates of location to domestic corporations. The department has determined that because the application process identifies specific individuals who agree in writing by signing the application to be held responsible for conduct regulated by the department, there is an avenue to hold a person accountable in the event that violations occur. The amendment also requires the submission of cartographic data (a map and the corner coordinates) to assist the department in analyzing the suitability of a prospective CoL. The department believes it is important to unambiguously identify the precise location and dimensions of a prospective CoL to prevent possible confusion or misunderstandings regarding the locations where activities under a CoL are authorized. Additionally, the amendment requires a placement plan, accompanied by relevant infor-

mation concerning the nature or composition of cultch materials, the quantity of those materials, and a chronology for their deployment, all of which are important factors for the department to consider in determining the suitability of a project. The amendment also adds new paragraph (6) to provide that the department will make a decision to deny an application or issue a CoL based on the totality of factors involved, including the suitability of the prospective project with respect to purpose and size. The provision is necessary to ensure that all applicable factors are considered in a decision to allow or deny a CoL. The contents of current paragraph (3)(D) have been reworded and relocated to subsection (d)(1)(A)(iii).

The amendment to §58.30 makes several alterations in subsection (c) that affect the public hearing process on applications for a CoL. The amendment rewords paragraph (1) to make the provisions of the paragraph contingent on a department determination that all siting requirements of the subchapter and Parks and Wildlife Code, Chapter 76, have been met. The current provision is worded in such a fashion as to imply that such a determination will always occur, which is not the case. The reference to Parks and Wildlife Code, Chapter 76, is added for ease of reference. Subparagraph (A) requires the department to hold a public hearing to evaluate public input with respect to an application for a CoL, and eliminates language regarding "recent fishing activities at the site" that were included by the provisions of S.B. 1032. This broadens the stated purpose of the public hearing to allow for inclusion of any relevant concerns the public may have regarding the proposed CoL. Subparagraph (B) requires the department to provide notice of the public hearing required by subparagraph (A), and replaces the current requirement for newspaper publication with a requirement for publication on the department's official website and any other media outlet deemed appropriate. The amendment also rewords subparagraph (D) and eliminated current subparagraph (E) to remove obsolete provisions and simply requires the department, as part of the noticing process, to make information regarding an application for location publicly available, which is necessary to ensure that the public is aware of and given the opportunity to comment upon an application for a CoL. The amended provisions are generally necessary to reflect the wide availability and use of more contemporary communication channels.

The amendment to §58.30 alters subsection (d) to prescribe the responsibilities of persons the department has designated as locators of CoLs. The amendment adds new paragraphs (1) and (2) to address final approval by the department of an application for a CoL. New paragraph (1) conditions the final approval of an application for a CoL upon the submission by the applicant to the department of a map of the prospective location with respect to surrounding or nearby state-owned lands, the geographic coordinates of the location, and evidence to the department's satisfaction that the applicant has acquired all applicable state and federal permits and authorizations. New paragraph (2) stipulates a department site inspection and verification of the geographic coordinates of the location. The amendment alters current provisions by adding language where appropriate and necessary to indicate requirements applicable to either or both types of CoLs, eliminates the contents of current paragraph (4) that require an applicant to have a prospective location surveyed by a registered surveyor, which are relocated to new paragraph (8) and made applicable only to requests for boundary alterations. The amendment adds new paragraph (4) to require the submission of amendments to a placement plan to be submitted to the department for review and prohibits initiation activities under an

amended placement plan until the department approval occurs. The provision is necessary to ensure that all activities under a CoL are consistent with the department's duties and obligations under the Parks and Wildlife Code. Similarly, new paragraph (5) establishes project milestones and requires restoration locators to notify the department at specified intervals as to a project's status. The amendment alters current paragraph (5) to specify that there are no rental fees for CoLs issued for restoration purposes, which the department has determined is appropriate because restoration activities provide a very high value in terms of ecosystem benefits. Additionally, the amendment to subsection (d) alters current paragraph (6) to remove current subparagraph (A)(i), which is no longer necessary, and adds new clause (ii) to provide for the department to consider any additional factors necessary to inform a department determination to approve or deny a renewal request for a CoL. The amendment also adds new paragraph (8) to establish a process for the alteration of boundaries of a CoL, to consist of the locator having the location resurveyed by a registered surveyor and the submission to the department of survey notes and a map showing latitude and longitude coordinates for all corner markers, and its location in relation to surrounding or nearby state land tract boundaries. The provision is necessary to ensure that all activities under a CoL are consistent with the department's duties and obligations under the Parks and Wildlife Code.

Additionally, the amendment alters current subsection (d)(7) to exempt CoLs for purposes of restoration, which is necessary for reasons addressed earlier in this preamble.

Finally, the amendment makes nonsubstantive grammatical changes to improve precision and clarity in current paragraph (8), concerning transfer or sale of CoLs and alter the title of the subsection to reflect applicability to both types of CoL issued by the department.

The department has coordinated and will coordinate with the Department of State Health Services and the General Land Office in the administration of the program as required by Parks and Wildlife Code, §76.022(d).

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

One commenter opposed adoption and stated that the department should ensure the simultaneous processing of both types of CoL to promote fairness and enhance the overall management of oyster resources. The commenter stated that the prioritization of restoration CoLs at the expense of commercial (harvest) CoLs could cause the availability of resources for commercial harvest to diminish, which could lead to increased competition among harvesters and potential overharvest of the limited available areas. The commenter also stated that delaying new commercial CoLs while approving restoration CoLs could create economic hardship for existing stakeholders and loss of investment in local economies due to impacts to financial viability creating uncertainty surrounding the ability to harvest, that a "staggered approach" could foster perceptions of favoritism or inequity among stakeholders and feelings of disadvantage for commercial harvesters, which in turn could cause conflicts and public outcry that could undermine trust in the department's management practices, and that focusing solely on restoration without concurrently addressing commercial harvesting can create an imbalance in the ecosystem. Over time, a lack of commercial harvest could lead to an increase in certain species, po-

tentially disrupting the natural habitat and affecting overall biodiversity. The commenter further stated that delaying one type of certificate while issuing the other can lead to confusion among leaseholders regarding their rights and responsibilities. Clear guidelines and regulations are crucial for maintaining compliance and ensuring that stakeholders understand the implications of the changes. The commenter also stated that the department should align both certificate processes because if both types of certificates are not implemented simultaneously, it risks missing the chance to modernize regulations in a way that reflects current best practices and stakeholder needs. Finally, the commenter stated that the department should examine the practices of neighboring states with robust oyster lease programs, particularly those that do not impose the same regulatory burdens on leases/CoLs and public/state oyster beds. The commenter stated that failing to streamline the process creates a risk of falling behind in attracting and retaining leaseholders, ultimately affecting the state's oyster industry and the department. The department disagrees with the comment. In general, the department concludes that the commenter's primary concern is the fear that there is or could be a bias or predisposition towards the issuance of restoration CoLs and a corresponding reluctance to issue harvest CoLs, resulting in the issuance of restoration CoLs in volumes eventually sufficient to make large areas of bay systems effectively off-limits to commercial harvest. The department responds that although there is no statutory direction or provision that expressly or implicitly mandates an allocation ratio for the issuance of either type of CoL or otherwise limits or restricts the number of either type of CoLs that the department may issue, the department intends to evaluate all applications in a fair and impartial manner on a first-come, first-serve basis, as there is no reason to do otherwise. The department further responds that approval of either type of CoL will be based first and foremost on an objective biological evaluation of the site-specific suitability, and potential ecosystem impacts of each prospective project, be it for restoration or commercial use, and neither type of CoL will be explicitly prioritized. The department also notes that it does not exercise unilateral authority with respect to eventual outcomes, as the approval of the Texas General Land Office is required for any CoL to proceed to action. The commenter stated that the prioritization of restoration CoLs "at the expense of" harvest CoLs could cause the availability of resources for commercial harvest to diminish, which could lead to increased competition among harvesters and potential overharvest of the limited available areas. The department disagrees that there is any scenario in which the issuance of restoration CoLs would either directly or indirectly cause overharvest of the resource in other places, or exert any other negative biological or ecosystem effect given that CoLs will only be sited on degraded reefs that are not and will not produce harvestable quantities of oysters without significant restoration input. Given the degradation of oyster reef in Texas estuaries, there is a need for oyster restoration activities of all kinds, including those that are provided by restoration CoLs, which may further act as nursery areas for surrounding oyster reefs given the harvest protections provided to them. Similarly, the department disagrees that a decline in commercial harvest activities could result in disruptions of ecological diversity or ecosystem equilibrium; commercial harvest of oysters is not biologically necessary for ecosystem health in any context. The department also notes that CoLs can only be issued for areas where oyster populations no longer or barely exist and that restoration CoLs must meet benchmarks of restoration throughout the rental period as prescribed in a cultch placement plan. The department also disagrees that issuance of

restoration CoLs will result in confusion or produce problematic enforcement/administration issues. The rules require all CoLs to be clearly marked and identified and the department anticipates little to no misunderstanding as to what activities are permitted where, and, in any case, is committed to a robust communications effort with the public and the regulated community. Finally, the department disagrees that it is not aware of or studying similar programs in other states and responds that "attracting and retaining leaseholders," although an important concern, is secondary to the agency's statutory duty to conserve, protect, and manage public resources. No changes were made as a result of the comment.

One commenter opposed adoption and stated that both types of CoLs should be issued simultaneously to prevent unfair advantages and controversy. The commenter further stated that existing and new CoLs for harvest purposes should be allowed to manage their oyster farms as they see fit. The department agrees with the comment with respect to the need to issue CoLs in a fair and impartial manner, but disagrees that anyone should be allowed *carte blanche* with respect to utilization of a public resource that the department has a statutory duty to protect, manage, and conserve. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that there should be no private oyster beds. One of the commenters stated that the rules seem to be "more red tape and administration with little benefit," and that oyster harvest should be limited while investing in creating habitat (structure and water quality) to get back to a sustainable level. The department disagrees with the comment and responds that the term "private oyster bed" does not mean oyster beds that are private property, but oyster beds created by private interests on public lands in public waters and to which a proprietary harvest opportunity is attached. Additionally (and as stated above), the siting of restoration CoLs is restricted to areas that are determined to be degraded and where oyster production is not significant and will not be significant without cultch replacement. The department further responds that the rules are necessary to discharge a statutory requirement to create rules to manage the restoration of natural oyster beds and that harvest activities are prohibited on restoration CoLs. No changes were made as a result of the comment.

One commentor opposed adoption and stated that additional siting details should be enumerated in the rule, including details related to siting CoLs on areas previously restored under certain types of program funding or cultch sources (e.g., H. B. 51 dealer cultch placement sites) or in existing oyster sanctuaries (no harvest). The commenter expressed general concern that without clearly defined siting considerations specifically tied to the definition of "degraded reef," restoration CoLs will reduce harvest opportunity on public reefs. The department disagrees with the comments and responds that with regard to the siting of CoLs on previously restored areas, CoLs will only be sited on degraded reef where oyster production is not significant and will not be significant without cultch replacement. If reefs are adequately restored and producing oysters (regardless of the funding sources), they would be excluded from prospective CoL siting for that reason (i.e., they would not meet the criteria necessary to be considered "degraded"). With respect to the siting of CoLs for restoration in bays with existing oyster sanctuaries, such areas are already closed to harvest by rule and thus harvest protections afforded by a restoration CoL are unnecessary. Finally, regarding general concern about siting considerations, the determination of a "degraded reef" is a predicate condition for

any CoL, meaning that oyster production is not significant and will not be significant without cultch replacement; thus, restoration activities under a CoL can take place in locations that are not commercially viable. No changes were made as a result of the comment.

One commentor opposed adoption of the elimination of a provision of current rule that requires newspaper publication of a notice for a public hearing associated with the application for a CoL. The commentor stated that the removal of the requirement would detrimentally reduce public notice in Texas. The department disagrees with the comment and responds that few communities along the Texas Gulf Coast still have a daily or weekly newspaper and that advertising in the few daily or weekly newspapers that do exist is not the most effective method of reaching members of the public who live in remote locations. The department notes that internet access is now widespread, and the department prepares and disseminates weekly press releases on a variety of department activities to hundreds of daily and weekly newspapers, magazines, and other media, who can then publish whatever is deemed to be of interest to their readership. The department as well operates an email subscription service to notify interested persons and organizations of agency actions and notices. No changes were made as a result of the comment.

The department received 20 comments supporting adoption of the rules as proposed.

The Texas Nature Conservancy and the Galveston Bay Foundation commented in support of adoption of the rules as proposed.

The amendments are adopted under Parks and Wildlife Code, §76.018 and §76.022, which requires the commission to establish by rule a program to issue certificates of location for the restoration of natural oyster bed, including rules to establish fees, application approval requirements, lease terms, and renewal procedures for leases, the total area in each bay system for which leases may be issued, siting and marking requirements for leases, and any other requirement necessary to administer the program; §76.033, which authorizes the department to make regulations to protect and conserve oysters on public reefs and beds; and §76.301, which authorizes the commission to regulate the taking, possession, purchase, and sale of oysters.

§58.30. *Certificate of Location.*

(a) General Rules.

(1) No certificate of location will be issued for:

(A) a natural oyster bed unless the department has determined that it is degraded, consistent with the provisions of Parks and Wildlife Code, §76.003(b);

(B) a bay shore area within 100 yards of the shore as prescribed in Parks and Wildlife Code, §76.004;

(C) an area subject to an exclusive riparian right as provided under Parks and Wildlife Code, §76.004 and §76.005;

(D) an area already under location; or

(E) an area within 1,000 feet of a location not owned or controlled by the applicant unless the applicant secures written permission.

(2) The term of a certificate of location for purposes of harvest is 15 years, as prescribed in Parks and Wildlife Code, §76.018.

(3) The term of a certificate of location for purposes of restoration is 15 years.

(4) In accordance with the Oyster Fishery Management Plan required by Parks and Wildlife Code, §76.301, the department may accept applications for certificates of location.

(5) No harvest of oysters is permitted from an area for which a certificate of location has been issued for restoration purposes.

(6) It is an offense for any person to move oysters from or cause oysters to be moved from an area for which a certificate of location has been issued except as provided by §58.40 of this title (relating to Oyster Transplant Permits) or §58.50 of this title (relating to Oyster Harvest Permits)

(7) A locator may conduct non-harvest activities after potentially damaging events, such as extreme weather events, on locations otherwise closed by DSHS, provided the locator has received prior authorization of the activity from the department in writing.

(b) Application for Certificate of Location (Harvest or Restoration).

(1) An application for a certificate of location shall be accompanied by a nonrefundable application fee of \$200.

(2) The department shall designate specific times and dates during which applications will be accepted and shall make such information publicly available.

(3) Prior to the submission of an application, the applicant shall consult with an authorized employee(s) of the department to enable the department to determine necessary survey requirements and evaluate the prospective location with respect to:

- (A) natural oyster reefs;
- (B) shoreline;
- (C) areas restricted or prohibited by TDSHS;
- (D) spoil disposal areas;
- (E) other areas subject to a certificate of location;
- (F) riparian rights;
- (G) presence of exposed shell;
- (H) presence of live oysters;
- (I) sediment overburden; and
- (J) other habitats.

(4) An application must specify the purpose of the prospective certificate of location (for harvest or restoration purposes).

(5) An application shall consist of, at a minimum:

(A) the applicant's name and address;

(B) signed affirmation that the applicant is a United States citizen or a domestic corporation;

(C) a description of the acreage for which the certificate of location is sought, including:

(i) a map showing approximate size and location in relation to state land tracts;

(ii) the corner coordinates of the proposed site; and

(D) a cultch placement plan for the site, including reasonable estimates of:

(i) the nature or composition of materials to be used;

(ii) the quantity of materials to be used; and

(iii) the time of placement or deployment.

(6) The department shall approve or disapprove an application based on the totality of factors involved, including the suitability of the location with respect to the purpose and size of the area.

(c) Public Hearing on Application.

(1) If the department determines that the proposed location site meets all siting requirements of this subchapter and Parks and Wildlife Code, Chapter 76, the department shall:

(A) hold a public hearing to provide opportunity for public comment;

(B) publish a notification of the date, time, and purpose of the public hearing on the department website and any other outlet deemed appropriate;

(C) publish the notification between ten and 20 days prior to the public hearing; and

(D) make information about the proposed certificate of location available to the public at the hearing.

(2) The department will consider all public comment relevant to the application..

(3) The department shall review findings of the public hearing and submit recommendations to the Coastal Fisheries Division Director for approval.

(4) The applicant will be notified within 14 days after the hearing of either approval or denial of the application for a certificate of location.

(d) Responsibilities of Approved Locator.

(1) The department will not make a final decision to approve an application for a certificate of location until:

(A) the applicant has provided the department with:

(i) a map of the location showing the relation of the location with respect to surrounding or nearby state land tract boundaries;

(ii) the latitude and longitude coordinates of the location; and

(iii) evidence to satisfy the department that all applicable permits and authorizations required by other state and federal governmental entities have been secured; and

(B) the department has inspected the location and verified the latitude and longitude coordinates required under subparagraph (A) of this paragraph.

(2) Prior to any placement of cultch or other materials, the locator shall mark the boundaries of the location with buoys or other permanent markers in accordance with United States Coast Guard regulations and maintain buoys or other permanent markers for the duration of the period of validity of the certificate. Supplemental markers may be required along the boundaries if one corner marker is not clearly visible from another corner marker.

(A) All marker buoys or other permanent markers must be:

(i) at least six inches in diameter;

(ii) at least three feet out of the water at mean high tide;

(iii) of a shape and color that is visible for at least 1/2 mile under normal weather conditions;

(iv) marked with the certificate of location number (Buoys or other permanent markers common to two or more locations must be marked with all numbers of the certificate of location);

(v) marked with at least two-inch high letters in plain Arabic block letters in a location where it will not be obscured by water or marine growth; and

(vi) marked with all required U.S. Coast Guard markings.

(B) Buoys must be anchored by:

(i) A screw anchor with a minimum one-inch galvanized sucker rod and 12-inch head inserted ten feet into the bottom; or

(ii) two anchors per buoy and each anchor having a minimum weight of 300 pounds.

(C) When replacement of buoys or other permanent markers is necessary, original latitude and longitude coordinates of the final survey must be used to relocate markers.

(3) An authorized employee(s) of the department shall inspect and verify latitude and longitude coordinates.

(4) A locator shall submit proposed amendments to a placement plan to the department for review. The department must approve amendments to a placement plan prior to any activities under a prospective amendment.

(5) In the event that unavoidable or unforeseeable developments or extenuating circumstances make the attainment of the benchmarks in this paragraph impractical or impossible, the department may, on a case-by-case basis, waive, defer, or amend a benchmark. Beginning on the date of issuance of certificate of location for purposes of restoration, the locator shall submit documentation of project progress to the department as follows:

(A) placement initiated--within the first 24 months;

(B) 50% of the plan completed--within five years;

(C) 60% of the plan completed--within 10 years; and

(D) 80% of the plan completed--by time of renewal.

(6) Rental Fee.

(A) The holder of a certificate of location for harvest shall pay to the department \$20 per acre of location per year. The fee established by this subparagraph shall be recalculated at three-year intervals beginning on the effective date of this section and proportionally adjusted to any change in the Consumer Price Index, the department's cost-recovery needs, or both.

(B) Rental fees for certificates of location for harvest are due annually by March 1 as prescribed in Parks and Wildlife Code, §76.017.

(C) The holder of a certificate of location shall pay the department a late penalty fee equal to 10 percent of the amount due for any rental, transfer, sale, or renewal fee that is not paid when due as prescribed in Parks and Wildlife Code, §76.017.

(D) Failure to pay any rental, transfer, sale, renewal, or late penalty fee within 90 days of the due date terminates the (certification of location) as prescribed in Parks and Wildlife Code, §76.017.

(E) There is no rental fee for certificates of location for restoration.

(7) Renewal of Certificate of Location.

(A) As prescribed in Parks and Wildlife Code, §76.018, at the end of the term of a certificate of location for harvest the department shall determine the need for continuation of the certificate of location based on:

(i) considerations as specified in §58.12 of this title (relating to Oyster Fishery Management Plan); and

(ii) any other consideration the department deems significant enough to warrant continuation.

(B) If the certificate of location for harvest is to be renewed under the conditions of the department as prescribed in Parks and Wildlife Code, §76.018, the holder of the certificate of location shall be offered the first right of refusal for renewal as prescribed in Parks and Wildlife Code, §76.018.

(C) Certificates of location for restoration will be renewed at the request of the locator

(8) Alteration of Boundaries

(A) The department must approve all boundary alterations prior to any alteration of boundaries of a certificate of location.

(B) If there is any alteration to the boundaries of a location, the locator shall be responsible for having the location resurveyed and providing the department with survey notes and a map of the location showing:

(i) the location in relation to state land tract boundaries; and

(ii) latitude and longitude coordinates for all corner markers.

(C) The department will not approve any alteration of the boundaries of a certificate of location until the survey required by this paragraph has been conducted and provided to the department.

(9) Auction Procedures.

(A) A certificate of location for harvest may be auctioned by the department if it is not renewed as prescribed by this subchapter and Parks and Wildlife Code, §76.018.

(B) Auction procedures do not apply to certificates of location for restoration; if certificates of location for restoration are not renewed, the location automatically reverts to the public domain.

(C) The department may determine a minimum acceptable bid based on:

(i) bid offers from previous auctions;

(ii) established open market prices; and

(iii) other relevant factors.

(D) The department may refuse all bids below the minimum acceptable bid.

(E) The department must follow prescribed bid guidelines for state agencies.

(10) Transfers or Sale.

(A) A transfer or sale of a certificate of location does not change location terms.

(B) A payment of \$200 will be due upon transfer or sale of a certificate of location.

(C) A transfer fee will not be required when a certificate of location is inherited.

(D) A completed transfer form prescribed by the department is required at time of transfer.

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

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James Murphy

General Counsel

Texas Parks and Wildlife Department

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



PART 10. TEXAS WATER DEVELOPMENT BOARD

CHAPTER 363. FINANCIAL ASSISTANCE PROGRAMS

SUBCHAPTER N. NEW WATER SUPPLY FOR TEXAS FUND

31 TAC §§363.1401 - 363.1408

The Texas Water Development Board (TWDB) adopts new rules to 31 Texas Administrative Code (TAC) Chapter 363 by adding new §§363.1401, 363.1402, 363.1403, 363.1404, 363.1405, 363.1406, 363.1407, and 363.1408. The proposal is adopted with changes as published in the November 22, 2024, issue of the *Texas Register* (49 TexReg 9488). The rules will be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED NEW RULES.

The 88th Texas Legislature enacted Senate Bill 28, amending Texas Water Code Chapter 15, Texas Water Assistance Program, to add a new subchapter creating the New Water Supply Fund for Texas. The new legislation directs the Board, by rule, to finance projects through the fund that will lead to seven million acre-feet of new water supplies by December 31, 2033.

SECTION BY SECTION DISCUSSION OF ADOPTED NEW RULES.

Subchapter N is added to 31 Texas Administrative Code Chapter 363.

Section 363.1401. Scope

The adopted new section provides that the programs of financial assistance under Texas Water Code, Chapter 15, Subchapter C-1 will be governed by this subchapter and, unless in conflict with this subchapter, the provisions of 31 TAC Chapter 363 Subchapter A will be applied to the financial assistance and projects under this subchapter.

Section 363.1402. Definition of Terms

The adopted new section includes new definitions for terms commonly used in the subchapter to provide clarity of the terms in the context used.

Section 363.1403. Use of Funds

The adopted new section provides the ways that the Board may or may not use the Fund.

Section 363.1404. Determination of Availability

The adopted new section provides the methods by which the Board will obtain the amount within the Fund and how the Board will seek New Water Supply projects.

Section 363.1405. Complete Application Requirements

The adopted new section provides what information must be included in a project application under the Fund.

Section 363.1406. Consideration of Applications

The adopted new section lists what the Board may consider when evaluating an application.

Section 363.1407. Findings

The adopted new section identifies what the Board must find when granting financial assistance for an application and the process for placing the application before the Board for approval.

Section 363.1408. Terms of Financial Assistance

The adopted new section provides what the Board must determine when granting financial assistance and limits the term length to up to 30 years.

REGULATORY IMPACT ANALYSIS DETERMINATION (Texas Government Code §2001.0225)

The TWDB reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and determined that the rulemaking is not subject to Texas Government Code §2001.0225, because it does not meet the definition of a "major environmental rule" as defined in the Administrative Procedure Act. A "major environmental rule" is defined as a rule with the specific intent to protect the environment or reduce risks to human health from environmental exposure, a rule that may adversely affect in a material way the economy or a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The intent of the rulemaking is to establish the procedures by which the TWDB will implement the New Water Supply for Texas Fund.

Even if the rule were a major environmental rule, Texas Government Code §2001.0225 still would not apply to this rulemaking because Texas Government Code §2001.0225 only applies to a major environmental rule the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of these four applicability criteria because it: (1) does not exceed any federal law; (2) does not exceed an express requirement of state law; (3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement

a state and federal program; and (4) is not adopted solely under the general powers of the agency, but rather Texas Water Code §15.154. Therefore, this adopted rule does not fall under any of the applicability criteria in Texas Government Code §2001.0225.

TAKINGS IMPACT ASSESSMENT (Texas Government Code §2007.043)

The TWDB evaluated this rule and performed an analysis of whether it constitutes a taking under Texas Government Code, Chapter 2007. The specific purpose of this rule is to establish the procedures by which the TWDB will implement the New Water Supply for Texas Fund. The rule would substantially advance this stated purpose by providing the procedures and requirements associated with TWDB's implementation of the New Water Supply for Texas Fund.

The TWDB's analysis indicates that Texas Government Code, Chapter 2007 does not apply to this rule because this is an action that is reasonably taken to fulfill an obligation mandated by state law, which is exempt under Texas Government Code §2007.003(b)(4). The TWDB is the agency that is directed to implement the New Water Supply for Texas Fund.

Nevertheless, the TWDB further evaluated this rule and performed an assessment of whether it constitutes a taking under Texas Government Code Chapter 2007. Promulgation and enforcement of this rule would be neither a statutory nor a constitutional taking of private real property. Specifically, the subject regulation does not affect a landowner's rights in private real property because this rulemaking does not burden, restrict, or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the regulation. In other words, this rule establishes the procedures by which the TWDB will implement the Fund. Therefore, the adopted rule does not constitute a taking under Texas Government Code, Chapter 2007.

PUBLIC COMMENTS (Texas Government Code §2001.033(a)(1))

The following comments were received from the National Wildlife Federation, Sierra Club Lone Star Chapter, The Nature Conservancy Texas, Hill Country Alliance, Bayou City Waterkeeper, and Galveston Bay Foundation (National Wildlife Federation, et al.) provided joint comments and the Sierra Club Lone Star Chapter provided additional comments on its own.

Regarding

§363.1402. Definition of Terms.

Comment

The National Wildlife Federation, et al. commented that there appears to be a typographical error in subpart headings listed at 363.1402(3)(E) and the rule should read: The development of infrastructure to transport water that is made available by a project listed in (A) - (D).

Response

TWDB agrees with this comment and the error has been addressed.

Comment

The National Wildlife Federation, et al. and the Sierra Club Lone Star Chapter commented that the proposed definition of "water conservation" has no actual role in the rules, therefore the definition should be removed.

Response

TWDB agrees with these comments and the definition for Water Conservation has been removed from the rule.

Comment

The Sierra Club Lone Star Chapter commented that the definition for "New Water Supply" be broadened to include water reuse, and conjunctive use of ground and surface water.

Response

TWDB appreciates the comment to broaden the definition for "New Water Supply", but it has determined that the recommended change is not appropriate as the current definition aligns with the water supply project types listed at Tex. Water Code 15.153 (b)(1). No changes were made in response to this comment.

Regarding

§363.1403. Use of Funds.

Comment

The Sierra Club Lone Star Chapter commented that subparts should be added to the rule to prioritize environmentally sustainable projects and to ensure equity for disadvantaged communities in fund distribution.

Response

TWDB appreciates the comment. TWDB has determined that the recommended change is not appropriate as Tex. Water Code Ch. 15 Subchapter C-1 does not authorize or direct TWDB to prioritize environmentally sustainable projects or ensure equity for disadvantaged communities in fund distribution. There are other TWDB programs, such as the Economically Distressed Areas Program that are authorized to address issues pertaining to economically less advantaged areas of the state. No changes were made in response to this comment.

Regarding

§363.1405. Complete Application Requirements.

Comment

The Sierra Club Lone Star Chapter commented that the TWDB should include requirements for environmental compliance and equity in the list of application requirements.

Response

TWDB appreciates the comment to include requirements for environmental compliance and equity in the list of application requirements, but it has determined that the recommended changes are not needed as the changes would be redundant when taken into the consideration the General Application Procedures under 31 Texas Administrative Code Chapter 363 Subchapter A, which already provide for environmental review, or would be beyond the TWDB's authority to administer the fund under Tex. Water Code Ch. 15 Subchapter C-1. No changes were made in response to this comment.

Regarding

§363.1406. Consideration of Applications.

Comment

The National Wildlife Federation, et al. commented that a new subpart should be added to allow for additional information not included in the application for the board's consideration.

Response

TWDB agrees and has added language that aligns more with language used in Subchapter A of the same chapter.

Comment

The Sierra Club Lone Star Chapter commented that TWDB should consider environmental impacts in the project evaluation criteria.

Response

TWDB appreciates the comment to consider environmental impacts in the project evaluation criteria, but it has determined that the recommended change is beyond what Tex. Water Code § 15.154 (b) authorizes the TWDB to consider. TWDB currently does an environmental assessment for projects under 31 TAC §363.14 and the projects will still be subject to all applicable environmental protection laws. No changes were made in response to this comment.

Regarding

§363.1407. Findings Required.

Comment

The National Wildlife Federation, et al. commented that a new subpart be added stating the section does not limit what the board may take into consideration when making a finding on an application for financial assistance.

Response

TWDB appreciates the comment, but it has determined that the recommended change is not appropriate. The current language regarding specific required findings by the board is taken from Tex. Water Code 15.154 (c). The statute further provides the board may consider "other relevant factors" before approving an application. No changes were made in response to this comment.

Comment

The Sierra Club Lone Star Chapter commented that TWDB should incorporate evaluations of environmental impacts when deciding on granting applications.

Response

TWDB appreciates the comment to incorporate evaluations of environmental impacts when deciding on granting applications, but it has determined that the recommended change would be adding language that is not currently present in Tex. Water Code § 15.154 (c). TWDB currently does an environmental assessment for projects under 31 TAC §363.14 and the projects will still be subject to all applicable environmental protection laws. No changes were made in response to this comment.

STATUTORY AUTHORITY (Texas Government Code §2001.033(a)(2))

The new rules are adopted under the authority of Texas Water Code §6.101, which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and also under the authority of Water Code §15.154.

This rulemaking affects Texas Water Code, Chapter 15.

§363.1401. *Scope of Subchapter N.*

This subchapter shall govern the board's programs of financial assistance under Texas Water Code, Chapter 15, Subchapter C-1. Unless

in conflict with the provisions of this subchapter, the provisions of Subchapter A of this chapter (relating to General Provisions) apply to projects under this subchapter.

§363.1402. Definition of Terms.

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

- (1) Fund--The New Water Supply for Texas Fund.
- (2) Brackish--Water above 1,000 milligrams per liter of total dissolved solids (TDS).
- (3) New Water Supply--Means only:
 - (A) Marine and Brackish water desalination projects;
 - (B) Produced water treatment projects, other than projects that are only for purposes of disposal of or supply of water related to oil and gas exploration;
 - (C) Aquifer storage and recovery projects;
 - (D) Water supply projects of any type, that result in the acquisition or delivery of water from states other than Texas to locations within Texas; and
 - (E) The development of infrastructure to transport water that is made available by a project listed in (A) - (D).
- (4) Water Need--Has the meaning assigned by §357.10 of this Title.
- (5) Water User Group--Has the meaning assigned by §357.10 of this Title.

§363.1403. Use of Funds.

- (a) The board may use the Fund for financial assistance to an eligible political subdivision for a New Water Supply project.
- (b) The board may use the Fund to make transfers to eligible programs.
- (c) The board reserves the right to limit the amount of financial assistance available to an individual entity.
- (d) Financial assistance may not be used for expenses associated with the maintenance or operation of a New Water Supply project.

§363.1404. Determination of Availability.

- (a) Periodically, or at the request of the board, the executive administrator will present to the board:
 - (1) a statement of the total money available to the Fund; and
 - (2) a recommendation identifying the amount of money from the Fund that may be made available to eligible applicants for financial assistance, including any subsidies.
- (b) The board may approve the final allocations of money from the Fund for different purposes;
- (c) Upon the approval of the board, the executive administrator will publish notice requesting applications for projects, which will identify the timing for mandatory preapplication meetings, and must include:
 - (1) the funds available for New Water Supply projects;
 - (2) the types of projects for which applications are being solicited;
 - (3) eligibility criteria;
 - (4) structure of financial assistance;

- (5) the method and criteria for evaluation and approval of applications by the board;

- (6) any requirements to be applied to the use of financial assistance in addition to the requirements set forth in this chapter; and

- (7) the date by which the application must be submitted to the executive administrator.

§363.1405. Complete Application Requirements.

- (a) All applications must include:
 - (1) Evidence the applicant has conducted, with appropriate notice, a public hearing concerning the project;
 - (2) Information, sufficient for the board's consideration of the application, regarding the intended end users of the water supply, the needs of the area to be served by the project, the expected benefit of the project to the area, the relationship of the project to the water supply needs of this state overall, and the relationship of the project to the state water plan; and
 - (3) The total cost of the project, the total volume of annual water supply, the unit cost of the water supply, the reliability of the water supply, the timeline for development, and the potential impacts of the project, all of which must be developed and provided by the applicant as part of the application in accordance with all requirements of §357.34(e) of this Title (related to Identification and Evaluation of Potentially Feasible Water Management Strategies and Water Management Strategy Projects) and associated guidance.

- (b) Applications may include letters of support from regional water planning groups, wholesale or retail water suppliers, customers, or any other member of the public that would be affected by the project.

§363.1406. Consideration of Applications.

When evaluating applications the board may consider:

- (1) The sponsor of the project;
- (2) The availability of money or revenue to the political subdivision from all sources for the ultimate repayment of the cost of the project, including all interest;
- (3) The Water User Groups to be served by the project and the volume of water supply allocated to each;
- (4) The identified Water Needs of the benefitting Water User Groups to be served by the project;
- (5) The expected water supply benefit relative to the Water Needs associated with the Water User Group beneficiaries;
- (6) The relationship of the project to the Water Needs of the state overall as defined by §357.10;
- (7) The relationship of the project to the state water plan;
- (8) Any information contained in the application; and
- (9) Any additional information requested by the executive administrator as necessary to complete the financial, legal, engineering, and environmental reviews.

§363.1407. Findings Required.

- (a) The executive administrator must submit applications for financing under this subchapter to the board with comments concerning financial assistance. The application will be scheduled on the agenda for board consideration at the earliest practical date. The applicant and other interested parties known to the board must be notified of the time and place of such meeting.
- (b) The board may grant the application only if the board finds that at the time the application for financial assistance was made:

(1) The public interest is served by state assistance for the project; and

(2) For an application for financial assistance for which repayment is expected, the money or revenue pledged by the political subdivision will be sufficient to meet all obligations assumed by the political subdivision during the term of the financial assistance.

§363.1408. *Terms of Financial Assistance.*

(a) The board must determine the amount and form of financial assistance and the amount and form of repayment.

(b) The board will determine the method of evidence of debt.

(c) Financial assistance from the Fund may provide for repayment terms of up to 30 years, in the board's discretion.

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

Filed with the Office of the Secretary of State on April 14, 2025.

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Ashley Harden

General Counsel

Texas Water Development Board

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For further information, please call: (512) 475-1673



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.16

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §211.16, Establishment or Continued Operation of an Appointing Entity, without changes to the proposed text as published in the January 31, 2025 issue of the *Texas Register* (50 TexReg 636). The rule will not be republished.

This adopted amended rule allows law enforcement agencies in existence before June 1, 2024, to use personally-owned patrol vehicles if the law enforcement agency has not provided agency-owned patrol vehicles from June 1, 2024, to the present.

The public comment period began on January 31, 2025, and ended on March 4, 2025, at the conclusion of the public meeting of the Commission. No public comments were received regarding adoption of the amended rule as proposed.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.163, Minimum Standards for Law Enforcement Agencies. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.163 requires the Commission to adopt rules to establish minimum standards with respect to the creation or continued operation of a law enforcement agency.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.163, Minimum Standards for Law Enforcement Agencies. No other code, article, or statute is affected by this adoption.

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

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Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

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



37 TAC §§211.27 - 211.29

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §211.27, Reporting Responsibilities of Individuals, §211.28, Responsibility of a Law Enforcement Agency to Report an Arrest, and §211.29, Responsibilities of Agency Chief Administrators, without changes to the proposed text as published in the January 31, 2025 issue of the *Texas Register* (50 TexReg 639). The rules will not be republished.

These adopted amended rules remove the requirement of licenses and appointing law enforcement agencies to report to the Commission any arrests, pending criminal charges, or criminal dispositions. These adopted amended rules clarify that an arresting agency should provide offense reports and charging documents for licensees that are arrested or charged to the Commission. These adopted amended rules also require law enforcement agencies to report to the Commission the failure by an applicant or licensee of a medical examination (L-2), psychological examination (L-3), fitness-for-duty examination (FFDE), or drug screen, which conforms with the addition of Texas Occupations Code §1701.167 made by Senate Bill 1445 (88R).

The public comment period began on January 31, 2025, and ended on March 4, 2025, at the conclusion of the public meeting of the Commission. One public comment was received.

Public Comment: Deputy Executive Director Jennifer Szymanski of the Combined Law Enforcement Associations of Texas suggested adding successful completion of an applicable treatment program by the licensee as an exception to the requirement of a chief administrator to report a failed psychological examination (L-3) because the exception is listed in Occupations Code §1701.167(a)(3).

Commission Response: Occupations Code §1701.167(a)(3) requires "reporting to the commission...of a license holder's failed examination, unless the license holder submits to and successfully completes an applicable treatment program within a reasonable time." In context with the rest of §1701.167(a), this refers to a fitness-for-duty examination (FFDE) and not a psychological examination (L-3). The advisory committees established to provide input on the model policies required by Occupations Code §1701.167 also did not suggest that an applicable treatment program applied to a failed psychological examination (L-3), but de-

terminated it only applied to a failed fitness-for-duty examination (FFDE).

The amended rules are adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, §1701.153, Reports from Agencies and Schools, §1701.167, Policy Regarding Examination of a License Holder or Applicant, and §1701.306, Psychological and Physical Examination. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.153 requires the Commission to establish reporting standards and procedures for matters the Commission considers necessary for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.167 requires the reporting to the Commission of a failed examination. Texas Occupations Code §1701.306 requires the Commission to adopt rules to establish appropriate standards and measures to be used by a law enforcement agency in reporting medical (L-2) and psychological (L-3) examinations.

The amended rules as adopted affect or implement Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, §1701.153, Reports from Agencies and Schools, §1701.167, Policy Regarding Examination of a License Holder or Applicant, and §1701.306, Psychological and Physical Examination. No other code, article, or statute is affected by this adoption.

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

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Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
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For further information, please call: (512) 936-7700



37 TAC §211.41

The Texas Commission on Law Enforcement (Commission) adopts new 37 Texas Administrative Code §211.41, Procurement Protests and Records, without changes to the proposed text as published in the January 31, 2025 issue of the *Texas Register* (50 TexReg 640). The rule will not be republished.

This adopted new rule conforms with Texas Government Code §2155.076 and 34 Texas Administrative Code §§20.531 - 20.538. The adopted new rule provides vendors a process for protesting agency procurement actions consistent with rules adopted by the Comptroller.

The public comment period began on January 31, 2025, and ended on March 4, 2025, at the conclusion of the public meeting of the Commission. No public comments were received regarding adoption of the new rule as proposed.

The new rule is adopted under Texas Government Code §2155.076, Protest Procedures, and Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority. Texas Government Code §2155.076 requires the

Commission to adopt rules to establish protest procedures for resolving vendor protests relating to purchasing issues. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and for the Commission's internal management and control and to contract as the Commission considers necessary for certain services, facilities, studies, and reports.

The new rule as adopted affects or implements Texas Government Code §2155.076, Protest Procedures, and Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority. No other code, article, or statute is affected by this adoption.

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

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CHAPTER 215. TRAINING AND EDUCATIONAL PROVIDERS

37 TAC §215.9

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §215.9, Training Coordinator, without changes to the proposed text as published in the January 31, 2025 issue of the *Texas Register* (50 TexReg 642). The rule will not be republished.

This adopted amended rule requires training coordinators to report to the Commission the failure by an applicant of a medical examination (L-2) or psychological examination (L-3), which conforms with the addition of Texas Occupations Code §1701.167 made by Senate Bill 1445 (88R).

The public comment period began on January 31, 2025, and ended on March 4, 2025, at the conclusion of the public meeting of the Commission. One public comment was received.

Public Comment: Training Coordinator Daniel Looney of the Hunt County Sheriff's Office asked why the responsibility to report failed medical (L-2) and psychological (L-3) examinations is placed on the training coordinator? This does not capture the agencies that are not training providers. Why are agency heads not responsible for reporting failed medical (L-2) and psychological (L-3) examinations if they are required to submit appointment applications (L-1s)?

Commission Response: A corresponding rule change to 37 Texas Administrative Code §211.29(h) would also require chief administrators of law enforcement agencies to report failed medical (L-2) and psychological (L-3) examinations to the Commission. There are three entities that obtain medical (L-2) and psychological (L-3) examinations for enrollment, licensing, or appointment purposes: 1) law enforcement agencies; 2) providers of basic licensing courses; and 3) the Commission.

Requiring both agency chief administrators and training coordinators to report to the Commission any failed medical (L-2) or psychological (L-3) examination would capture all agencies and providers of basic licensing courses.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, §1701.153, Reports from Agencies and Schools, §1701.167, Policy Regarding Examination of a License Holder or Applicant, and §1701.306, Psychological and Physical Examination. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.153 requires the Commission to establish reporting standards and procedures for matters the Commission considers necessary for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.167 requires the reporting to the Commission of a failed examination. Texas Occupations Code §1701.306 requires the Commission to adopt rules to establish appropriate standards and measures to be used by a law enforcement agency in reporting medical (L-2) and psychological (L-3) examinations.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, §1701.153, Reports from Agencies and Schools, §1701.167, Policy Regarding Examination of a License Holder or Applicant, and §1701.306, Psychological and Physical Examination. No other code, article, or statute is affected by this adoption.

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

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Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

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



CHAPTER 219. PRELICENSING, REACTIVATION, TESTS, AND ENDORSEMENTS

37 TAC §219.2

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §219.2, Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police, with non-substantive changes to the proposed text as published in the January 31, 2025 issue of the *Texas Register* (50 TexReg 645). The rule will be republished.

This adopted amended rule increases the types of federal criminal investigators that may receive reciprocity to be considered for a license. This will increase the number of qualified candidates for licensure consideration.

The public comment period began on January 31, 2025, and ended on March 4, 2025, at the conclusion of the public meeting

of the Commission. No public comments were received regarding adoption of the amended rule as proposed.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.255, Enrollment Qualifications. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards related to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, public security officer, or telecommunicator. Texas Occupations Code §1701.255 requires the Commission to adopt rules establishing minimum qualifications for a person to enroll in a law enforcement training program.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.255, Enrollment Qualifications. No other code, article, or statute is affected by this adoption.

§219.2. Reciprocity for Out-of-State Peace Officers, Federal Criminal Investigators, and Military Police.

(a) To be eligible to take a state licensing examination, an out of state, federal criminal investigator, or military police must comply with all provisions of §219.1 of this chapter and this section.

(b) A prospective out-of-state peace officer, federal criminal investigator, or military police applicant for peace officer licensing in Texas must:

(1) meet all statutory licensing requirements of the state of Texas and the rules of the commission;

(2) successfully complete a supplementary peace officer training course, the curriculum of which is developed by the commission, any other courses, as required by the commission; and

(3) successfully pass the Texas Peace Officer Licensing Examination as provided in §219.1 of this chapter.

(c) Requirements (Peace Officers): Applicants who are peace officers from other U.S. states must meet the following requirements:

(1) provide proof of successful completion of a state POST-approved (or state licensing authority) basic police officer training academy;

(2) have honorably served (employed, benefits eligible) as a sworn full time paid peace officer for 2 continuous years. Service time applied to this section must have been obtained following completion of a state POST-approved basic training course;

(3) be subject to continued employment or eligible for re-hire (excluding retirement); and

(4) the applicant's license or certificate must never have been, nor currently be in the process of being, surrendered, suspended, or revoked.

(d) Requirements (Federal): Texas Code of Criminal Procedure Article 2A.002 recognizes certain named criminal investigators of the United States as having the authority to enforce selected state laws by virtue of their authority. These individuals are deemed to have the equivalent training for licensure consideration. The Executive Director may identify other federal criminal investigators not listed in Texas Code of Criminal Procedure Article 2A.002 whose training and work experience are deemed to be appropriate for licensure consideration.

(e) Qualifying Federal Officers must:

(1) have successfully completed an approved federal agency law enforcement training course (equivalent course topics and hours) at the time of initial certification or appointment;

(2) have honorably served (employed, benefits eligible) in one of the aforementioned federal full time paid capacities for 2 continuous years. Service time applied to this section must have been obtained following completion of a federal agency law enforcement approved basic training course; and

(3) be subject to continued employment or eligible for re-hire (excluding retirement).

(f) Requirements (Military): Must have a military police military occupation specialty (MOS) or air force specialty code (AFSC) classification approved by the commission.

(g) Qualifying military personnel must provide proof of:

(1) successfully completed basic military police course for branch of military served; and

(2) active duty service for 2 continuous years. Service time applied to this section must have been obtained following completion of an approved basic military police course.

(h) The applicant must make application and submit any required fee(s) in the format currently prescribed by the commission to take the peace officer licensing exam. The applicant must comply with the provisions of §219.1 of this chapter when attempting the licensing exam.

(i) Required documents must accompany the application:

(1) a certified or notarized copy of the basic training certificate for a peace officer, a certified or notarized copy of a federal agent's license or credentials, or a certified or notarized copy of the peace officer license or certificate issued by the state POST or proof of military training;

(2) a notarized statement from the state POST, current employing agency or federal employing agency revealing any disciplinary action(s) that may have been taken against any license or certificate issued by that agency or any pending action;

(3) a notarized statement from each applicant's employing agency confirming time in service as a peace officer or federal officer or agent;

(4) a certified or notarized copy of the applicant's valid state-issued driver's license;

(5) a certified copy of the applicant's military discharge (DD-214), if applicable; and

(6) for applicants without a valid Texas drivers license, a passport-sized color photograph (frontal, shoulders and face), signed with the applicant's full signature on the back of the photograph.

(j) The commission may request that applicants submit a copy of the basic and advanced training curricula for equivalency evaluation and final approval.

(k) All out-of-state, federal, and military applicants will be subject to a search of the National Decertification Database (NDD), NCIC/TCIC, and National Criminal History Databases to establish eligibility.

(l) Any applicant may be denied because of disciplinary action, including suspension or revocation, or misconduct in another jurisdiction.

(m) All documents must bear original certification seals or stamps.

(n) The effective date of this section is May 1, 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 April 7, 2025.

TRD-202501105

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Effective date: May 1, 2025

Proposal publication date: January 31, 2025

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



PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 341. GENERAL STANDARDS FOR JUVENILE PROBATION DEPARTMENTS

The Texas Juvenile Justice Department (TJJJD) adopts amendments to 37 TAC §341.100, Definitions, with changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 270). The rule will be republished.

TJJJD also adopts new 37 TAC §341.308, Notification to Office of Independent Ombudsman, without changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 270). The rule will not be republished.

SUMMARY OF CHANGES

The amended §341.100 adds a definition for *Non-Juvenile Justice Contract Facility*. The additional changes involve correcting stylistic inconsistencies and a capitalization discrepancy.

The new §341.308 explains that: 1) the chief administrative officer or designee must notify the Office of Independent Ombudsman via email when a juvenile is placed in a non-juvenile justice contract facility; and 2) the notification must be made no later than 10 days after the juvenile's placement.

The new §341.308 also explains that: 1) the chief administrative officer or designee must notify the Office of Independent Ombudsman via email when a juvenile who was placed in a non-juvenile justice contract facility has been removed from the facility for any reason; and 2) the notification must be made no later than 10 days after the juvenile's removal.

PUBLIC COMMENTS

TJJJD did not receive any public comments on the proposed rule-making actions.

SUBCHAPTER A. DEFINITIONS AND GENERAL PROVISIONS

37 TAC §341.100

STATUTORY AUTHORITY

The amended section is adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern

juvenile boards, probation departments, probation officers, programs, and facilities.

§341.100. *Definitions.*

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

(1) **Alternative Referral Plan**--A procedure that deviates from the requirements of §53.01(d), Family Code, regarding referral of cases to the prosecutor.

(2) **Approved Personal Restraint Technique ("personal restraint")**--A professionally trained, curriculum-based, and competency-based restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints.

(3) **Approved Mechanical Restraint Devices ("mechanical restraint")**--A professionally manufactured and commercially available mechanical device designed to aid in the restriction of a person's bodily movement. The only mechanical restraint devices approved for use are the following:

(A) **Ankle Cuffs**--Metal band designed to be fastened around the ankle to restrain free movement of the legs.

(B) **Handcuffs**--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms.

(C) **Plastic Cuffs**--Plastic devices designed to be fastened around the wrists or legs to restrain free movement of hands, arms, or legs. Plastic cuffs must be designed specifically for use in human restraint.

(D) **Soft Restraints**--Non-metallic wristlets and anklets used as stand-alone restraint devices. These devices are designed to reduce the incidence of skin, nerve, and muscle damage to the subject's extremities.

(E) **Waist Belt**--A cloth, leather, or metal band designed to be fastened around the waist and used to secure the arms to the sides or front of the body.

(4) **Case Management System**--A computer-based tracking system that provides a systematic method to track and manage juvenile offender caseloads.

(5) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department, including the juvenile probation department of a multi-county judicial district.

(6) **Comprehensive Folder Edit**--A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data and questionable data that impact the accuracy of the reports and programs.

(7) **Criminogenic Needs**--Issues, risk factors, characteristics, and/or problems that relate to a person's risk of reoffending.

(8) **Data Coordinator**--A person employed by a juvenile probation department who is designated to serve and function as the primary contact with TJJD on all matters relating to data collection and reporting.

(9) **Department**--A juvenile probation department.

(10) **Draw**--To unholster a weapon in preparation for use against a perceived threat.

(11) **EDI Specifications**--A document developed by TJJD outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJD EDI extract.

(12) **Empty-Hand Defense**--Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.

(13) **Field Supervision**--Supervision ordered by a juvenile court in accordance with §54.04(d)(1)(A), Family Code, where the child is placed on probation in the child's home or in the custody of a relative or another fit person.

(14) **Formal Referral**--An event that occurs only when all three of the following conditions exist:

(A) a juvenile has allegedly committed delinquent conduct, conduct indicating a need for supervision, or a violation of probation;

(B) the juvenile probation department has jurisdiction and venue; and

(C) the office or official designated by the juvenile board has:

(i) made face-to-face contact with the juvenile and the alleged offense has been presented as the reason for this contact; or

(ii) given written or verbal authorization to detain the juvenile.

(15) **Initial Disposition**--The disposition of probation issued by a juvenile court after a child is:

(A) formally referred to a juvenile probation department for the first time; or

(B) formally referred to a juvenile probation department after any and all previous periods of supervision by the department have ended.

(16) **Inter-County Transfer**--As described in §51.072, Family Code, a transfer of supervision from one juvenile probation department in Texas to another juvenile probation department in Texas for a juvenile who moves or intends to move to another county and intends to remain in that county for at least 60 days.

(17) **Intermediate Weapons**--Weapons designed to neutralize or temporarily incapacitate an assailant, such as electronic restraint devices, irritants, and impact weapons. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty-hand defense is not sufficient.

(18) **Intern**--An individual who performs services for a juvenile justice program or facility through a formal internship program that is sponsored by a juvenile justice agency or is part of an approved course of study through an accredited college or university.

(19) **Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.

(20) **Juvenile Board**--A governing board created under Chapter 152, Human Resources Code.

(21) **Juvenile Justice Program**--A program or department that:

(A) serves juveniles under juvenile court or juvenile board jurisdiction; and

(B) is operated solely or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board. The term includes:

- (i) juvenile justice alternative education programs;
- (ii) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court or the juvenile board; and
- (iii) juvenile probation departments.

(22) Non-Juvenile Justice Contract Facility--a facility in which a juvenile is placed pursuant to a contract with a department, program, facility, or juvenile board, other than a facility registered with TJJD.

(23) Professional--A person who meets the definition of professional in §344.100 of this title.

(24) Resident--A juvenile or other individual who has been lawfully admitted into a pre-adjudication secure juvenile detention facility, post-adjudication secure juvenile correctional facility, or a non-secure juvenile correctional facility.

(25) Residential Placement--Supervision ordered by a juvenile court in which the child is placed on probation outside the child's home in a foster home or a public or private institution or agency.

(26) Restraints--Personal or mechanical restraint.

(27) Responsivity Factors--Factors that are not necessarily related to criminal activity but are relevant to the way in which the juvenile reacts to different types of interventions (e.g., learning styles and abilities, self-esteem, motivation for treatment, resistance to change, etc.)

(28) SRSXEdit--An audit program developed by TJJD to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJD.

(29) Supervision--The case management of a juvenile by the assigned juvenile probation officer or designee through contacts (e.g., face-to-face, telephone, office, home, or collateral contacts) with the juvenile, the juvenile's family, and/or other persons or entities involved with the juvenile.

(30) TCOLE--Texas Commission on Law Enforcement.

(31) Title IV-E Approved Facility--A facility licensed and/or approved by the Texas Department of Family and Protective Services for Title IV-E participation.

(32) TJJD--Texas Juvenile Justice Department.

(33) TJJD Electronic Data Interchange (EDI) Extract--An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.

(34) TJJD Mental Health Screening Instrument--An instrument selected by TJJD to assist in identifying juveniles who may have mental health needs.

(35) Volunteer--An individual who performs services for the juvenile probation department without compensation from the department who has:

(A) any unsupervised contact with juveniles in a juvenile justice program or facility; or

(B) regular or periodic supervised contact with juveniles in a juvenile justice program or facility.

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

Filed with the Office of the Secretary of State on April 10, 2025.

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Jana Jones

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278

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SUBCHAPTER C. CHIEF ADMINISTRATIVE OFFICER RESPONSIBILITIES

37 TAC §341.308

STATUTORY AUTHORITY

The new section is adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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CHAPTER 345. JUVENILE JUSTICE PROFESSIONAL CODE OF ETHICS FOR CERTIFIED OFFICERS

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC §345.100, Definitions; §345.200, Policy and Procedure; §345.300, Adherence and Reporting Violations; and §345.310, Code of Ethics, without changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 274). The rules will not be republished.

SUMMARY OF CHANGES

The amended §345.100: 1) clarifies the definitions for *juvenile*, *juvenile justice facility*, and *juvenile justice professional*; and 2) adds a definition for *Non-Juvenile Justice Contract Facility*.

The amended §345.200 clarifies that departments, programs, and facilities must adopt and implement policies and procedures to ensure that all code of ethics violations are reported to the administration of the department, program, or facility and to TJJD.

The amended §345.300 clarifies that juvenile justice professionals must report any unethical behavior or violations of the code of

ethics to TJJD and to the administration of the department, program, facility, or non-juvenile justice contract facility where the juvenile justice professional is an employee, volunteer, or contractor.

The amended §345.310 clarifies that: 1) juvenile justice professionals must not engage in conduct constituting abuse, neglect, or exploitation as provided by Chapter 358, Administrative Code, and Chapter 261, Family Code; and 2) juvenile justice professionals must not interfere with or hinder *any investigation* (rather than *any abuse, neglect, or exploitation investigation*).

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

SUBCHAPTER A. DEFINITIONS AND APPLICABILITY

37 TAC §345.100

STATUTORY AUTHORITY

The amended section is adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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SUBCHAPTER B. POLICY AND PROCEDURE

37 TAC §345.200

STATUTORY AUTHORITY

The amended section is adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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General Counsel

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For further information, please call: (512) 490-7278

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SUBCHAPTER C. CODE OF ETHICS

37 TAC §345.300, §345.310

STATUTORY AUTHORITY

The amended sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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CHAPTER 349. GENERAL ADMINISTRATIVE STANDARDS

The Texas Juvenile Justice Department (TJJD) adopts the repeal of 37 TAC §§349.100, 349.200, 349.300, 349.305, 349.307, 349.308, 349.310, 349.311, 349.315, 349.320, 349.325, 349.330, 349.335, 349.340, 349.345, 349.355, 349.360, 349.365, 349.370, 349.375, 349.380, 349.385, 349.400, 349.410, 349.500, 349.510, 349.520, 349.530, 349.540, 349.550, 349.560, 349.570, 349.600, 349.650, and 349.700, relating to General Administrative Standards, without changes to the proposed repeal as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 276). The repeal will not be republished.

SUMMARY OF REPEAL

The repeal of §§349.100, Definitions; 349.200, Waiver or Variance; 349.300, Requests for Disciplinary Action; 349.305, Commission Initiated Disciplinary Action; 349.307, Disciplinary Sanctions; 349.308, Disciplinary Guidelines; 349.310, Effect of Request for Disciplinary Action; 349.311, Disciplinary Sanctions; 349.315, Computation of Time; 349.320, Notice and Service; 349.325, Representation; 349.330, Preliminary Notice to Certified Officer in Disciplinary Matters; 349.335, Commencement of Disciplinary Proceedings; 349.340, Certified Officer's Answer and Consequence of Failure to File an Answer to Formal Charges (Default); 349.345, Discovery; 349.355, Subpoenas; 349.360, Informal Proceedings; 349.365, Agreed Dispositions; 349.370, Formal Disciplinary Proceedings; 349.375, Decision of the Board; 349.380, Judicial Review; 349.385, Mandatory Suspension for Failure to Pay Child Support; 349.400, Complaint Process; 349.410, Administrative Review of Investigation Findings; 349.500, Purpose; 349.510, Definitions; 349.520, Access to Confidential Information; 349.530, Redaction of Records Prior to Release; 349.540, Procedures for Requesting Access to Confidential Information; 349.550, Public Information; 349.560, Videotapes, Audiotapes, and Photographs; 349.570, Charges for Copies of Records; 349.600, Purpose; 349.650,

Removal of Members; and 349.700, Access to Data Collected, allows the content to be revised and republished as new §§349.100, 349.110, 349.120, 349.200, 349.210, 349.220, 349.230, 349.240, 349.250, 349.260, 349.270, 349.300, 349.302, 349.304, 349.310, 349.320, 349.330, 349.340, 349.350, 349.360, 349.370, 349.380, 349.390, 349.400, 349.410, 349.420, 349.430, 349.440, 349.450, 349.460, 349.500, 349.550, and 349.600.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

SUBCHAPTER A. DEFINITIONS

37 TAC §349.100

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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Jana Jones

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278



SUBCHAPTER B. WAIVER

37 TAC §349.200

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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SUBCHAPTER C. DISCIPLINARY ACTIONS AND HEARINGS

37 TAC §§349.300, 349.305, 349.307, 349.308, 349.310, 349.311, 349.315, 349.320, 349.325, 349.330, 349.335, 349.340, 349.345, 349.355, 349.360, 349.365, 349.370, 349.375, 349.380, 349.385

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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SUBCHAPTER D. COMPLAINTS AGAINST JUVENILE BOARDS

37 TAC §349.400, §349.410

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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SUBCHAPTER E. CONFIDENTIALITY AND RELEASE OF ABUSE, EXPLOITATION AND NEGLECT INVESTIGATION RECORDS

37 TAC §§349.500, 349.510, 349.520, 349.530, 349.540, 349.550, 349.560, 349.570

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile

boards, probation departments, probation officers, programs, and facilities.

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

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General Counsel

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SUBCHAPTER F. ADVISORY COUNCIL ON JUVENILE SERVICES

37 TAC §349.600, §349.650

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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SUBCHAPTER G. DATA

37 TAC §349.700

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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Jana Jones

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278



CHAPTER 349. GENERAL ADMINISTRATIVE STANDARDS

The Texas Juvenile Justice Department (TJJD) adopts new 37 TAC §§349.100, 349.110, 349.120, 349.200, 349.210, 349.220, 349.230, 349.240, 349.250, 349.260, 349.270, 349.300, 349.302, 349.304, 349.310, 349.320, 349.330, 349.340, 349.350, 349.360, 349.370, 349.380, 349.390, 349.400, 349.410, 349.420, 349.430, 349.440, 349.450, 349.460, 349.500, 349.550, and 349.600, relating to General Administrative Standards, without changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 279). The rules will not be republished.

SUMMARY

New §349.100, Definitions, provides definitions for terms used in the chapter. Key additions and/or revisions include: 1) removing terms *alleged perpetrator*, *designated perpetrator*, and *sustained perpetrator* and replacing them with the term *suspect*; 2) defining *abuse*, *neglect*, and *exploitation* by reference to 37 TAC Chapter 358; 3) adding definitions of *administrator* and *administrative designee* that are consistent with definitions in Chapter 358; 4) expanding the definition of *certification action* to include ineligibility for certification; 5) expanding the definition of *certified officer* to include a person with a provisional certification; 6) adding a definition of *non-juvenile justice contract facility*; 7) adding a definition of *de novo review*; 8) adding a definition of *juvenile* and expanding it to include juveniles at a non-juvenile justice contract facility; 9) expanding the definition of *juvenile facility* to refer to statutes; 10) replacing terms *juvenile probation officer* and *juvenile supervision officer* with the term *respondent*; and 11) adding a definition of *victim*.

New §349.110, Interpretation, provides general guidelines for interpreting the chapter. Key additions and/or revisions include adding: 1) standard interpretation language regarding headings; 2) the term *including*; and 3) calculations of time.

New §349.120, Authorized Delegation, explains that the executive director may designate in writing another TJJD employee to perform the executive director's duties under this chapter. Key additions and/or revisions include specifying that the executive director may designate another TJJD employee to perform the executive director's duties under the chapter and that such designation must be in writing.

New §349.200, Waivers and Variances, provides information on waivers and variances as they apply to the requirements of this chapter. Key additions and/or revisions include: 1) defining the distinct purposes of waivers and variances; 2) specifying the applicability of waivers and variances and that they may be conditional; 3) specifying how waivers and variances are to be requested and what information must be provided; 4) providing that either a waiver or variance may be granted by the executive director for up to 180 days and that the TJJD Board must approve any time frame longer than 180 days; 5) providing that, if executive director denies a waiver or variance, the requestor

may ask the TJJJ Board to review the denial; 6) providing that the department or facility requesting the waiver or variance is responsible for appearing at the Board meeting to explain the request and answer questions from the Board; and 7) providing that, when appropriate, TJJJ staff will make a recommendation to the Board on whether or not to grant a waiver or variance.

New §349.210, Code of Ethics Violations, provides guidelines related to the reporting of, notifications related to, and timelines regarding code of ethics violations. Key additions and/or revisions include: 1) providing that every person with a TJJJ certification is obligated to report to TJJJ when the person has reason to believe another certified officer has violated the Code of Ethics; 2) clarifying that a failure to report a code of ethics violation may result in disciplinary action; and 3) requiring that confirmed code of ethics violations must be reported to TJJJ Office of General Counsel except when conduct is subject of TJJJ investigation.

New §349.220, Complaints, provides information about complaints regarding juvenile boards, certified officers, or employees of departments, facilities, or non-juvenile justice contract facilities. Key additions and/or revisions include addressing how various complaints received by TJJJ are processed.

New §349.230, Violation by Juvenile Board, provides instruction for times when TJJJ determines a juvenile board, including the department or facility under the juvenile board's jurisdiction, has violated rules, standards, or the terms of the State Financial Assistance Contract. Key additions and/or revisions include adding the possibility of extending the deadline for compliance when there is a violation of standards or the state financial assistance contract.

New §349.240, Mandatory Suspension for Failure to Pay Child Support, explains the process for suspending the certification of a certified officer when that officer fails to pay child support.

New §349.250, Administrative Review of Investigation Findings, explains the process for an administrative review when a person is confirmed by TJJJ to have engaged in conduct meeting the definition of abuse neglect, or exploitation in an investigation conducted under Chapter 358 of this title. Key additions and/or revisions include: 1) updating language due to removal of *designated perpetrator* term; 2) changing the timeline to request an administrative review from 20 days to 10 days; 3) allowing administrators to request administrative review on behalf of staff; 4) specifying that the attorney who does the administrative review is not the same attorney who advised or otherwise worked on the investigation; 5) specifying that the administrative review is a de novo review; 6) providing that an attorney may interview witnesses and gather additional evidence at the attorney's discretion and may request the assistance of TJJJ's Office of the Inspector General in doing so; 7) specifying that an attorney prepares a written report explaining the decision to confirm or revise the original findings; 8) providing a requirement to notify the suspect or administrative designee and provide estimated completion date if there is a need to extend 45-day completion date; and 9) specifying that administrative review does not apply to investigations conducted of TJJJ employees.

New §349.260, Representation, explains that the subject of an investigation may elect to appear with legal representation during the administrative review process.

New §349.270, Temporary Suspension Order, explains that TJJJ may temporarily suspend the certification of a certified office during the administrative review process.

New §349.300, Disciplinary Action, explains that TJJJ may impose disciplinary action on a certified officer who has committed a code of ethics violation or engaged in abuse, neglect, or exploitation involving a juvenile.

New §349.302, Ineligibility for Certification, outlines TJJJ's authority to make a person ineligible for certification under certain circumstances. Key additions and/or revisions include adding the statutory authority to make a person ineligible for certification.

New §349.304, Guidelines, provides parameters for those seeking, proposing, or making a decision under the standards given in this chapter.

New §349.310, Mandatory Revocation, explains the circumstances under which a person's certification will be revoked or denied. Key additions and/or revisions include: 1) clarifying that TJJJ staff shall seek revocation for certain conduct; 2) adding engaging in sexually-related or otherwise inappropriate relationship with a juvenile, whether or not sexual conduct occurred; and 3) adding the statutory provisions from Chapter 53 Occupations Code that mandate revocation.

New §349.320, Notice and Service, explains the process by which a person is informed of a pending certification action against that person. Key additions and/or revisions include: 1) adding a mechanism to provide service at an address other than the one on file with TJJJ, in the event the person has moved; 2) adding a provision that allows for notice by publication or any other legal means if necessary; and 3) updating the language that must be included in the notice to provide general content instead of specific terminology.

New §349.330, Answer, explains the process by which a person may respond to a certification action.

New §349.340, Default, explains the consequences for a person failing to respond to a certification action.

New §349.350, Agreed Orders, explains the circumstances surrounding the resolution of certification matters through voluntary settlement processes.

New §349.360, State Office of Administrative Hearings, explains, that under certain conditions, the matter of a certification action will be schedule for hearing at the State Office of Administrative Hearings. Key additions and/or revisions include: 1) deleting process requirements for SOAH; and 2) referring to statutes and administrative rules that control.

New §349.370, Decision of the Board, provides information concerning the various statutes related to TJJJ Board decisions and orders. Key additions and/or revisions include: 1) deleting specific requirements for Board decisions; and 2) referring to statutes that control those decisions.

New §349.380, Representation, explains that the respondent to a certification action may elect to appear with legal representation during the certification action process. Key additions and/or revisions include clarifying that TJJJ is represented by an attorney from the agency's Office of General Counsel.

New §349.390, Costs, explains that a party who appeals a final decision in a contested case is responsible for the costs related to preparing a copy of the agency proceeding and for any requested transcription.

New §349.400, Purpose, explains that the purpose of subchapter D of this chapter is to clarify to whom and under what cir-

cumstances TJJD may disclose confidential information related to investigations of abuse, neglect, and exploitation.

New §349.410, Definitions, provides definitions for terms used in subchapter D.

New §349.420, Confidentiality of and Access to Information, explains the extent to which records related to abuse, neglect, and exploitation investigations are confidential and accessible. Key additions and/or revisions include adding the ability to share information regarding investigation pursuant to a memorandum of understanding adopted under §810.009, Human Resources Code, related to the multiagency search engine for reportable conduct.

New §349.430, Redaction of Records Prior to Release, explains the extent which TJJD will redact investigation records before their release.

New §349.440, Procedures for Requesting Access to Confidential Information, provides information pertaining to the extent to which confidential information may be requested and provided.

New §349.450, Public Information, explains that TJJD will compile statewide statistics on the incidence of abuse, neglect, and exploitation and provide those statistics to the public upon written request.

New §349.460, Video, Audio Recordings, and Photographs, explains who has access to video, audio recordings, and photographs that are part of the records of investigations.

New §349.500, Purpose, explains the purpose of the Advisory Council on Juvenile Services and describe various aspects of the council.

New §349.550, Removal of Members, explains the grounds for removing a member of the Advisory Council.

New §349.600, Access to Data Collected, explains that, for the purposes of planning and research, all juvenile probation departments participating in the state's regionalization plan are authorized to access data that any other participating departments have submitted through the case management system.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

SUBCHAPTER A. DEFINITIONS AND GENERAL REQUIREMENTS

37 TAC §§349.100, 349.110, 349.120

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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Jana Jones

General Counsel

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SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

37 TAC §§349.200, 349.210, 349.220, 349.230, 349.240, 349.250, 349.260, 349.270

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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SUBCHAPTER C. CERTIFICATION ACTIONS AND HEARINGS

37 TAC §§349.300, 349.302, 349.304, 349.310, 349.320, 349.330, 349.340, 349.350, 349.360, 349.370, 349.380, 349.390

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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SUBCHAPTER D. CONFIDENTIALITY AND
RELEASE OF ABUSE, EXPLOITATION, AND
NEGLECT INVESTIGATION RECORDS

**37 TAC §§349.400, 349.410, 349.420, 349.430, 349.440,
349.450, 349.460**

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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SUBCHAPTER E. ADVISORY COUNCIL ON
JUVENILE SERVICES

37 TAC §§349.500, §349.550

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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SUBCHAPTER F. DATA

37 TAC §349.600

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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CHAPTER 350. INVESTIGATING ABUSE,
NEGLECT, EXPLOITATION, DEATH AND
SERIOUS INCIDENTS

**37 TAC §§350.100, 350.110, 350.120, 350.200, 350.210,
350.300, 350.400, 350.500, 350.600, 350.610, 350.620,
350.700, 350.800, 350.900 - 350.904**

The Texas Juvenile Justice Department (TJJD) adopts the repeal of 37 TAC §§350.100, 350.110, 350.120, 350.200, 350.210, 350.300, 350.400, 350.500, 350.600, 350.610, 350.620, 350.700, 350.800, and 350.900 - 350.904, relating to Investigating Abuse, Neglect, Exploitation, Death and Serious Incidents, without changes to the proposed repeal as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 291). The repeal will not be republished.

SUMMARY OF CHANGES

The repeal of Chapter 350 and its sections--§§350.100, Definitions; 350.110, Interpretation; 350.120, Applicability; 350.200, Assessment; 350.210, Prioritization, Activation and Initiation; 350.300, Investigations; 350.400, Notification and Referral; 350.500, Requests for Disciplinary Action; 350.600, Retention, Release and Redaction of Commission Records; 350.160, Release of Confidential Information; 350.620, Redaction of Records; 350.700, Call Line; 350.800, Serious Incidents; 350.900, Training and Quality Assurance; 350.901, Pre-Service Training; 350.902, Competency Testing; 350.903, Continuing Education; and 350.904 Quality Assurance--allows the content to be revised and included in a simultaneous revision of 37 TAC Chapter 358

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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CHAPTER 358. IDENTIFYING, REPORTING, AND INVESTIGATING ABUSE, NEGLECT, EXPLOITATION, DEATH, AND SERIOUS INCIDENTS

**37 TAC §§358.100, 358.120, 358.140, 358.200, 358.220,
358.240, 358.300, 358.320, 358.340, 358.360, 358.400,
358.420, 358.440, 358.460, 358.500, 358.520, 358.540,
358.600, 358.620**

The Texas Juvenile Justice Department (TJJD) adopts the repeal of 37 TAC §§358.100, 358.120, 358.140, 358.200, 358.220, 358.240, 358.300, 358.320, 358.340, 358.360, 358.400, 358.420, 358.440, 358.460, 358.500, 358.520, 358.540, 358.600, and 358.620, relating to Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents, without changes to the proposed repeal as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 292). The repeal will not be republished.

SUMMARY OF REPEAL

The repeal of §358.100, Definitions; §358.120, Interpretation; §358.140, Applicability; §358.200, Policy and Procedure; §358.220, Data Reconciliation; §358.240, Signage; §358.300, Identifying and Reporting Abuse, Neglect, Exploitation, and Death; §358.320, Parental Notification; §358.340, Reporting of Allegations by Juveniles; §358.360, Allegations Occurring Outside the Juvenile Justice System; §358.400, Internal Investigation; §358.420, Reassignment or Administrative Leave During the Internal Investigation; §358.440, Cooperation with TJJD Investigation; §358.460, Corrective Measures; §358.500, Internal Investigation Report; §358.520, Required Components of an Internal Investigation Report; §358.540, Submission of Internal Investigation Report; §358.600, Serious Incidents; and §358.620, Medical Documentation for Serious Incidents allows the content to be revised and republished as new §§358.100, 358.110, 358.120, 358.130, 358.200, 358.210, 358.220, 358.230, 358.240, 358.250, 358.260, 358.270, 358.280, 358.290, 358.300, 358.310, 358.320, 358.330, 358.340, 358.400, 358.410, 358.420, 358.430, 358.440, 358.450, and 358.460.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

STATUTORY AUTHORITY

The repeals are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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CHAPTER 358. IDENTIFYING, REPORTING, AND INVESTIGATING ABUSE, NEGLECT, EXPLOITATION, DEATH, AND SERIOUS INCIDENTS

The Texas Juvenile Justice Department (TJJD) adopts new 37 TAC §§358.100, 358.110, 358.120, 358.130, 358.200, 358.210, 358.220, 358.230, 358.240, 358.250, 358.260, 358.270, 358.280, 358.290, 358.300, 358.310, 358.320, 358.330, 358.340, 358.400, 358.410, 358.420, 358.430, 358.440, 358.450, and 358.460, relating to Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents, without changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 293). The rules will not be republished.

SUMMARY

New §358.100, Definitions, provides definitions for terms used in the chapter. Key additions and/or revisions include: 1) removing terms *alleged perpetrator*, *designated perpetrator*, and *sustained perpetrator* and replacing them with the term *suspect*; 2) adding the term *non-juvenile justice contract facility*; 3) adding *abscond from nonsecure facility* to *serious incident*; 4) ensuring definitions related to sexual abuse are consistent with PREA, particularly related to juvenile contact with other juveniles; 5) adding definitions of *reasonable cause to believe* and *preponderance of the evidence*; 6) modifying definitions of *abuse*, *neglect*, and *exploitation* to remove reference to changed statute; and 7) adding definition of *emotional harm* and *physical injury*.

New §358.110, Interpretation, provides general guidelines for interpreting the chapter. Key additions and/or revisions include adding the calculation of time and a reference to applicable statute.

New §358.120, Applicability, explains the circumstances to which this chapter will apply. Key additions and/or revisions include expanding applicability to include abuse, neglect, exploitation, serious incidents, and death that involve juvenile at non-juvenile justice contract facilities.

New §358.130, Toll-Free Call Center, explains that TJJD operates a call center for the specific purpose of reporting alleged abuse, neglect, exploitation, death, and serious incidents.

New §358.200, Policy and Procedure, describes the types of policies and procedures required of departments, programs, and facilities. Key additions and/or revisions include: 1) clarifying that all contracts with non-juvenile justice contract facilities will require the placement to report abuse, neglect, exploitation, death, or serious incident to the juvenile probation department, program, or facility and to TJJD; to conduct an internal investigation in accordance with this chapter or allow the department, program, or facility to do so; and to cooperate

with all assessments and investigations; and 2) modifying the reporting requirement to be when there is *reasonable cause* to believe abuse, neglect, or exploitation has occurred.

New §358.210, Information on Reporting, explains how and when youth and parents are made aware of the process for reporting alleged abuse, neglect, exploitation, death, and serious incidents. Key additions and/or revisions include adding that facilities or programs provide a youth's parents with information on reporting suspected abuse, neglect, or exploitation to TJJJ and the TJJJ toll-free number as soon as practicable after child is taken into custody or placed in the facility.

New §358.220, Data Reconciliation, explains the information TJJJ requires for all allegations of abuse, neglect, exploitation, death, and serious incidents.

New §358.230, Reporting Abuse, Neglect, and Exploitation, explains a person's duty to report abuse, neglect, and exploitation and will present timeframes and methods of reporting. Key additions and/or revisions include: 1) expanding duty to report to include non-juvenile justice contract facility and changing duty to be when there is reasonable cause to believe; and 2) modifying reporting methods to remove *fax* as an option.

New §358.240, Reporting Serious Incidents, explains a person's duty to report serious incidents and will present timeframes and methods of reporting. Key additions and/or revisions include: 1) expanding duty to report to include non-juvenile justice contract facility; and 2) modifying reporting methods to remove *fax* as an option.

New §358.250, Reporting Deaths, explains a person's duty to report a death and will present timeframes and methods of reporting. Key additions and/or revisions include expanding duty to report to include non-juvenile justice contract facility.

New §358.260, Parental Notification, explains the requirements regarding notifying parents or guardians when a youth has died or is the alleged victim of abuse, neglect, exploitation, or serious incident. Key additions and/or revisions include adding a requirement to report to a parent that their child was involved in a serious incident using the same timeframes as the requirements to report abuse, neglect, and exploitation.

New §358.270, Reporting of Allegations by Juveniles, specifies a youth's right to report allegations of abuse, neglect, exploitation, and death. Key additions and/or revisions include adding a requirement to report to a parent that their child was involved in a serious incident using the same timeframes as the requirements to report abuse, neglect, exploitation, and death.

New §358.280, Internal Investigation, explains the specifics for the mandatory investigations that must be undertaken in every case when a youth has died or is the victim of alleged abuse, neglect, or exploitation. Key additions and/or revisions include: 1) clarifying that a delay in starting an internal investigation in order to protect the integrity of potential evidence occurs only after consultation with local law enforcement or TJJJ's Office of Inspector General; 2) clarifying that policies and procedures related to internal investigations must be provided to TJJJ upon request; and 3) providing that the burden of proof in an internal investigation is a preponderance of the evidence and that the burden of proof cannot be lowered or raised.

New §358.290, Corrective Measures, explains the scope of the corrective measures that may be taken at the conclusion of an internal investigation. Key additions and/or revisions include clarifying that corrective measures that must be taken, if warranted,

also apply to persons found to have engaged in misconduct not classified as abuse, neglect, or exploitation.

New §358.300, Internal Investigative Report, explains that a report must be completed at the conclusion of every internal investigation and will provide the items that must be included in the report. Key additions and/or revisions include adding a requirement to notify TJJJ within five calendar days if disciplinary action is imposed after the submission of the internal investigation report.

New §358.310, Submission of Internal Investigative Report, explains what TJJJ requires to be submitted as part of the internal investigative report.

New §358.320, Reassignment or Administrative Leave during the Internal Investigation, explains the options for addressing the work status of personnel alleged to have abuse, neglected, or exploited a youth

New §358.330, Cooperation with TJJJ Investigation, explains that all persons must cooperate fully with a TJJJ investigation into allegations of abuse, neglect, exploitation, death, and serious incidents. Key additions and/or revisions include adding serious incident to the types of investigations all persons are required to fully cooperate with.

New §358.340, Cooperation with Other Agencies, explains that all persons must also cooperate with other agencies that have the authority to investigate allegations of abuse, neglect, exploitation, death, and serious incidents. Key additions and/or revisions include adding a requirement to fully cooperate with other state agencies or licensing entities with authority to investigate, such as an agency that holds the occupational license of a person who is the subject of an investigation.

New §358.400, TJJJ Assessment and Referral, explains that TJJJ will complete assessments on all reports of alleged abuse, neglect, exploitation, death, and serious incidents to determine the authority under which the alleged conduct falls. Key additions and/or revisions include: 1) adding serious incidents to the things TJJJ can assess to determine if an investigation is warranted or if a referral to another TJJJ division, the juvenile probation department or facility, or another state agency is appropriate; 2) clarifying that TJJJ may conduct an assessment when there is a reasonable cause to believe one is warranted; 3) clarifying that the purpose of an assessment is to determine if the conduct falls under TJJJ's investigative or other regulatory authority and if action or investigation is warranted; and 4) providing that TJJJ may request information as part of the assessment and the requested information must be provided.

New §358.410, TJJJ Investigations, provides the parameters for how investigations will be conducted. Key additions and/or revisions include: 1) clarifying that an investigation may be conducted based on a report or may be initiated by TJJJ when there is reasonable cause to believe that an incident may require investigation, regardless of how TJJJ was made aware of the matter; 2) removing detailed procedures of how investigations are conducted from administrative rule as they are more appropriately addressed in policies and procedures; 3) adding that a person who obtains employment in another jurisdiction while an investigation is pending may not be in a position having contact with juveniles until the investigation is finalized by TJJJ or TJJJ approves.

New §358.420, Findings in Abuse, Neglect, and Exploitation Investigations, explains the burden of proof required in findings of

abuse, neglect, exploitation, death, and serious incidents and will provide specific definitions for certain behaviors. Key additions and/or revisions include: 1) clarifying that a finding of abuse, neglect, or exploitation requires a preponderance of evidence to establish the person engaged in conduct meeting the definition, including having done so with the required mental state; 2) defining *intentionally*, *knowingly*, and *recklessly* according to definitions in the Penal Code; 3) defining *negligence* using the definition in civil law negligence cases; and 4) defining the required findings for abuse, neglect, and exploitation allegations.

New §358.430, Abuse, Neglect, and Exploitation Investigative Report, explains that an investigative report must include certain elements and may include others. Key additions and/or revisions include: 1) providing that the investigator in an abuse, neglect, and exploitation report will summarize and analyze the evidence and make a recommendation regarding whether the evidence is sufficient to establish ANE occurred; 2) providing that a TJJD attorney will review the investigation for legal sufficiency and make findings as to whether the evidence establishes that abuse, neglect, or exploitation occurred; and 3) adding that the attorney may request additional information or investigation by TJJD's Office of Inspector General if necessary.

New §358.440, Notification of Findings, explains who is notified of the findings of an investigation. Key additions and/or revisions include providing who will be notified of the findings and the notice for administrative review.

New §358.450, Other Actions by TJJD, provides other courses of action that TJJD might take as a result of an investigation.

New §358.460, Maintenance of Records and Data, explains the process for maintaining records and data related to investigations into abuse, neglect, exploitation, death, and serious incidents.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

SUBCHAPTER A. DEFINITIONS, APPLICABILITY, AND GENERAL REQUIREMENTS

37 TAC §§358.100, 358.110, 358.120, 358.130

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

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SUBCHAPTER B. RESPONSIBILITIES OF DEPARTMENTS, PROGRAMS, AND FACILITIES

37 TAC §§358.200, 358.210, 358.220, 358.230, 358.240, 358.250, 358.260, 358.270, 358.280, 358.290, 358.300, 358.310, 358.320, 358.330, 358.340

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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SUBCHAPTER C. TJJD ASSESSMENT AND INVESTIGATION

37 TAC §§358.400, 358.410, 358.420, 358.430, 358.440, 358.450, 358.460

STATUTORY AUTHORITY

The new sections are adopted under §221.002, Human Resources Code, which requires the board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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CHAPTER 380. RULES FOR STATE-OPERATED PROGRAMS AND FACILITIES

SUBCHAPTER B. TREATMENT

DIVISION 1. PROGRAM PLANNING

37 TAC §380.8701

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC §380.8701, Case Planning, without changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 302). The rule will not be republished.

SUMMARY OF CHANGES

Amendments to the section include: (1) adding a definition for integrated treatment plan; (2) adding that an integrated treatment plan may serve as the youth's case plan; (3) adding that references throughout TJJD's rules to case plans may be understood to mean integrated treatment plans for agency departments using integrated treatment plans; (4) removing statements specifying which staff members develop and update the case plan; (5) adding that case plan objectives are reviewed and progress is documented monthly, rather than at least once every 30 days; (6) adding that objectives in the case plan help the youth to develop *skillful behaviors*, rather than develop *skills to reduce individual risk factors and increase individual protective factors*; (7) replacing a reference to *the orientation and assessment unit* with *an orientation and assessment program*; and (8) consolidating some redundant statements.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

STATUTORY AUTHORITY

The amended section is adopted under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs. The amended section is also adopted under §244.001, Human Resources Code, which requires the board to establish rules for the periodic review and reevaluation of a child's written treatment plan.

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

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SUBCHAPTER D. YOUTH RIGHTS AND REMEDIES

37 TAC §380.9333

The Texas Juvenile Justice Department (TJJD) adopts the repeal of 37 TAC §380.9333, Investigation of Alleged Abuse, Neglect, and Exploitation, without changes to the proposed repeal as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 304). The repeal will not be republished.

SUMMARY OF REPEAL

The repeal of §380.9333 allows the content to be revised and republished as new §380.9333.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

STATUTORY AUTHORITY

The repeal is adopted under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

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

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37 TAC §380.9333

The Texas Juvenile Justice Department (TJJD) adopts new 37 TAC §380.9333, Investigation of Alleged Abuse, Neglect, and Exploitation, without changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 304). The rule will not be republished.

SUMMARY OF CHANGES

New §380.9333 modifies and republishes information currently contained in the former §380.9333, which is simultaneously adopted for repeal. Key additions and revisions include: 1) clarifying that an investigation may be conducted based on a report or may be initiated by TJJD when there is reasonable cause to believe that an incident may require investigation, regardless of how TJJD was made aware of the matter; 2) removing detailed procedures of how investigations are conducted from administrative rule as they are more appropriately addressed in policies and procedures; 3) detailing that a finding of abuse, neglect, or exploitation requires a preponderance of evidence to establish the person engaged in conduct meeting the definition, including having done so with the required mental state; 4) defining *intentionally*, *knowingly*, and *recklessly* using the Penal Code definitions; 5) defining negligence using definition in civil law negligence cases; 6) defining the required findings for abuse, neglect, and exploitation allegations; 7) providing that the investigator in an abuse, neglect, or exploitation report will summarize and analyze the evidence and make a recommendation regarding whether the evidence is sufficient to establish abuse, neglect, or exploitation occurred; 8) providing that a TJJD attorney will review the investigation for legal sufficiency and make findings as to whether the evidence establishes that abuse, neglect, or exploitation occurred; and 9) clarifying that the attorney may request additional information or investigation by TJJD's Office of Inspector General if necessary.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

STATUTORY AUTHORITY

The new section is adopted under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

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

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SUBCHAPTER E. BEHAVIOR MANAGEMENT AND YOUTH DISCIPLINE

DIVISION 1. BEHAVIOR MANAGEMENT

37 TAC §380.9503

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC §380.9503, Rules and Consequences for Residential Facilities, without changes to the proposed text as published in the January 10, 2025, issue of the *Texas Register* (50 TexReg 308). The rule will not be republished.

SUMMARY OF CHANGES

Amendments to the section include revising the due process procedure that is required to prove an allegation in cases where a Level II hearing is not required. Specifically, the changes include: (1) assigning the name *rule-violation review* to this level of due process; (2) adding that the standard of proof is a preponderance of evidence; (3) adding that a rule-violation review may be held even if no disciplinary consequence is sought; (4) adding that the youth will be notified, rather than told, about which rule was allegedly violated and which consequence staff is considering, if any; (5) removing the statement that required staff to describe the information staff has that establishes the youth committed the alleged violation; (6) adding that the youth must be given the opportunity to review relevant evidence considered by staff and to present the youth's own evidence; and (7) adding that the results of a rule-violation review are not grievable through the youth grievance system, but they may be appealed to the facility administrator or designee on various grounds.

Amendments in other areas of the rule include: (1) removing the statement that allowed a rule violation to be proven only via a Level I or Level II due process hearing and that limited a youth's disciplinary record to consist only of allegations proven in these types of hearings; (2) clarifying that, in addition to an incident report, any other document that describes conduct is also something that cannot be appealed or grieved; (3) adding that the *results* of hearings or rule-violation reviews, and not just disciplinary consequences, can be appealed; and (4) clarifying that

the statement requiring appropriate due process before imposing consequences applies to *disciplinary* consequences.

PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

STATUTORY AUTHORITY

The amended section is adopted under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

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

Filed with the Office of the Secretary of State on April 10, 2025.

TRD-202501185

Jana Jones

General Counsel

Texas Juvenile Justice Department

Effective date: September 1, 2025

Proposal publication date: January 10, 2025

For further information, please call: (512) 490-7278



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 1. DEPARTMENT OF AGING AND DISABILITY SERVICES

CHAPTER 89. ADVISORY COMMITTEES

40 TAC §§89.1 - 89.3, 89.5

The Department of Aging and Disability Services (DADS) was abolished effective September 1, 2017, and all of its functions were transferred to the Texas Health and Human Services Commission (HHSC) in accordance with now repealed Texas Government Code §531.0201 and §531.02011. Pursuant to §531.0011, references to DADS regarding functions transferred under now repealed §531.0201 and §531.02011 are now references to HHSC. Rules of the former DADS are codified in Title 40, Part 1, and will be repealed or administratively transferred to Title 26, Health and Human Services, as appropriate. Until such action is taken, the rules in Title 40, Part 1 govern functions previously performed by DADS that have transferred to HHSC. Texas Government Code §531.0055, requires the Executive Commissioner of HHSC to adopt rules for the operation and provision of services by the health and human services system, including rules in Title 40, Part 1.

Therefore, the executive commissioner of HHSC adopts the repeal of Chapter 89, §89.1, concerning Definitions, §89.2, concerning Authorization and General Provisions, §89.3, concerning Aging and Disability Resource Center Advisory Committee, and §89.5, concerning Foster Grandparent Program Advisory Councils.

The repeals are adopted without changes to the proposed text as published in the November 1, 2024, issue of the *Texas Register* (49 TexReg 8698). The repeals will not be republished.

BACKGROUND AND JUSTIFICATION

The repeals remove unnecessary rules from the Texas Administrative Code. Senate Bill (S.B.) 200, 84th Legislature, Regular Session, 2015, transferred the Aging and Disability Resource Center and Foster Grandparent Program advisory committees to HHSC.

The rules related to the Aging and Disability Resource Center Advisory Committee and the Foster Grandparent Program Advisory Councils are being repealed because there is either no statutory requirement for the committees or the purpose of the committees are being met in other ways.

COMMENTS

The 31-day comment period ended Monday, December 2, 2024.

During this period, HHSC did not receive any comments regarding the proposed repeals.

STATUTORY AUTHORITY

The repeals are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of

services by the health and human services agencies, Texas Government Code Chapter 2110, which establishes how a state agency may create an advisory committee, and Texas Government Code §523.0201, which provides that the executive commissioner of HHSC shall establish and maintain advisory committees.

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

Filed with the Office of the Secretary of State on April 14, 2025.

TRD-202501240

Karen Ray

Chief Counsel

Department of Aging and Disability Services

Effective date: May 4, 2025

Proposal publication date: November 1, 2024

For further information, please call: (512) 840-8536





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 Higher Education Coordinating Board

Title 19, Part 1

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 1, Subchapter G, Apply Texas Advisory Committee, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 1, Subchapter G, should continue.

Comments on the review may be submitted to Claudette Jenks, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Claudette.Jenks@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 1, Subchapter G.

TRD-202501197

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: April 11, 2025



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 1, Subchapter H, Certification Advisory Council, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 1, Subchapter H, should continue.

Comments on the review may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 1, Subchapter H.

TRD-202501199

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: April 11, 2025



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 1, Subchapter I, Family Practice Residency Advisory Committee, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 1, Subchapter I, should continue.

Comments on the review may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 1, Subchapter I.

TRD-202501201

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: April 11, 2025



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 1, Subchapter J, Financial Aid Advisory Committee, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 1, Subchapter J, should continue.

Comments on the review may be submitted to Dr. Charles W. Contéro-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 this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 1, Subchapter J.

TRD-202501203

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: April 11, 2025



Texas Water Development Board

Title 31, Part 10

The Texas Water Development Board (TWDB) files this notice of intent to review the rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 362.

This review is being conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies to review and consider for readoption each of their rules every four years.

TWDB will consider whether the initial factual, legal, and policy reasons for adopting each rule in this chapter continue to exist and whether these rules should be repealed, readopted, or readopted with amendments. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.

Written comments on this notice may be submitted by mail to Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, by email to rulescomments@twdb.texas.gov, or by fax to (512) 475-2053. If sent via email, all public comments should be sent directly to rulescomments@twdb.texas.gov. Please do not submit comments through any third-party forms or websites. Receipt of third-party submissions cannot be guaranteed. Comments will be accepted until 5:00 p.m. of the 31st day following publication in the *Texas Register*. Include "Chapter 362" in the subject line of any comments submitted.

TRD-202501238

Ashley Harden

General Counsel

Texas Water Development Board

Filed: April 14, 2025



Texas Juvenile Justice Department

Title 37, Part 11

In accordance with §2001.039, Government Code, the Texas Juvenile Justice Department (TJJD) proposes the review of Title 37, Part 11, Texas Administrative Code, Chapter 342, Standards for Housing Non-Texas Juveniles in Texas Detention and Correctional Facilities.

TJJD will make an assessment to determine whether the initial reasons for adopting the standards in the given chapter continue to exist and whether the standards reflect current legal and policy considerations, as well as current TJJD procedure.

Comments on the review may be submitted within 30 days after publication of this notice to Texas Juvenile Justice Department, Policy and Standards Section, P.O. Box 12757, Austin, Texas 78711, or via email to policy.proposals@tjjd.texas.gov.

TRD-202501250

Jana Jones

General Counsel

Texas Juvenile Justice Department

Filed: April 14, 2025



Adopted Rule Reviews

Department of State Health Services

Title 25, Part 1

Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 100, Immunization Registry

Notice of the review of this chapter was published in the February 28, 2025, issue of the *Texas Register* (50 TexReg 1705). DSHS received no comments concerning this chapter.

DSHS has reviewed Chapter 100 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 100. Any amendments, if applicable, to Chapter 100 identified by DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes DSHS' review of 25 TAC Chapter 100 as required by Texas Government Code §2001.039.

TRD-202501183

Jessica Miller

Director, Rules Coordination Office

Department of State Health Services

Filed: April 10, 2025



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 19 TAC §13.1(5)

Length of Term (weeks)	Census Date
2 or less	1st class day
3	2nd class day
4	3rd class day
5	4th class day
6	4th class day
7	5th class day
8	6th class day
9	7th class day
10	7th class day*
11	8th class day*
12	9th class day*
13	10th class day*
14	10th class day*
15	11th class day*
16	12th class day*

* Summer semesters with a term length of ten weeks or greater have a census date of the 12th day of class.

Figure: 19 TAC §151.1001(b)(12)

Passing Standards for Special Education Examinations

Test Code	Test Title	Total Points	Average Passing Standard (Average Raw Cut Score*)
072	Texas Assessment of Sign Communication (TASC) [†]	5	3
073	TASC-American Sign Language [†]	5	3
161	Special Education EC-12 Texas Examinations of Educator Standards (TExES)	120	78
181	Deaf and Hard of Hearing TExES	80	55
182	Visually Impaired TExES	80	56
183	Braille TExES	36	24
<u>185</u>	<u>Deafblind EC-12 TExES (Selected-Response Portion) – prior to 9/1/2026</u>	<u>72</u>	<u>43</u>
	<u>Deafblind EC-12 TExES (Constructed-Response Portion) – prior to 9/1/2026</u>	<u>8</u>	<u>4</u>
<u>185</u>	<u>Deafblind EC-12 TExES (Selected-Response Portion) – after 9/1/2026</u>	<u>72</u>	<u>48</u>
	<u>Deafblind EC-12 TExES (Constructed-Response Portion) – after 9/1/2026</u>	<u>8</u>	<u>5</u>
<u>186</u>	<u>Special Education Specialist EC-12 TExES (Selected-Response Portion) – prior to 9/1/2026</u>	<u>72</u>	<u>40</u>
	<u>Special Education Specialist EC-12 TExES (Constructed-Response Portion) – prior to 9/1/2026</u>	<u>8</u>	<u>4</u>
<u>186</u>	<u>Special Education Specialist EC-12 TExES (Selected-Response Portion) – after 9/1/2026</u>	<u>72</u>	<u>44</u>
	<u>Special Education Specialist EC-12 TExES (Constructed-Response Portion) – after 9/1/2026</u>	<u>8</u>	<u>5</u>
283	Braille TExES	50	36

*Actual raw cut scores may vary slightly from form to form. The average is based on all active forms.

[†] For test codes 072 and 073, alphabetic scores reported to candidates were converted to numeric scores (A=5, B=4, C=3, D=2, E=1).

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 the Attorney General

Request for Applications for the Domestic Violence High Risk Teams Grant Program

The Office of the Attorney General (OAG) is soliciting applications for the Domestic Violence High Risk Teams Grant Program to utilize funds for developing and providing statewide support for activities of Domestic Violence High Risk Teams in reducing or preventing incidents of domestic violence and providing domestic violence services to victims.

Applicable Funding Source for Domestic Violence High Risk Teams Grant Program:

The source of funding is through a biennial appropriation by the Texas Legislature. All funding is contingent upon an appropriation to the OAG by the Texas Legislature. The OAG makes no commitment that an Application, once submitted, or a grant, once funded, will receive subsequent funding.

Eligibility Requirements:

Eligible Applicants: State Domestic Violence Coalition - a statewide nonprofit organization that has been identified as a domestic violence coalition by a state or federal agency authorized to make that designation.

Eligibility: The OAG will initially screen each application for eligibility. Applications will be deemed ineligible if the application is submitted by an ineligible Applicant; the application is not submitted in the manner and form required by the Application Kit; the application is submitted after the deadline established in the Application Kit; or the application does not meet other requirements as stated in the Request for Applications (RFA) and the Application Kit.

How to Obtain Application Kit: The OAG will post the Application Kit on the OAG's website at <https://www.texasattorneygeneral.gov/divisions/grants>. Updates and other helpful reminders about the application process will also be posted at this location. Potential Applicants are encouraged to refer to the site regularly.

Deadlines and Filing Instructions for the Grant Application:

Create an On-Line Account: Creating an on-line account in the Grant Offering and Application Lifecycle System (GOALS) is required to apply for a grant. *If an on-line account is not created, the Applicant will be unable to apply for funding.* To create an on-line account, the Applicant must email the point of contact information to Grants@oag.texas.gov with the following information:

--First Name

--Last Name

--Email Address (*It is highly recommended to use a generic organization email address if available*)

--Organization Legal Name

Note: Applicants who created accounts during the Other Victim Assistance Grant (OVAG), Victim Coordinator and Liaison Grant (VCLG),

and Sexual Assault Prevention and Crisis Services (SAPCS)-State grant application cycle are already registered in GOALS.

--Registered Applicants should access their Grant Programs webpage (homepage) in GOALS and select the green View Grant Programs button. If the answers provided on the Eligibility questions matched to the Domestic Violence High Risk Teams Grant Program, the application will be available to the Applicant.

Application Deadline: The Applicant must submit its application, including all required attachments, to the OAG by the deadline and the manner and form established in the Application Kit.

Filing Instructions: Strict compliance with the submission instructions, as provided in the Application Kit, is required. The OAG will **not** consider an Application if it is not submitted by the due date. The OAG will **not** consider an Application if it is not in the manner and form as stated in the Application Kit.

Minimum and Maximum Amounts of Funding Available: Minimum and maximum amounts of funding are subject to change as stated in the Application Kit. The minimum amount of funding for all programs is \$300,000 per fiscal year. The maximum amount for a program is \$300,000 per fiscal year, with the specified amount being awarded to the identified subgrantees, as detailed in the application kit.

Start Date and Length of Grant Contract Period: The grant contract period (term) is up to two years from September 1, 2025, through August 31, 2027, subject to and contingent on funding and/or approval by the OAG.

No Match Requirements: There are no match requirements.

Award Criteria: The OAG will make funding decisions that support the efficient and effective use of public funds. Scoring components will include, but are not limited to, information provided by the Applicant on the proposed project activities and budget. Funding decisions will be determined using a competitive allocation method. All grant decisions including, but not limited to, eligibility, evaluation and review, and funding rest completely within the discretionary authority of the OAG. The decisions made by the OAG are final and are not subject to appeal.

Grant Purpose Area: The purpose of the Domestic Violence High Risk Teams Grant Program is to develop and provide statewide support for activities of Domestic Violence High Risk Teams in reducing or preventing incidents of domestic violence and providing domestic violence services to victims. Approved purpose activities may include:

--Identifying and contracting with sites in local communities that have the capacity to implement best practice models for high risk teams or expand existing Domestic Violence High Risk Teams;

--Evaluating funded site results;

--Identifying best practice models that may be implemented in other communities;

--Providing technical assistance to communities interested in implementing Domestic Violence High Risk Teams;

--Making recommendations to improve the implementation and/or the expansion of Domestic Violence High Risk Teams in Texas.

Prohibitions on Use of Grant Funds: OAG grant funds may not be used to support or pay the costs of lobbying; indirect costs; fees to administer a subcontract; any portion of the salary or any other compensation for an elected government official; the purchase of food and beverages except as allowed under Texas State Travel Guidelines; the purchase or lease of vehicles; the purchase of promotional items or recreational activities; costs of travel that are unrelated to the direct delivery of services that support the OAG grant-funded program; the costs for consultants or vendors who participate directly in writing a grant application; or for any unallowable costs set forth in applicable state or federal law, rules, regulations, guidelines, policies, procedures or cost principles. Grant funds may not be used to purchase any other products or services the OAG identifies as inappropriate or unallowable within this RFA or the Application Kit.

OAG Contact Person: If additional information is needed, contact the Grants Administration Division at Grants@oag.texas.gov, or (512) 936-0792.

TRD-202501234
Justin Gordon
General Counsel
Office of the Attorney General
Filed: April 11, 2025



Request for Applications for the Sexual Assault Prevention and Crisis Services Program (SAPCS)- State: Rural and Border County Service Enhancement

The Office of the Attorney General (OAG) is soliciting applications from programs with an active SAPCS-State grant contract who provide (or request to provide) services to victims of sexual assault in a rural or border county.

Applicable Funding Source: The source of funding is through a biennial appropriation by the Texas Legislature. All funding is contingent upon an appropriation to the OAG by the Texas Legislature. The OAG makes no commitment that an application, once submitted, or a grant, once funded, will receive subsequent funding.

Eligibility Requirements:

Eligible Applicants: Current FY 2025 SAPCS-State grantees who provide (or request to provide) services in a rural or border county. For the purposes of this grant, rural counties are defined as counties having a population of 150,000 or less. The OAG reserves the right to make final classification of rural and border counties. A current SAPCS-State grantee is a Sexual Assault Program with an active (September 1, 2024-August 31, 2025) SAPCS-State grant contract.

Eligibility: The OAG will initially screen each application for eligibility. Applications will be deemed ineligible if the application is submitted by an ineligible Applicant; the application is not submitted in the manner and form required by the Application Kit; the application is submitted after the deadline established in the Application Kit; or the application does not meet other requirements as stated in the RFA and the Application Kit.

How to Obtain Application Kit: The OAG will post the Application Kit on the OAG's website at <https://www.texasattorneygeneral.gov/divisions/grants>. Updates and other helpful reminders about the application process will also be posted at this location. Potential Applicants are encouraged to refer to the site regularly.

Deadlines and Filing Instructions for the Grant Application:

Create an On-Line Account: Creating an on-line account in the Grant Offering and Application Lifecycle System (GOALS) is required to apply for a grant. If an on-line account is not created, the Applicant will be unable to apply for funding. To create an on-line account, the Applicant must email the point of contact information to Grants@oag.texas.gov with the following information:

First Name

Last Name

Email Address (*It is highly recommended to use a generic organization email address if available*)

Organization Legal Name

Note: Applicants who created accounts during the Other Victim Assistance Grant (OVAG), Victim Coordinator and Liaison Grant (VCLG), and Sexual Assault Prevention and Crisis Services (SAPCS)-State grant application cycle are already registered in GOALS.

Application Deadline: The Applicant must submit its application, including all required attachments, to the OAG by the deadline and the manner and form established in the Application Kit.

Filing Instructions: Strict compliance with the submission instructions, as provided in the Application Kit, is required. The OAG will **not** consider an application if it is not submitted by the due date. The OAG will **not** consider an application if it is not in the manner and form as stated in the Application Kit.

Minimum and Maximum Amounts of Funding Available: The minimum amount of funding for all programs is \$60,000 per fiscal year. The maximum amount of funding for all programs is \$125,000 per fiscal year.

Minimum and maximum amounts of funding are subject to change as stated in the Application Kit. The OAG is not obligated to fund a grant at the amount requested.

Start Date and Length of Grant Contract Period: The grant contract period (term) is up to two years from September 1, 2025, through August 31, 2027, subject to and contingent on funding and/or approval by the OAG.

No Match Requirements: There are no match requirements.

Award Criteria: The OAG will make funding decisions that support the efficient and effective use of public funds. Scoring components will include, but are not limited to, information provided by the Applicant on the proposed project activities and budget. Funding decisions will be determined using a competitive allocation method.

Grant Purpose Area: All grant projects must address the required purpose area(s) as stated in the Application Kit.

Prohibitions on Use of Grant Funds: OAG grant funds may not be used to support or pay the costs of lobbying; indirect costs; fees to administer a subcontract; any portion of the salary or any other compensation for an elected government official; the purchase of food and beverages except as allowed under Texas State Travel Guidelines; the purchase or lease of vehicles; the purchase of promotional items or recreational activities; costs of travel that are unrelated to the direct delivery of services that support the OAG grant-funded program; the costs for consultants or vendors who participate directly in writing a grant application; or for any unallowable costs set forth in applicable state or federal law, rules, regulations, guidelines, policies, procedures or cost principles. Grant funds may not be used to purchase any other products or services the OAG identifies as inappropriate or unallowable within this RFA or the Application Kit.

OAG Contact Information: If additional information is needed, contact the Grants Administration Division at Grants@oag.texas.gov, or (512) 936-0792.

TRD-202501235

Justin Gordon

General Counsel

Office of the Attorney General

Filed: April 11, 2025



Request for Applications for the Sexual Assault Services Program Grant

The Office of the Attorney General (OAG) is soliciting applications for the Sexual Assault Services Program Grant to utilize funds for preventing sexual assault or improving services for survivors and other individuals affected by sexual violence.

Applicable Funding Source for the Sexual Assault Services Program Grant:

The source of funding is through a biennial appropriation by the Texas Legislature. All funding is contingent upon an appropriation to the OAG by the Texas Legislature. The OAG makes no commitment that an application, once submitted, or a grant, once funded, will receive subsequent funding.

Eligibility Requirements:

Eligible Applicants: State Sexual Assault Coalition - a statewide non-profit organization that has been identified as a state sexual assault coalition by a state or federal agency authorized to make that designation.

Eligibility: The OAG will initially screen each application for eligibility. Applications will be deemed ineligible if the application is submitted by an ineligible applicant; the application is not filed in the manner and form required by the Application Kit; the application is filed after the deadline established in the Application Kit; or the application does not meet other requirements as stated in the Request for Applications (RFA) and the Application Kit.

How to Obtain Application Kit: The OAG will post the Application Kit on the OAG's website at <https://www.texasattorneygeneral.gov/divisions/grants>. Updates and other helpful reminders about the application process will also be posted at this location. Potential Applicants are encouraged to refer to the site regularly.

Deadlines and Filing Instructions for the Grant Application:

Create an On-Line Account: Creating an on-line account in the Grant Offering and Application Lifecycle System (GOALS) is required to apply for a grant. *If an on-line account is not created, the Applicant will be unable to apply for funding.* To create an on-line account, the Applicant must email the point of contact information to Grants@oag.texas.gov with the following information:

--First Name

--Last Name

--Email Address (*It is highly recommended to use a generic organization email address if available*)

--Organization Legal Name

Note: Applicants who created accounts during the Other Victim Assistance Grant (OVAG), Victim Coordinator and Liaison Grant (VCLG), and Sexual Assault Prevention and Crisis Services (SAPCS)-State grant application cycle are already registered in GOALS.

--Registered Applicants should access their Grant Programs webpage (homepage) in GOALS and select the green View Grant Programs button. If the answers provided on the Eligibility questions matched to the Sexual Assault Services Program Grant, the application will be available to the Applicant.

Application Deadline: The Applicant must submit its application, including all required attachments, to the OAG by the deadline and the manner and form established in the Application Kit.

Filing Instructions: Strict compliance with the submission instructions, as provided in the Application Kit, is required. The OAG will **not** consider an Application if it is not submitted by the due date. The OAG will **not** consider an Application if it is not in the manner and form as stated in the Application Kit.

Minimum and Maximum Amounts of Funding Available: Minimum and maximum amounts of funding are subject to change as stated in the Application Kit. The minimum amount of funding for a coalition is \$65,000 per fiscal year. The maximum amount of funding for a coalition is \$2,024,468 per fiscal year.

Grant Period - Up to Two Years: The grant contract period (term) is up to two years from September 1, 2025, through August 31, 2027, subject to and contingent on funding and/or approval by the OAG.

No Match Requirements: There are no match requirements.

Award Criteria: The OAG will make funding decisions that support the efficient and effective use of public funds. Scoring components will include, but are not limited to, information provided by the Applicant on the proposed project activities and budget. Funding decisions will be determined using a competitive allocation method. All grant decisions including, but not limited to, eligibility, evaluation and review, and funding rest completely within the discretionary authority of the OAG. The decisions made by the OAG are final and are not subject to appeal.

Grant Purpose Areas: Grant contracts awarded under this Application Kit may be used to carry out the purpose of Texas Government Code, Chapter 420, including standardizing the quality of services provided, preventing sexual assault, providing training and technical assistance to sexual assault programs, and improving services to survivors and other individuals affected by sexual violence. Additionally, grant contracts awarded will include a requirement to provide a centralized training, technical assistance and evaluation program for sexual assault programs across the state. Technical assistance provided to sexual assault programs should include best practices for internal controls and financial stability.

Prohibitions on Use of Grant Funds: OAG grant funds may not be used to support or pay the costs of lobbying; indirect costs; fees to administer a subcontract; any portion of the salary or any other compensation for an elected government official; the purchase of food and beverages except as allowed under Texas State Travel Guidelines; the purchase or lease of vehicles; the purchase of promotional items or recreational activities; costs of travel that are unrelated to the direct delivery of services that support the OAG grant-funded program; the costs for consultants or vendors who participate directly in writing a grant application; or for any unallowable costs set forth in applicable state or federal law, rules, regulations, guidelines, policies, procedures or cost principles. Grant funds may not be used to purchase any other products or services the OAG identifies as inappropriate or unallowable within this RFA or the Application Kit.

OAG Contact Person: If additional information is needed, contact the Grants Administration Division at Grants@oag.texas.gov, or (512) 936-0792.

TRD-202501233
Justin Gordon
General Counsel
Office of the Attorney General
Filed: April 11, 2025

Justin Gordon
General Counsel
Office of the Attorney General
Filed: April 16, 2025

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Texas Health and Safety Code and Texas Water Code
Settlement Notice

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Texas Health and Safety Code and Texas Water Code
Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to Section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to Section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *State of Texas, et al. v. David Polston, Inland Environmental and Remediation, Inc., Inland Recycling, L.L.C., Boundary Ventures, Inc., and Kenneth Owens*; Cause No. D-1-GN-19-002002; in the 53rd Judicial District Court, Travis County, Texas.

Case Title and Court: *State of Texas, et al. v. David Polston, Inland Environmental and Remediation, Inc., Inland Recycling, L.L.C., Boundary Ventures, Inc., and Kenneth Owens*; Cause No. D-1-GN-19-002002; in the 53rd Judicial District Court, Travis County, Texas.

Background: This suit concerns a solid waste and oil and gas waste facility in Altair, Colorado County, Texas with industrial operations that unlawfully disposed of waste on-site and discharged it into a tributary of the Colorado River named Skull Creek. Defendants David Polston, Inland Environmental and Remediation, Inc., Inland Recycling, L.L.C., and Boundary Ventures, Inc. (collectively "Polston Defendants") conducted industrial operations that unlawfully accumulated and disposed of waste on property leased from, and owned by, Kenneth Owens. These operations caused pollution in violation of the State's environmental laws, including the Texas Solid Waste Disposal Act, Texas Water Code, permits issued under the Texas Water Code, and the Texas Natural Resources Code. After the State filed suit on behalf of the Texas Commission on Environmental Quality and the Railroad Commission of Texas, the Lower Colorado River Authority and Colorado County joined as Intervenor-Plaintiffs.

Background: This suit concerns a solid waste and oil and gas waste facility in Altair, Colorado County, Texas with industrial operations that unlawfully disposed of waste on-site and discharged it into a tributary of the Colorado River named Skull Creek. Defendant Kenneth Owens allowed unlawfully accumulated and disposed waste on his property that was discharged into state waters and caused pollution in violation of the State's environmental laws, including the Texas Solid Waste Disposal Act, Texas Water Code, and the Texas Natural Resources Code. After the State filed suit on behalf of the Texas Commission on Environmental Quality and the Railroad Commission of Texas, the Lower Colorado River Authority and Colorado County joined as Intervenor-Plaintiffs.

Proposed Settlement: This settlement is among the State, Intervenor-Plaintiffs, and the Polston Defendants only. The parties propose an agreed judgment that includes permanent injunctive relief including full cleanup of the Owens property; an award to the State of \$10.5 million against David Polston and \$46.5 million against the other Polston Defendants in civil penalties; \$6,202 in unpaid administrative penalties against Inland Recycling, L.L.C.; \$3 million in attorney's fees awarded to the plaintiffs; and \$3,115 in court costs against the Polston Defendants.

Proposed Settlement: This settlement is among the State, Intervenor-Plaintiffs, and Kenneth Owens only. The parties propose an agreed judgment that includes permanent injunctive relief including full cleanup of the Owens property; an award to the State against Owens of \$10 million in civil penalties, of which \$9.9 million will be abstracted on property Owens owns and deferred pending full compliance with the injunctive provisions; and \$500,000 in attorney's fees, which will be released upon full compliance with the injunctive provisions. In addition, Colorado County and LCRA will each be awarded \$250,000 in attorney's fees, which will be released upon full compliance with the injunctive provisions. The State will have judgment against Owens for court costs in the amount of \$3,115.

For a complete description of the proposed settlement, the Agreed Final Judgment and Permanent Injunction should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to H. Carl Myers, Assistant Attorney General, Office of the Attorney General of Texas, P.O. Box 12548, MC 066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911, email: carl.myers@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

For a complete description of the proposed settlement, the Agreed Final Judgment and Permanent Injunction should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to H. Carl Myers, Assistant Attorney General, Office of the Attorney General of Texas, P. O. Box 12548, MC 066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911, email: carl.myers@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202501272

TRD-202501273
Justin Gordon
General Counsel
Office of the Attorney General
Filed: April 16, 2025

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Comptroller of Public Accounts

Certification of the Average Closing Price of Gas and Oil-March 2025

The Comptroller of Public Accounts, administering agency for the collection of the Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of oil for reporting period March 2025 is \$44.03 per barrel for the three-month period beginning on December 1, 2024, and ending February 28, 2025. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of March 2025, from a qualified low-producing oil lease, is not eligible for credit on the oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period March 2025 is \$1.57 per mcf for the three-month period beginning on December 1, 2024, and ending February 28, 2025. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of March 2025, from a qualified low-producing well, is eligible for a 100% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of March 2025 is \$67.94 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of March 2025, from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of March 2025 is \$4.14 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from gas produced during the month of March 2025, from a qualified low-producing gas well.

Inquiries should be submitted to Jenny Burleson, Director, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711-3528.

This agency hereby certifies that legal counsel has reviewed this notice and found it to be within the agency's authority to publish.

Issued in Austin, Texas, on April 15, 2025.

TRD-202501257

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Filed: April 15, 2025

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/21/25- 04/27/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/21/25- 04/27/25 is 18.00% for commercial² credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 05/01/25 - 05/31/25 is 7.50%.

¹ Credit for personal, family, or household use.

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

TRD-202501263

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: April 15, 2025

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Credit Union Department

Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final action taken on the following applications:

Field of Membership - Approved

Education CU - See *Texas Register* dated on December 27, 2024.

Merger or Consolidation - Approved

Family 1st Federal Credit Union (Fort Worth) and Texas Trust Credit Union (Mansfield) - See *Texas Register* dated on September 27, 2024.

TRD-202501270

Michael S. Riepen

Commissioner

Credit Union Department

Filed: April 16, 2025

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Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 27, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **May 27, 2025**. Written comments may also be sent by facsimile machine to the enforce-

ment coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: AAI Investment LLC dba McKinney Express; DOCKET NUMBER: 2024-0209-PST-E; IDENTIFIER: RN102652229; LOCATION: McKinney, Collin County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: Airgas USA, LLC; DOCKET NUMBER: 2023-0264-IWD-E; IDENTIFIER: RN100883024; LOCATION: La Porte, Harris County; TYPE OF FACILITY: industrial gas manufacturing facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0005180000, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$12,500; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(3) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2023-0436-PWS-E; IDENTIFIER: RN102693959; LOCATION: Baytown, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(P), by failing to provide an all-weather access road to the well site; 30 TAC §290.45(b)(1)(C)(ii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; and 30 TAC §290.45(b)(1)(C)(iii) and THSC, §341.0315(c), by failing to provide two or more pumps having a total capacity of 2.0 gallons per minute per connection; PENALTY: \$9,263; ENFORCEMENT COORDINATOR: Daphne Greene, (903) 535-5157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(4) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2023-0482-PWS-E; IDENTIFIER: RN101450187; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(iv) and Texas Health and Safety Code, §341.0315(c), by failing to provide a pressure tank capacity of 20 gallons per connection; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; and 30 TAC §290.46(n)(3), by failing to keep file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1344-PWS-E; IDENTIFIER: RN108200619; LOCATION: Magnolia, Montgomery County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(h)(3) and (j)(1)(A) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to notify the Executive Director in writing as to the completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the commission; and 30 TAC §290.45(b)(1)(D)(iii) and THSC,

§341.0315(c), by failing to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection; PENALTY: \$1,350; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(6) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1524-PWS-E; IDENTIFIER: RN102664562; LOCATION: Granbury, Hood County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$50; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(7) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1533-PWS-E; IDENTIFIER: RN101256469; LOCATION: Canyon Lake, Comal County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(i) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a well capacity of 0.6 gallons per minute (gpm) per connection; 30 TAC §290.45(b)(1)(C)(ii) and THSC, §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; 30 TAC §290.45(b)(1)(C)(iii) and THSC, §341.0315(c), by failing to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane; and 30 TAC §290.45(b)(1)(C)(iv) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of 20 gallons per connection; PENALTY: \$12,000; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (512) 239-2510; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(8) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1692-PWS-E; IDENTIFIER: RN101275386; LOCATION: Fredericksburg, Gillespie County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a minimum well production capacity of 0.6 gallons per minute per connection; PENALTY: \$750; ENFORCEMENT COORDINATOR: Daphne Greene, (903) 535-5157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(9) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1639-PWS-E; IDENTIFIER: RN102677077; LOCATION: Willis, Montgomery County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(h)(3) and (j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the executive director (ED) in writing as to the completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the commission; and 30 TAC §290.46(f)(2) and (5)(B), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; PENALTY: \$1,071; ENFORCEMENT COORDINATOR: De'Shaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(10) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2024-1710-PWS-E; IDENTIFIER: RN101179240; LOCATION: Bullard, Cherokee County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(d)(6), by failing to provide all dead-end mains with acceptable flush valves and discharge piping; 30 TAC §290.44(d) and §290.46(r), by failing to provide a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions and 20 psi during

emergencies such as firefighting; and 30 TAC §290.45(b)(1)(D)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide two or more wells having a total capacity of 0.6 gallons per minute per connection; PENALTY: \$2,362; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: C and S WAY OUT WEST ENTERPRISES, INCORPORATED; DOCKET NUMBER: 2024-1643-WQ-E; IDENTIFIER: RN111304879; LOCATION: Onalaska, Polk County; TYPE OF FACILITY: aggregate production operation; RULES VIOLATED: 30 TAC §281.25(a)(4) and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXR05FY98, Part III, Section A.1(a), by failing to develop and maintain a stormwater pollution prevention plan onsite and to make it readily available for review upon request by authorized TCEQ personnel; and 30 TAC §281.25(a)(4), TWC, §26.121(a)(1), and TPDES General Permit Number TXR05FY98, Part III, Section A.4(a), by failing to maintain best management practices at the site, resulting in an unauthorized discharge; PENALTY: \$7,875; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(12) COMPANY: City of Manor; DOCKET NUMBER: 2023-1056-MWD-E; IDENTIFIER: RN109469262; LOCATION: Manor, Travis County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014129002, Interim I Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$4,387; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$3,510; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(13) COMPANY: City of Milford; DOCKET NUMBER: 2023-0828-PWS-E; IDENTIFIER: RN101384287; LOCATION: Milford, Ellis County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(l)(5), by failing to meet the conditions for an issued exception; 30 TAC §290.41(c)(3)(O), by failing to protect the well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers; and 30 TAC §290.45(b)(1)(D)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide two or more wells having a total capacity of 0.6 gallons per minute per connection; PENALTY: \$2,200; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(14) COMPANY: City of Van Alstyne; DOCKET NUMBER: 2024-1232-PWS-E; IDENTIFIER: RN101384964; LOCATION: Van Alstyne, Grayson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(o)(3) and §290.45(h)(1), by failing to adopt and submit to the Executive Director a complete Emergency Preparedness Plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$50; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(15) COMPANY: Colorado County Water Control and Improvement District Number 2; DOCKET NUMBER: 2023-0474-MWD-E; IDENTIFIER: RN102287075; LOCATION: Garwood, Colorado County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §217.36(a) and (i) and §305.125(1) and (5) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010152001, Operational Requirements Number 4, by failing

to install adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention; 30 TAC §305.125(1), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010152001, Effluent Limitations and Monitoring Requirements Number 2, by failing to comply with permitted effluent limitations; 30 TAC §305.125(1) and (5), TWC, §26.121(a)(1), and TPDES Permit Number WQ0010152001, Permit Conditions Number 2.g, by failing to prevent an unauthorized discharge of sludge into or adjacent to any water in the state; and 30 TAC §305.125(1) and (5) and TPDES Permit Number WQ0010152001, Operational Requirements Number 1, by failing to ensure the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; PENALTY: \$20,989; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(16) COMPANY: Cooley Capital Companies, LLC dba Series C-Patriot RV Park- Burnet; DOCKET NUMBER: 2023-0829-PWS-E; IDENTIFIER: RN102286135; LOCATION: Burnet, Burnet County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §§290.41(c)(3)(O), 290.42(m), and 290.43(e), by failing to provide an intruder-resistant fence or well house around each water treatment plant, well unit, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the facility is unattended; 30 TAC §290.43(c)(4), by failing to provide all three ground storage tanks (GSTs) with a liquid level indicator; 30 TAC §290.45(b)(1)(B)(ii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; 30 TAC §290.46(e)(4)(A) and THSC, §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds an applicable, valid Class D or higher license issued by the Executive Director; and 30 TAC §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$5,478; ENFORCEMENT COORDINATOR: Wyatt Thom, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(17) COMPANY: Darling Ingredients Incorporated; DOCKET NUMBER: 2024-1857-AIR-E; IDENTIFIER: RN101638641; LOCATION: Bastrop, Bastrop County; TYPE OF FACILITY: rendering plant; RULES VIOLATED: 30 TAC §101.4 and §116.115(c), New Source Review Permit Number 19942, Special Conditions Number 19, and Texas Health and Safety Code (THSC), §382.085(a) and (b), by failing to prevent nuisance odor conditions; and 30 TAC §112.31 and THSC, §382.085(a) and (b), by failing to not cause, suffer, allow, or permit emissions of hydrogen sulfide to exceed a net ground level concentration of 0.08 parts per million averaged over any 30-minute period; PENALTY: \$39,375; ENFORCEMENT COORDINATOR: Caleb Martin, (512) 239-2091; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(18) COMPANY: Fluid Daddy LLC; DOCKET NUMBER: 2025-0108-WQ-E; IDENTIFIER: RN111875738; LOCATION: Midland, Midland County; TYPE OF FACILITY: oil and gas facility; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.6(c), by failing to obtain authorization to discharge stormwater associated with industrial activities; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Alejandra Basave, (512) 239-4168; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(19) COMPANY: Hal S. Zaltsberg dba 2524 Azle Highway Business Park; DOCKET NUMBER: 2024-1234-PWS-E; IDENTIFIER: RN107954133; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e)(1) and (h)(1) and Texas Health and Safety Code (THSC), §341.035(a), by failing to submit plans and specifications to the executive director (ED) for review and approval prior to the construction of a new public water supply; 30 TAC §290.39(m), by failing to provide written notification to the ED of the reactivation of an existing public water supply system; 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's public drinking water well into service; and 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and THSC, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system at all times; PENALTY: \$1,938; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(20) COMPANY: Jose Luis Chavez; DOCKET NUMBER: 2024-0600-LII-E; IDENTIFIER: RN111901690; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: landscape irrigation business; RULES VIOLATED: 30 TAC §30.5(a), TWC, §37.003, and Texas Occupations Code, §1903.251, by failing to hold an irrigator license prior to selling, designing, installing, maintaining, altering, repairing, servicing, providing consulting services relating to an irrigation system, or connecting an irrigation system to any water supply; PENALTY: \$864; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(21) COMPANY: Jose Manuel Sanchez AKA Jose M. Sanchez-Rodriguez; DOCKET NUMBER: 2023-0855-PWS-E; IDENTIFIER: RN111748844; LOCATION: Slaton, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defines in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$3,250; ENFORCEMENT COORDINATOR: Ilia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(22) COMPANY: Lyondell Chemical Company; DOCKET NUMBER: 2024-0903-AIR-E; IDENTIFIER: RN100633650; LOCATION: Channelview, Harris County; TYPE OF FACILITY: petrochemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 137856, N234, and PSDTX1480, Special Conditions Number 1, Federal Operating Permit Number O1387, General Terms and Conditions and Special Terms and Conditions Number 28, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$27,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$10,950; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(23) COMPANY: San Diego Municipal Utility District Number 1; DOCKET NUMBER: 2024-1442-PWS-E; IDENTIFIER: RN102679180; LOCATION: San Diego, Duval County; TYPE OF

FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(3)(C) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.010 milligrams per liter for arsenic based on a running annual average; PENALTY: \$5,500; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(24) COMPANY: Targa Pipeline Mid-Continent WestTex LLC; DOCKET NUMBER: 2024-1189-AIR-E; IDENTIFIER: RN110829843; LOCATION: Midkiff, Reagan County; TYPE OF FACILITY: oil and gas production facility; RULES VIOLATED: 30 TAC §101.201(b)(1)(G) and (H) and §122.143(4), Federal Operating Permit (FOP) Number O4332/ General Operating Permit (GOP) Number 514, Site-wide Requirements (b)(2) and (4)(F), and Texas Health and Safety Code (THSC), §382.085(b), by failing to identify all required information on the final record for a reportable emissions event; and 30 TAC §§116.115(c), 116.615(2), and 122.143(4), Standard Permit Registration Number 157965, FOP Number O4332/GOP Number 514, Site-wide Requirements (b)(2) and (9)(E)(ii), and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$12,688; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(25) COMPANY: Toledo Bend Resort, L.L.C.; DOCKET NUMBER: 2024-1448-MWD-E; IDENTIFIER: RN101608081; LOCATION: Hemphill, Sabine County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0012143001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$9,563; ENFORCEMENT COORDINATOR: Sarah Castillo, (512) 239-1130; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

TRD-202501254
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: April 15, 2025

◆ ◆ ◆
Enforcement Orders

An agreed order was adopted regarding MUKTINATH BUSINESS LLC dba Quick Stop, Docket No. 2022-1025-PST-E on April 15, 2025 assessing \$3,493 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jun Zhang, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Iqbal Abdullah dba Quick Stuff 4789 - 80017773, Docket No. 2023-0425-PST-E on April 15, 2025 assessing \$2,556 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jun Zhang, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lime Stone LLC dba K&H Food Store, Docket No. 2023-0758-PST-E on April 15, 2025 assessing \$3,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202501268



Notice of an Extension of Comment Period and Public Meeting on Proposed Renewal of General Permit TXG640000 Authorizing the Discharge of Wastewater

The Texas Commission on Environmental Quality (TCEQ or commission) is extending the comment period due to a publication error by TCEQ for the proposal to amend and renew Texas Pollutant Discharge Elimination System General Permit No. TXG640000. This general permit authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. The draft general permit applies to the entire state of Texas. General permits are authorized by Texas Water Code, §26.040.

DRAFT GENERAL PERMIT. The executive director has prepared a draft general permit renewal with amendments of an existing general permit that authorizes the discharge of wastewater generated as a result of conventional water treatment at water treatment facilities into or adjacent to water in the state. No significant degradation of high-quality waters is expected and existing uses will be maintained and protected. The executive director proposes to require regulated entities to submit a Notice of Intent to obtain authorization under the general permit.

The executive director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) according to General Land Office regulations and has determined that the action is consistent with applicable CMP goals and policies.

On the date that this notice is published, a copy of the draft general permit and fact sheet will be available for a minimum of 30 days for viewing and copying at the TCEQ Office of the Chief Clerk located at the TCEQ Austin office, at 12100 Park 35 Circle, Building F. These documents will also be available at the TCEQ's 16 regional offices and on the TCEQ website at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

PUBLIC COMMENT AND PUBLIC MEETING. You may submit public comments on this proposed general permit in writing or orally at the public meeting to be held by the TCEQ. The purpose of a public meeting is to provide the opportunity to submit written or oral comment or to ask questions about the proposed general permit. A public meeting is not a contested case hearing.

The hybrid in-person and virtual public meeting will be held at 9:30 a.m., May 21, 2025, in TCEQ's complex at 12100 Park 35 Circle, Building F, Room 2210, Austin, Texas 78753.

Information for registering and attending the public meeting virtually is available at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

Written public comments must be received by the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> within 30 days from the date this notice is published.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

APPROVAL PROCESS. After the comment period, the executive director will consider all the public comments and prepare a written response. The response will be filed with the TCEQ Office of the Chief Clerk at least 10 days before the scheduled commission meeting when the commission will consider approval of the general permit. The commission will consider all public comment in making its decision and will either adopt the executive director's response or prepare its own response. The commission will issue its written response on the general permit at the same time the commission issues or denies the general permit. A copy of any issued general permit and response to comments will be made available to the public for inspection at the agency's Austin office. A notice of the commissioners' action on the draft general permit and information on how to access the response to comments will be mailed to each person who submitted a comment. Also, a notice of the commission's action on the draft general permit and the text of its response to comments will be published in the *Texas Register*.

MAILING LISTS. In addition to submitting public comments, you may ask to be placed on a mailing list to receive future public notices mailed by the TCEQ Office of the Chief Clerk. You may request to be added to: 1) the mailing list for this specific general permit; 2) the permanent mailing list for a specific county; or 3) both. Clearly specify the mailing lists to which you wish to be added and send your request to the TCEQ Office of the Chief Clerk at the address previously mentioned. Unless you otherwise specify, you will be included only on the mailing list for this specific general permit.

INFORMATION. If you need more information about this general permit or the permitting process, please call the TCEQ Public Education Program, toll free, at 1-800-687-4040. General information about the TCEQ can be found at our website at: <https://www.tceq.texas.gov>.

Persons with disabilities who need special accommodations at the public meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least one week prior to the meeting.

Further information may also be obtained by calling Shannon Gibson, TCEQ Water Quality Division, at (512) 239-4284.

Si desea información en español, puede llamar 1-800-687-4040.

TRD-202501271

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 16, 2025



Notice of Application ADJ 1313C

Notice Issued April 10, 2025

Bentwood C.C., LLC, (Owner/Applicant) seeks to amend COA 14-1313 to add a diversion point on the South Concho River, Colorado River Basin in Tom Green County. More information on the application and how to participate in the permitting process is given below. The application was received on May 17, 2023. Fees were received on May 25, 2023. Additional information was received on March 6, 2024. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on March 7, 2024.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions including, but not limited to, maintaining a measuring device. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ webpage at: www.tceq.texas.gov/permitting/water_rights/wr-permitting/wr-apps-pub-notice. Alternatively,

you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below by April 24, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by April 24, 2025. The Executive Director can consider an approval of the application unless a written request for a contested case hearing is filed by April 24, 2025. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and amendment number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions to the requested amendment which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the amendment and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 1313 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202501265

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 16, 2025



Notice of District Petition D-03032025-010

Notice issued April 11, 2025

TCEQ Internal Control No. D-03032025-010: Greater Texas Land Resources, L.P., a Texas limited partnership, (Petitioner) and Provident Realty Advisors, Inc., a Texas corporation, (earnest money contract holder to purchase all of the land), filed a petition for creation of Cooke County Municipal Management District No. 1 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapter 375, Texas Local Government Code; Chapter 49 of the Texas Water Code; Title 30, Chapter 293 of the Texas Administrative Code; and the procedural rules of the TCEQ. The petition states

that: (1) the Petitioner hold title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 390.183 acres located within Cooke County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, design, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and wastewater system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of water; and (4) purchase, construct, acquire, improve, maintain, own, operate, repair, improve and extension of such additional facilities, including roads, systems, plants and enterprises as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$53,630,000 (\$38,920,000 for water, wastewater, and drainage, and \$14,710,000 for roads).

INFORMATION SECTION

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

TRD-202501266

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 16, 2025



Notice of District Petition D-03272025-060

Notice issued April 11, 2025 TCEQ Internal Control No. D-03272025-060: Firefly Cove LLC, a Texas limited liability company, and Firefly Cove Homes, LLC, a Texas limited liability company (Petitioners) filed a petition for creation of Firefly Municipal Utility District (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article III, Section 52 and Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land within the proposed District; (2) there no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 281.955 acres located within Travis County, Texas; and (4) the land within the proposed District is within the corporate limits of the City of Lago Vista, Texas. The petition further states that the proposed District will: (1) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend, inside or outside of its boundaries, any and all works, improvements, facilities, systems, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial, and commercial purposes; (2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvement in aid of those roads; (5) purchase, construct, acquire, provide, operate, maintain, repair, improve, extend and develop park and recreational facilities for the inhabitants of the District; and (6) provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created and permitted under state law. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$27,110,000 (\$20,195,000 for water, wastewater, and drainage plus \$1,000,000 for recreation plus \$5,195,000 for roads).

INFORMATION SECTION

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

hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202501267

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 16, 2025

◆ ◆ ◆ Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed 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 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 **May 27, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 27, 2025**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Alliance Wholesale Tires, L.L.C.; DOCKET NUMBER: 2021-0763-MSW-E; TCEQ ID NUMBER: RN107286437; LOCATION: 2310 United States Highway 259 North, Kilgore, Gregg County; TYPE OF FACILITY: a wholesale tire distributor and unauthorized scrap tire business; RULES VIOLATED: Texas Health and Safety Code, §361.112(a), and 30 TAC §328.60(a), by failing to obtain a scrap tire storage site registration for the site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers; 30 TAC §324.4(1), and 40 Code of Federal Regulations, §279.22(d)(3), by failing to prevent the disposal of used oil on the ground and failed to clean up and manage properly the released used oil; PENALTY: \$10,855; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(2) COMPANY: DNR BUSINESS, INC. dba Park Place Travel Plaza fka Sunmart 121; DOCKET NUMBER: 2022-1661-PST-E; TCEQ ID NUMBER: RN102461290; LOCATION: 703 Highway 90 East, near Sealy, Austin County (The Facility's address is sometimes written as 5168 North-East Interstate 10 Frontage Road, Sealy, Texas 77474. These addresses refer to the same location.); TYPE OF FACILITY: an underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1), 30 TAC §334.50(b)(1)(A), and TCEQ Agreed Order Docket Number 2020-0358-PST-E, Ordering Provision Number 2.b., by failing to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days; 30 TAC §334.10(b)(2) and TCEQ Agreed Order Docket Number 2020-0358-PST-E, Ordering Provision Number 2.a., by failing to assure that all UST recordkeeping requirements are met; TWC, §26.3475(a), and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$27,419; STAFF ATTORNEY: A'twar Wilkins, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202501256

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 15, 2025



Notice of Water Quality Application Minor Amendment WQ0003077000

The following notice was issued on April 10, 2025:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS ISSUED.

INFORMATION SECTION

Consideration of the application by **Blue Sky Farms, LLC** for a minor amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003077000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to remove the grassed waterway and buffer the intermittent stream between land management units (LMUs) #5 and #6, reconfigure LMUs #7, #8, #12 (removed the pivots that were in LMUs #8 and #12, and eliminate the LMU identifier LMU #8), and #13; create LMUs #6A and #15A from existing LMUs #6 and #15; which changed the acreage of LMU #6 from 86 to 70 acres and the new LMU #6A - 15 acres, LMU #7 from 147 to 157 acres, LMU #12 from 96 to 90 acres, LMU #13 from 149 to 187 acres, LMU #15 from 62 to 46 acres and the new LMU #15A - 16 acres. The total land application area has decreased from 1,192 to 1,188 acres. Another change is the addition of Wells #24, #25 and #26 with additional wellhead protective measures to be implemented that will prevent pollutants from entering the wells and contaminating groundwater. The facility is located at 4611 South Farm-to-Market Road 219, Dublin, Erath County, Texas 76446.

TRD-202501264

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 16, 2025



Texas Ethics Commission

List of Late Filers

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

Deadline: Lobby Activities Report due March 10, 2025

#00088829- Curtis D. Smith, 1405 Arrow Point Drive, Cedar Park, Texas 78613

#00080328- Geoffrey Tahuahua, P.O. Box 1891, Austin, Texas 78767

#00066901- Chris Hosek, 1210 Nueces, Austin, Texas 78701

#00068743- Travis Richmond, 1005 Congress, Austin, Texas 78701

#00065060- Peter John Slover, 2700 Via Fortuna, Ste. 500, Austin, Texas 78746

#00055710- Christopher J. Miller, 1122 Colorado #1809, Austin, Texas 78701

#00037708- C.J. Parham Tredway, 1801 Lavaca, Austin, Texas 78701

#00083216- Becky Walker, 500 Chicon St., Austin, Texas 78702

#00087374- Jared R. Scruggs, 18710 Winding Atwood Lane, Tomball, Texas 77377

#00081373- Tyler Schroeder, 375 Airlift Dr., San Antonio, Texas 78226

#00070548- Pasha Moore, P.O. Box 684281, Austin, Texas 78701

Deadline: Lobby Activities Report due February 10, 2025

#00053527- Lucien Bellsnyder, 360 Nueces, #1415, Austin, Texas 78701

#00087043- William S. Byerly, 1604 San Antonio St., Austin, Texas 78701

#00087645- Moises Murillo, 700 Milam Street, Ste. 1900, Houston, Texas 77002

#00053527- Lucien Bellsnyder, 360 Nueces, #1415, Austin, Texas 78701

#00068661- Samantha Stinnett, 8305 Crosspark Drive, Austin, Texas 78754

#00070240- Jo Cassandra Cuevas, 1220 Colorado Street, Austin, Texas 78701

#00065427- Jerry Philips, P.O. Box 13506, Capitol Station, Austin, Texas 78711

#00065389- Laurie Vanhoose, 2317 Amur Drive, Austin, Texas 78745

Deadline: Lobby Activities Report due January 10, 2025

#00053200- Michael R. Hunsucker, 208 W 14th Street, Austin, Texas 78701

#00035480- Martha B. Harris, 1304 Water, Bastrop, Texas 78602

#00087283- Emily W. Taylor, 17225 El Camino Real, Ste. 310, Houston, Texas 77058

#00081313- Beth Cubriel, 11004 Coral Gables Ct., Austin, Texas 78747

#00083376- Lauren Spreen, P.O. Box 12525, Austin, Texas 78711

#00051494- George Linial, 2205 Hancock Dr., Austin, Texas 78756

#00081098- Ross Peavey, Box 12715, Austin, Texas 78711
#00070240- Jo Cassandra Cuevas, 1220 Colorado Street, Austin, Texas 78701
#00088724- Misty McGowen, P.O. Box 86065, Gonzales, Louisiana 70879
#00088725- Ed Thayer, 120 Hwy. 30 West, Gonzales, Texas 70737
#00083449- Jennifer Biundo, 6506 Auburndale Street, Austin, Texas 78723
#00081274- Paul Townsend, 307 Stockbridge Road, Charlotte, Vermont 5445
#00035620- Gregory M. Ellis, 2104 Midway Court, League City, Texas 77573
#00065060- Peter John Slover, 2700 Via Fortuna, Ste. 500, Austin, Texas 78746
#00086808- Halie E. Daniels, 502 West 13th Street, Austin, Texas 78701
#00087299- Michael Murillo-Zuniga, 8000 Centre Park Drive, Ste. 380, Austin, Texas 78754
#00087645- Moises Murillo, 700 Milam Street, Ste. 1900, Houston, Texas 77002
#00037198- Mark Seale, 10802 Scotland Well Drive, Austin, Texas 78750
#00013802- Richard W. Donley, 502 East 11th, Austin, Texas 78701
#00087107- Emily E. Williams, 3000 Pegasus Park Drive, Dallas, Texas 75247
#00084953- Joy Davis, 600 W. 12th St., Austin, Texas 78701
#00013729- Arthur V. Perkins, 1330 Post Oak Blvd., Houston, Texas 77056
#00087232- Charles E. Semple, P.O. Box 276, Driftwood, Texas 78619
#00035512- James Andrew Campbell, P.O. Box 195892, Dallas, Texas 75219
#00087235- Zoe I. Jones-Walton, 10001 S. 1st St., Austin, Texas 78748
#00088521- Edwin C. Swedberg, 1186 Ranchers Club Lane, Driftwood, Texas 78619
#00051002- Anthony Haley, 1212 Guadalupe, Austin, Texas 78701
#00085421- Robert Armstrong, 5309 William Holland Ave #12, Austin, Texas 78756
#00088686- Juan L. Sensano, P.O. Box 941401, Houston, Texas 77094
#00088994- Brandon Mattie, c/o Hello Heart Inc., Menlo Park, California 94025
#00069114- Anthony Holm, P.O. Box 427, Austin, Texas 78767
#00038496- Charles B. Wilkison, 400 W. 14th St., Ste. 100, Austin, Texas 78701
#00011409- Marvin Marcell, 603 Salerno Street, Sugar Land, Texas 77478

Deadline: Daily Pre-election Report of Expenditures due October 29, 2024 for Committees

#00086186- Lucy Johnson, Boots on the Ground PAC, P.O. Box 301074, Austin, Texas 78703
TRD-202501236

J.R. Johnson
Executive Director
Texas Ethics Commission
Filed: April 11, 2025



List of Late Filers

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

Deadline: Semiannual Report due January 15, 2025, for Committees

#00069636- Irma Reyes, Texas Association of Consumer Lawyers PAC, 1005 Congress Ave., Ste. 1000, Austin, Texas 78701
#00053822- Jonathan A. Lawson III, Plano Fire Fighters Committee for Effective Government, 1506 Municipal Drive, Plano, Texas 75075
#00080185- Latonya Rudolph, Northeast Houston AFT Committee on Political Education, 5310 E. Sam Houston Pkwy N., Ste. M, Houston, Texas 77015
#00068759- Parker T. Winn, Richardson FOP 105, 2810 Routh Creek Pkwy. #1141, Richardson, Texas 75082
#00086887- Tania K. Ingram, Clubs in Action, PAC, 2504 Rusk Street #110, Houston, Texas 77003
#00016482- Joel K. Oldham IV, Apartment Association of Greater Dallas Political Action Committee, 5728 LBJ Fwy., Ste. 100, Dallas, Texas 75240
#00082864- Jennifer T. Fukuto, Young Democrats of Denton County, 18175 Midway Road, Apt. 379, Dallas, Texas 75287
#00015556- David L. Cook, Committee for Public Safety Fort Worth Police Officer's Association, 2501 Parkview Dr., Ste. 600, Fort Worth, Texas 76102
#00065270- Rafael Anchia, Mexican American Legislative Leadership Foundation, 1122 Colorado, Ste. 107, Austin, Texas 78701
#00037027- Billy R. Bradford Jr., Friends of Tony Garza, 855 W. Price Rd., Ste. 25, Brownsville, Texas 78520
#00089021- Anthony Rios, Hispanic Youth Leadership PAC, 406 Arlington Street, Houston, Texas 77007
#00088565- Leann Peden, United to Protect GCISD, 4004 Gateway Drive, Ste. 100, Colleyville, Texas 76034
#00085885- Jody Ehler, 4 West Texas Political Action Committee, 4414 82nd Street, Ste. 212-353, Lubbock, Texas 79424
#00069297- J. Allen Carnes, J Carnes for Texas, 1101 N. Camp St., Uvalde, Texas 78801
#00023748- DeLane C. Cagle, Pecos County Republican Party (P), P.O. Box 1337, Iraan, Texas 79744
#00084062- Brian Dungan, Carrollton Democrats Club, 2121 Marsh Ln., Apt. 209, Carrollton, Texas 75006
#00089110- Elena L. Gonzalez, Friends of the River (F.O.R.) San Bernard, Texas PAC, 24 Waterway Avenue, Spring, Texas 77381
#00086828- Martha A. Roberts, New Blue USA PAC, 12100 S. HWY 6 #9205, Sugar Land, Texas 77498

#00088763- Dana Burkett, Residents Advancing In Ladonia, 303 Commerce Street, Ladonia, Texas 75449

#00088483- Chelsey Kemp, Diversified Ladies PAC, 9818 Fry Road, #150 Unit 64, Cypress, Texas 77433

#00089124- Zach Brady, Texas Alliance for Conservation PAC, 805 E. 32nd St., Ste. 200, Austin, Texas 78705

#00085108- Latasha Henderson, Black Girl Magic, 2413 Mesa Oak Trail, Plano, Texas 75025

#00087120- Robert R. Flores, Texans For Progress PAC, P.O. Box 2680, South Padre Island, Texas 78597

#00085775- Lance Cargill, Save Texas Now, P.O. Box 505, Newalla, Oklahoma 74857

#00086547- Lidia Peraza, Texas Conservative Movement PAC, 435 Murphy Rd. B1 #184, Stafford, Texas 77477

#00087134- Walter C. Nevegold III, Professional Firefighters of Sherman Committee for Responsible Government, P.O. Box 278, Sherman, Texas 75091

#00086580- Christine Vorderbruggen, Keep Collin Red, 813 Fairlawn Street, Allen, Texas 75002

#00016829- Scott Lynch, El Paso Apartment Assn. Better Government Fund, 5730 E. Paisano Dr., El Paso, Texas 79925

#00082881- James Pritchard, Texans for an Educated Workforce, 2211 Weatherbee, Fort Worth, Texas 76110

#00086885- Lisa Lusby, Round Rock One Family PAC, 1801 Red Bud Ln. B185, Round Rock, Texas 78664

#00065033- Gary B. Bennett, Action Dallas Political Action Committee, P.O. Box 8215, Ennis, Texas 75120

#00088905- Lenora Sorola-Pohlman, Friends of CD 7, 2314 Tannehill Drive, Houston, Texas 77008

#00087992- Mende Stewart, Sage Brush Republican Women, P.O. Box 1093, George West, Texas 78022

#00016966- Sydney C. Leonard, Fort Worth Republican Women PAC, 101 Summit Ave., Ste. 300, Fort Worth, Texas 76102

#00055453- Michelle Menon, Fort Bend Employee Federation Committee on Political Education, 912 Hwy. 183 South, Ste. 100-A, Austin, Texas 78741

#00015639- Ysrael Valencia, Ysleta Educators Political Action Committee, 10940 Ben Crenshaw, Ste. A, El Paso, Texas 79935

#00088657- Alex Moreno Jr., Texas Democratic Alliance PAC, 1165 Firecracker Drive #207, Buda, Texas 78610

#00088064- Bryan Rivera, Gulf Coast Public Safety TX PAC, P.O. Box 512, Fulshear, Texas 77441

#00084649- Ashlei D. Gradney, Black Women Attorneys PAC, 8150 N. Central Expressway, 10th Floor, Dallas, Texas 75206

#00088304- Ryan Benjamin Diamond Davis, Red River Patriots PAC, 864 Trail Rd., Denison, Texas 75021

#00089039- James R. Beadel III, Brazoria County Independent Party (PAC), 176 Tone Rd, Freeport, Texas 77541

#00086929- Don Boren, East Fort Worth Business Association-Political Action Committee, 1850 Handley Drive, Fort Worth, Texas 76112

#00060034- Michael Shultz, Consolidated Communications PAC, Inc. - Texas, 350 S. Loop 336 W., Conroe, Texas 77304

#00088735- Bryan Rivera, A Better Bee Cave PAC, P.O. Box 518, Leander, Texas 78646

#00088700- Kyle Burke, Reform Project PAC, 2203 Marcus Abrams Blvd., Austin, Texas 78748

#00069522- Kent A. Kallmeyer, Project Excellence Texas, PAC, 1925 Berrybrook Dr., Fort Worth, Texas 76134

#00069379- Lee O. Henderson, Texas Democratic Action Fund, P.O. Box 892, Fort Worth, Texas 76101

#00085508- James D. Cowan, Rockwall Firefighters for Responsible Government, 3772 County Road, Apt. 2617, Caddo Mills, Texas 75135

#00082651- Lucy Johnson, Texas Real Estate Advocacy and Defense PAC, 11601 W Hwy 290, A101-378, Austin, Texas 78737

#00028484- Stephanie Phillips, Justice For All PAC, 7615 Burning Hills Dr., Houston, Texas 77071

#00082403- Jean Coleman, The Black Women's PAC, 6912 River Park Lane N. #412, Fort Worth, Texas 76116

#00069221- Lucas P. Robinson, Texas College Democrats, 3136 Forest Park Blvd., Fort Worth, Texas 76110

#00086762- Catherine Kaminsky, Texans for Ethical Oil & Gas Practices, 1000 E. 5th Street #619, Austin, Texas 78702

#00068461- Michael J. Siwierka, Fort Bend Business PAC, 5711 Silver Bay Court, Sugar Land, Texas 77479

#00065296- Jake Turner, Texas Federation of College Republicans PAC, 4151 Wellborn Road #1204, Bryan, Texas 77801

#00083794- Sara Michelle DeMus, Young Dems BCS, 2920 Kent Street, Apt. 154, Bryan, Texas 77845

#00018815- Refugio Gonzales Jr., Friends of UTHealth-Houston, 8014 Clearwater Crossing, Humble, Texas 77396

#00063437- Susan R. Fowler, Texas Motion Picture Alliance PAC, 4809 Comal St., Pearland, Texas 77581

#00038730- Nancy E. Saibara-Naritomi, Harris County Green Party, 12202 Leather Saddle Ct, Houston, Texas 77044

#00086024- Fred O. Meyer III, Northeast Texas Democratic Coalition, 1817 W. College Street, Sherman, Texas 75092

#00064575- Holly Bullington, Circle C Area Democrats, 10517 Walpole Lane, Austin, Texas 78739

#00088637- Peter Salas, Grand Prairie Strong, 5706 E. Mockingbird Lane #115-382, Dallas, Texas 75206

#00085959- Jarvis Johnson, Tiger Caucus, P.O. Box 2910, Austin, Texas 78768

#00088732- Ron Reynolds, Texas HBCU Caucus, P.O. Box 2910, Austin, Texas 78768

#00083947- Daniel O. Rios, Stronger Texas PAC, P.O. Box 5063, Austin, Texas 78763

#00088760- Kem Ford, Citizens For The Students of Boling ISD, 10141 FM 1301, Boling, Texas 77420

#00087882- Jason T. Walker, Friends For Katy Schools, 9550 Spring Green Blvd., Ste. 408-17, Katy, Texas 77494

#00089125- Andrew Rokovich, Protect Texas PAC, 1203 E. Red River, Victoria, Texas 77901

#00088048- Jud Beall, Wylie Bulldogs United for Growth Bond 2023, 6841 Windmill Grass Lane, Abilene, Texas 79606

#00088658- Joshua Sims, Vote YES for New Diana Kids PAC, 3381 Zinnia Road, Diana, Texas 75640

#00088707- Barbara Frazier, Moving Morgan Mill Forward, 380 West FM 1188, Stephenville, Texas 76401

#00087042- Turcan Hockaday, Opportunity ATX PAC, 10 G Street NE, Ste. 600, Washington, D.C. 20002

#00088154- Amy Hedtke, Vote NO, Aquilla ISD, 106 Vanderbilt, Waxahachie, Texas 75165

#00087350- Nicole J. Donatelli, Northwest Family First, 5 Llano Dr., Roanoke, Texas 76262

#00058143- Jo Ann Baker, Texas Alliance Oil and Gas PAC, 705 8th St., Ste. 705, Wichita Falls, Texas 76301

#00087069- Michael A. Kolenc, Harris Forward, 655 Yale Street, Apt. 461, Houston, Texas 77007

#00088215- Miguel Escoto, El Paso Community Power, 1708 Montana Ave., Ste. A, El Paso, Texas 79902

#00085831- Steve Klein, Friends of Good Government, 404 Ball Airport Rd., Victoria, Texas 77904

#00087075- Brian M. Talbot Jr., 2023 Solidarity Convention PAC, 306 McCarthur Dr., Leander, Texas 78641

#00086875- Taylor J. Major, Lone Star Improvement Fund, P.O. Box 871, Austin, Texas 78701

#00080766- George Castillo Jr., South San Community PAC, P.O. Box 242221, San Antonio, Texas 78224

#00087855- Nancy Morales, Law Enforcement Community Partnership, 522 San Francisco, El Paso, Texas 79901

#00082537- Maureen Ball, Freedom and Liberty Conservatives PAC, P.O. Box 3, Montgomery, Texas 77356

#00065928- Adrian Patterson, Houston Business-Education Coalition PAC, 609 Main St., 40th Floor, Houston, Texas 77002

#00017147- Janet Ahmad, Homeowner-Taxpayer Association of Bexar County, Inc. Political Action Committee, 18 Silverhorn Drive, San Antonio, Texas 78216

#00083564- Travis Q. Parmer, Good Government Fort Worth, 3000 South Hulen St. Ste. 124306, Fort Worth, Texas 76107

#00082766- Irasema Gonzalez, Six Pac, 426 W. Caffery, Pharr, Texas 78577

#00083796- Anthony Carpenter, United Patriots PAC, P.O. Box 1386, Sugar Land, Texas 77487

#00016112- Juan G. Arellano, Brownsville Police Officers Association PAC, 5460 Paredes Line Rd., Ste. 197-B, Brownsville, Texas 78521

#00051074- Lyle Larson, Texas Legislative Sportsman's Caucus, Inc., P.O. Box 2910, Austin, Texas 78768

#00081032- Scott Sanford, Texas Legislative Prayer Caucus, P.O. Box 147, Argyle, Texas 76226

#00080083- Art Fierro, Texas House Border Caucus, P.O. Box 2910, Austin, Texas 78768

#00087704- Amy Hedtke, Vote No, Waxahachie ISD, 106 Vanderbilt, Waxahachie, Texas 75165

#00088022- Michael Zweschper, Vote Yes For the SISD Bond, 3217 Piano Bridge Road, Schulenburg, Texas 78956

#00087989- Kimberly Snelgrooves, Panhandle First, P.O. Box 1652, Panhandle, Texas 79068

#00087702- Amy Hedtke, Vote No, Midlothian ISD, 106 Vanderbilt, Waxahachie, Texas 75165

#00088001- Dana Burkett, Concerned Citizens Against Proposition A, 303 Commerce Street, Ladonia, Texas 75449

#00087391- Rodney Foster, Forward Sweetwater, Together, 11 Vista Court, Sweetwater, Texas 79556

#00087701- Amy Hedtke, VOTE NO MAYPEARL ISD, 106 Vanderbilt, Waxahachie, Texas 75165

#00087703- Amy Hedtke, Vote No, Red Oak ISD, 106 Vanderbilt, Waxahachie, Texas 75165

#00088139- Aubree Campbell, Taking Back TX, 2300 Summer Oaks Ct, Arlington, Texas 76011

#00053142- David Robles, Senate District 6 PAC, 517 Hahlo, Houston, Texas 77020

#00088770- Jeffrey John Foster, North Lake Travis Firefighters Association Local 4934, 1903 Killarney Dr., Leander, Texas 78641

#00068631- D'Angelo Colter, Austin Young Democrats, 2815 Guadalupe St., Apt. N602, Austin, Texas 78705

#00082064- Wendy Banul, Richardson Democrats, 411 W. Lookout Dr., Richardson, Texas 75080

#00088814- Jordan Woodard, Keep Denton County Red, #120 Stanley St., #169, Aubrey, Texas 76227

#00068904- Patricia S. Garcia, Cameron County Texas Democratic Women, 4906 Camino Verde, Brownsville, Texas 78526

TRD-202501258
J.R. Johnson
Executive Director
Texas Ethics Commission
Filed: April 15, 2025

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Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Updates to Medicaid and Title V Payment Rates

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on May 27, 2025, at 9:00 a.m., to receive public comments on proposed updates to Calendar Fee Review, Medical Policy Reviews, and Quarterly HCPCS Updates.

This hearing will be conducted as an in-person and online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following link:

Registration URL:

<https://register.gotowebinar.com/register/3302442993992501593>

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing-in by phone will be provided after you register.

Members of the public may attend the rate hearing in person, which will be held in the Public Hearing Room 1.401, 1.402, 1.403 and 1.404 in the North Austin Complex located at 4601

W Guadalupe Street, Austin, Texas, or they may access a live stream of the meeting at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>. For the live stream, select the "North Austin Complex Live" tab. A recording of the hearing will be archived and accessible on demand at <https://www.hhs.texas.gov/about/live-archived-meetings> under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

Any updates to the hearing details will be posted on the HHSC website at <https://www.hhs.texas.gov/about/meetings-events>.

Proposal. The effective date of the proposed payment rates for the topics presented during the rate hearing will be as follows:

Effective August 01, 2025

Medical Policy Review

- TVFFS Dental Additions

Effective September 01, 2025

Calendar Fee Review:

- Cardiovascular Services including EKG- Acute
 - Cardiovascular Services including EKG- Hospital
 - Cardiovascular Services including EKG- Rural Hospital
 - Dialysis
 - Dialysis L-E1629
 - Gastroenterology- Acute
 - Gastroenterology- Hospital
 - Gastroenterology- Rural Hospital
 - Medical & Surgical Supplies
 - Medicine (Other)
 - Non-Clinical Labs- Acute
 - Non-Clinical Labs- Hospital
 - Non-Clinical Labs- Rural Hospital
 - Non-Invasive Vascular Diagnostic- Acute
 - Non-Invasive Vascular Diagnostic- Hospital
 - Non-Invasive Vascular Diagnostic- Rural Hospital
 - Physician Administered Drugs Non-Oncology
 - Physician Administered Drugs Oncology
 - Physician Administered Drugs Vaccines & Toxoids
 - Physician Administered Drugs NDCX
 - S Codes 1-2-8
 - S Codes 9-J-E
 - Telehealth, Telemonitoring, Telemedicine
 - Type of Service 1-2-I-T
- Quarterly HCPCS Updates
- Q3 HCPCS 9-J-L
 - Q3 Drugs
 - Q4 Drugs

Methodology and Justification. The proposed payment rates were calculated in accordance with Title 1 of the Texas Administrative Code:

Section 355.7001- Reimbursement Methodology for Telemedicine, Telehealth, and Home Telemonitoring Services;

Section 355.8023 - Reimbursement Methodology for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS);

Section 355.8061 - Outpatient Hospital Reimbursement;

Section 355.8085 - Reimbursement Methodology for Physicians and Other Practitioners; and

Section 355.8441 - Reimbursement Methodologies for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services [known in Texas as Texas Health Steps].

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available at <https://pfd.hhs.texas.gov/rate-packets> on or before May 13, 2025. Interested parties may obtain a copy of the briefing packet on or after that date by contacting Provider Finance by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at PFDAcuteCare@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by e-mail to PFDAcuteCare@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 Guadalupe St., Austin, Texas 78751.

Preferred Communication. For quickest response please use e-mail or phone if possible for communication with HHSC related to this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202501255

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 15, 2025

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Texas Department of Housing and Community Affairs

Aviso de Audiencia Pública sobre el Anteproyecto de la Solicitud y los Planes Estatales para el Año Fiscal Federal 2026-2027 del Community Services Block Grant y para el Año Fiscal Federal 2026 del Low Income Home Energy Assistance Program

Conforme con los requisitos del Departamento de Salud y Servicios Humanos de los Estados Unidos para la programa federal del Community Services Block Grant (CSBG, por sus siglas en ingles) y la programa federal del Low Income Home Energy Assistance Program (LI-HEAP, por sus siglas en ingles) y el Capítulo 2105, Subcapítulo B del Código del Gobierno de Texas, el Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA, por sus siglas en ingles) conducirá varias audiencias públicas. El propósito principal de estas audiencias

es para solicitar comentario público sobre los anteproyectos de la Solicitud y el Plan Estatal para los Años Fiscal Federal (FFY, por sus siglas en inglés) 2026-2027 del CSBG (Anteproyecto del Plan Estatal CSBG) y del anteproyecto del al Solicitud y el Plan Estatal LIHEAP para el FFY 2026 (Anteproyecto del Plan Estatal LIHEAP).

El Anteproyecto del Plan Estatal CSBG detalla el propuesto uso y distribución de los fondos federales CSBG para los años fiscales federales (FFY) 2026-2027. Según requiere la ley federal, no más del 90% de los fondos serán distribuidos a las agencias elegibles que reciben fondos de CSBG y no más del 5% se utilizará para la administración estatal del programa, incluyendo actividades para la planificación, seguimiento del progreso o cumplimiento y para proveer entrenamiento y asistencia técnica. El restante 5% se utilizará para proyectos e iniciativas especiales y de demostración de CSBG y para proveer asistencia en casos de desastres naturales or artificiales.

El Anteproyecto del Plan Estatal LIHEAP detalla el propuesto uso y distribución de los fondos federales LIHEAP para el FFY 2026. El programa de LIHEAP provee fondos para los programas de Comprehensive Energy Assistance Program (CEAP, por sus siglas en inglés) y el Weatherization Assistance Program (WAP, por sus siglas en inglés).

Los Anteproyectos de los Planes Estatales de CSBG y de LIHEAP fueron presentados y aprobados por la junta directiva del TDHCA el 10 de abril del 2025. Como seguimiento a la provision de información pública, asesoramiento y los requisitos de las audiencias públicas para las programas CSBG y LIHEAP, la División de Asuntos Comunitarios del TDHCA publicará los anteproyectos de los planes estatales federal en el sitio web del TDHCA Public Comment Center en <https://www.tdhca.texas.gov/tdhca-public-comment-center>.

Los documentos también se pueden obtener comunicándose con Rita Gonzales-Garza en rita.garza@tdhca.texas.gov o por teléfono al (512) 475-3905.

Las audiencias públicas sobre los Anteproyectos de los Planes Estatales de CSBG y de LIHEAP se ha programado de la manera siguiente:

martes, 13 de mayo, 2025, 5:30 p.m. - 6:00 p.m. en el edificio de Departamento de Vivienda y Asuntos comunitarios de Texas, 221 E. 11th Street, Floor #1, Austin, Texas 78701.

miercoles, 14 de mayo, 2025, 1:00 p.m. - 1:30 p.m. en las oficinas de BakerRipley, 1 piso en el Centro de Educación Education, 3838 Aberdeen Way, Houston, Texas 77025.

miercoles, 14 de mayo, 2025, 1:00 p.m. - 1:30 p.m. en el Centro Comunitario del Norte, 1100 NW 18th Street, Habitacion R44133, Fort Worth, Texas 76164.

jueves, 15 de mayo, 2025, 5:30 p.m. - 6:00 p.m. en la oficina de West Texas Opportunities, 1415 East 2nd Street, Odessa, Texas 79761

Durante las audiencias los Anteproyectos de los Planes Estatales CSBG y LIHEAP seran presentados para solicitar comentario público. Personas interesadas pueden proveer comentario public sobre los Anteproyectos del Plan Estatal CSBG y/o LIHEAP en forma escrita o testimonio oral. Un representante del TDHCA explicará el proceso de planificación y recibir comentario público de personas y grupos interesadas respecto a los anteproyectos de los planes estatales.

El período de comentario público para aceptar comentarios sobre los anteproyectos de los planes estatales comienza el viernes, 25 de abril del 2025 hasta el lunes, 21 de mayo del 2025 a las 5:00 p.m. de la tarde hora local/CT. Comentarios escritos sobre los anteproyectos de los planes estatales tambien pueden ser presentados por correo al Texas Department of Housing and Community Affairs, Atención: Gavin Reid, P.O. Box 13941, Austin, Texas 78711-3941 o pueden enviarse

a través de correo electrónico a gavin.reid@tdhca.texas.gov. Comentario público no será aceptado luego de las 5 p.m. de la tarde hora local el 21 de mayo del 2025.

Si tiene preguntas sobre este proceso, comuníquese con Rita Gonzales-Garza, al (512) 475-3905 o envíe un correo electrónico a: rita.garza@tdhca.texas.gov.

Personas que necesiten equipos o servicios auxiliares para esta junta deben comunicarse con Gina Esteves, empleada responsable de la ley sobre la Ley de Estado Unidos con Discapacidades (ADA, por sus siglas en inglés), al (512) 475-3905 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

Personas que hablan español y requieren un intérprete o ayudas auxiliares, favor de llamar a Rita Gonzales-Garza al siguiente número (512) 475-3905 o enviarle un correo electrónico a rita.garza@tdhca.texas.gov por lo menos tres días antes de la junta para hacer los preparativos apropiados.

TRD-202501195

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Filed: April 10, 2025



Notice of Public Comment Period and Public Hearings on the Draft 2026 Low Income Home Energy Assistance Program State Plan and the Draft 2026-2027 Community Services Block Grant State Plan

In accordance with the U.S. Department of Health and Human Services' requirement for the Low Income Home Energy Assistance Program (LIHEAP), the Community Services Block Grant (CSBG) and Texas Government Code, Chapter 2105, Subchapter B, the Texas Department of Housing and Community Affairs (TDHCA) is opening a public comment period and conducting four public hearings to solicit comments on the Draft 2026 LIHEAP State Plan and Draft 2026-2027 CSBG State Plan.

The CSBG Draft Plan describes the proposed use and distribution of CSBG funds for 2026 and 2027. As federal statute requires, not less than ninety percent of the CSBG funds will be distributed to the State's CSBG eligible entities and not more than five percent will be used for state administration, including support for planning, for monitoring, and for the provision of training and technical assistance. The remaining five percent will be utilized to fund state discretionary activities and for disaster assistance recovery.

The LIHEAP Draft Plan describes the proposed use and distribution of LIHEAP funds for 2026. LIHEAP provides funding for the Comprehensive Energy Assistance Program (CEAP) and the Weatherization Assistance Program (WAP).

The LIHEAP Draft Plan and CSBG Draft Plan were presented and approved by the TDHCA Board of Directors on April 10, 2025. As part of the public information, consultation, and public hearing requirements for LIHEAP and CSBG, the Community Affairs Division of TDHCA has posted the proposed Plans on the TDHCA website.

Please visit the TDHCA Public Comment Center at <https://www.tdhca.texas.gov/tdhca-public-comment-center> to access the Plans.

The documents also may be obtained by contacting Rita Gonzales-Garza at rita.garza@tdhca.texas.gov or by phone at (512) 475-3905.

Public hearings for the LIHEAP Draft Plan and CSBG Draft Plan will be held as follows:

Tuesday, May 13, 2025, 5:30 p.m. - 6:00 p.m. at Texas Department of Housing and Community Affairs, 221 East 11th Street, 1st Floor, Austin, Texas 78701.

Wednesday, May 14, 2025, at 1:00 p.m. - 1:30 p.m. at BakerRipley, First Floor Education Center, 3838 Aberdeen Way, Houston, Texas 77025.

Wednesday, May 14, 2025, at 1:00 p.m. - 1:30 p.m. at Northside Community Center, 1100 NW 18th Street, Room R44133, Fort Worth, Texas 76164.

Thursday, May 15, 2025, at 5:30 p.m. - 6:00 p.m. at West Texas Opportunities, 1415 East 2nd Street, Odessa, Texas 79761.

At each of the hearings, the LIHEAP Draft Plan and CSBG Draft Plan will be presented for public comment. Persons may provide comment on the Plan either through oral testimony or written testimony. A representative from TDHCA will be present at the hearing to explain the planning process and receive comments from interested citizens and affected groups regarding the Plan.

The public comment period to accept comments regarding the LIHEAP Draft Plan and CSBG Draft Plan will be open from April 25, 2025, through May 21, 2025, at 5:00 p.m. Central time. Written comments concerning the Plans may also be submitted to the Texas Department of Housing and Community Affairs, Attn: Gavin Reid, P.O. Box 13941, Austin, Texas 78711-3941, or by email to gavin.reid@tdhca.texas.gov. Comments are due no later than 5:00 p.m. Central time, May 21, 2025.

Any questions regarding the public comment process may be directed to Rita Gonzales-Garza at (512) 475-3905 or rita.garza@tdhca.texas.gov.

Individuals who require auxiliary aids, services or sign language interpreters for the hearings should contact Rita Gonzales-Garza at (512) 475-3905 or rita.garza@tdhca.texas.gov at least three days before the hearing so that appropriate arrangements can be made.

Non-English-speaking individuals who require interpreters for the public hearing should contact Rita Gonzales-Garza at (512) 475-3905 or by email at rita.garza@tdhca.texas.gov at least three days before the hearing so that appropriate arrangements can be made.

TRD-202501194
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Filed: April 10, 2025

Texas Department of Insurance

Company Licensing

Application for Dayforward Life Insurance Company, Inc., a foreign life, accident and/or health company, to change its name to Oklahoma Family Life Insurance Company. The home office is in Omaha, Nebraska.

Application to do business in the state of Texas for CompSource Mutual Insurance Company, a foreign fire and/or casualty company. The home office is in Oklahoma City, Oklahoma.

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 78711.

TRD-202501274

Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: April 16, 2025

Correction of Error

The Texas Department of Insurance (TDI) adopted new 28 TAC §3.1 in the April 11, 2025, issue of the *Texas Register* (50 TexReg 2383). Due to an error by TDI, the word "Braille" was misspelled in one of the headings in the preamble. The heading should have been published as follows:

Section 3.22. Braille and Non-English Filings.

Also due to an error by TDI, the text of 28 TAC §3.1(6)(C) was missing the chapter designation in the text of the subparagraph. Adding the chapter designation to the subparagraph means the rule is adopted with changes from the proposal and should have been republished. The complete text of the rule is as follows:

This subchapter applies to all filings related to a life insurance, annuity, life settlement, credit insurance, accident and health insurance, HMO, or point-of-service product that are filed with the department, including the following filing types:

(1) a form filing submitted under Insurance Code §1111A.005, concerning Requirements for Contract Forms, Disclosure Forms, and Advertisements; Insurance Code §1153.051, concerning Filing of Form; Insurance Code §1271.101, concerning Approval of Form of Evidence of Coverage or Group Contract; or Insurance Code Chapter 1701, concerning Policy Forms, including:

(A) a policy, contract, group agreement, certificate, evidence of coverage, application, enrollment form, rider, amendment or endorsement, insert page, matrix filing, or limited partial refiling; or

(B) any other coverage document attached to or made part of a contract;

(2) a rate filing submitted in connection with a form filing under this subsection or otherwise required to be filed under Division 5 of this subchapter (relating to Actuarial Filing Requirements), including a schedule of charges, actuarial memorandum, or change to rating methodology;

(3) an advertising filing submitted in connection with a product filed under this subchapter, including filings identified under §21.120 of this title (relating to Filing for Review);

(4) a network filing submitted in connection with an HMO plan under Chapter 11 of this title (relating to Health Maintenance Organizations), a preferred or exclusive provider benefit plan under Subchapter X of this chapter (relating to Preferred and Exclusive Provider Plans), or a Medicare Select plan under §3.3325 of this title (relating to Medicare Select Policies, Certificates and Plans of Operation), including:

(A) provider contract forms (including a template, executed contract, amendment, termination, or attestation of compliance), delegated entity contract forms (including a template, executed contract, amendment, or termination), and related filings;

(B) provider directories;

(C) network configuration filings, including:

(i) new applications;

(ii) limited provider networks;

(iii) annual network adequacy report filings;

- (iv) access plans;
- (v) service area expansions or reductions; and
- (vi) material modification to a network configuration;
- (D) notices, including a notice of a network termination or an annual application period for physicians and providers to contract; and
- (E) quality assurance program filings;
- (5) a group eligibility filing, as specified in §3.21 of this title (related to Group Filings), including articles of incorporation, bylaws, constitution, or a trust agreement, policy face page, and any other documentation needed to demonstrate that a prospective group or blanket policyholder is eligible under Insurance Code Chapter 1131, Subchapter B, concerning Group and Wholesale, Franchise, or Employee Life Insurance: Eligible Policyholders; Insurance Code Chapter 1251, Subchapter B, concerning Group Accident and Health Insurance: Eligible Policyholders; or Insurance Code Chapter 1251, Subchapter H, concerning Blanket Accident and Health Insurance: Eligible Policyholders;
- (6) an informational filing, other than a form filing, rate filing, advertising filing, network filing, or group eligibility filing, that is required for compliance with Texas law but is not subject to approval, including:
 - (A) a disclosure, outline of coverage, or a similar plan summary;
 - (B) notices, including those relating to a discontinuance, withdrawal, uniform benefit modification, and modification of drug coverage;
 - (C) reports, including reports required for Medicare Supplement in Subchapter T of this chapter (relating to Minimum Standards for Medicare Supplement Policies) and Long-Term Care in Subchapter Y of this chapter (relating to Standards for Long-Term Care Insurance, Non-Partnership and Partnership Long-Term Care Insurance Coverage Under Individual and Group Policies and Annuity Contracts, and Life Insurance Policies That Provide Long-Term Care Benefits Within the Policy);
 - (D) certifications related to form filings, readability scores, actuarial memoranda, statements of variability, and small and large employer health benefit plans;
 - (E) Medicare SELECT plans of operation and amendments; and
 - (F) other documents and information necessary to make a filing complete or for a comprehensive review of the filing that are filed in an informational mode.

TRD-202501260
 Jessica Barta
 General Counsel
 Texas Department of Insurance
 Filed: April 15, 2025



Motor Vehicle Crime Prevention Authority

Fiscal Year 2026 Request for Applications - SB 224 Catalytic Converter Grant

April 14, 2025

Notice of Request for Applications

The Motor Vehicle Crime Prevention Authority (MVCPA) has authorized the issuance of the Fiscal Year 2026 (FY 2026) Request for Applications (RFA). Senate Bill 224 provides that, "The money deposited to the credit of the general revenue fund for coordinated regulatory and law enforcement activities intended to detect and prevent catalytic converter theft in this state... may be appropriated to the Authority for the

activities required by this section." To implement SB 224, the MVCPA is providing grants to local law enforcement taskforces and agencies to combat Catalytic Converter Theft.

Eligible applicants may request funds for program operation by submission of an application consistent with the information, including the requirements and conditions stated in this RFA. This RFA is posted in the *Texas Register* for at least thirty (30) days prior to the due date for Applications.

All applications submitted will be for FY 2026. If awarded an FY 2025 SB 224 Catalytic Converter Grant, the MVCPA may provide an FY 2026 grant subject to the availability of funding and the grantees' positive program performance.

Due Date

Grant Applications from eligible applicants must be completely submitted on-line at <https://MVCPA.tamu.edu> on or before 5:00 p.m., May 23, 2025. First time applicants must establish an account and perform account setup steps prior to an application being able to be submitted.

The required Resolution and any optional supporting documents must be scanned and submitted as attachments to the application at <https://MVCPA.tamu.edu> on or before 5:00 p.m., May 23, 2025.

Applicable Authority and Rules

Motor Vehicle Crime Prevention Authority grant programs are governed by the following statutes, rules, standards, and guidelines:

- Texas Transportation Code Chapter 1006 (<https://statutes.capitol.texas.gov/Docs/TN/htm/TN.1006.htm>)
- Texas Administrative Code (TAC): Title 43; Part 3; Chapter 57 ([http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=3&ti=43&pt=3](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=43&pt=3))
- Texas Grant Management Standards (TxGMS) as promulgated by the Texas Comptroller of Public Accounts (<https://comptroller.texas.gov/purchasing/grant-management/>)
- The current Motor Vehicle Crime Prevention Authority Grant Administrative Manual and any subsequent adopted grantee instruction manuals (https://www.txdmv.gov/sites/default/files/body-files/MVCPA_FY20_Grant_Admin_Manual.pdf)

This Request for Applications was issued on April 11, 2025.

Eligible Applicants.

Only Texas law enforcement agencies through their city or county are eligible to apply for the FY 2026 SB 224 Catalytic Converter Grant funding.

Application Category

New Grant-These are potentially annual grants subject to available legislative funding. A 20% Cash Match is required for this application. Applicants meeting eligibility requirements may submit a new grant application to the priority established by the MVCPA in the FY 2026 RFA. New applicants shall email MVCPA at GrantsMVCPA@txdmv.gov from an official governmental agency email account to request an account and that access be established.

Grant Type

Reimbursement-This is a total program budget reimbursement grant. Applicants that are awarded grants will expend local (agency) funds and then will be reimbursed quarterly, subject to compliance with standard and special conditions as contained in the Statement of Grant Award (SGA), at the agreed rate for all allowable, reasonable, and necessary program costs incurred.

Grant Term

The FY 2026 grant cycle is a one (1) year funding cycle to begin on September 1, 2025, and end on August 31, 2026. Subject to availability of funding and grantees' positive program performance, the MVCPA may provide an FY 2027 grant using the same online application systems and prorated budget values as originally submitted. No obligations or expenses may be incurred or made outside of the grant period(s).

Method of Application

Grant Applications from eligible applicants shall be completely submitted on-line at <https://MVCPA.tamu.edu> on or before 5:00 p.m., May 23, 2025. All forms will be completed online. The Resolution and all supporting documents must be submitted as attachments.

Figure 1:

MVCPA Application Checklist

Each Applicant must:

- 1) Complete the on-line Application on or before **5:00 PM, May 23, 2025.**
- 2) Complete the Resolution with the city or county and attach with other supporting documents on or before **5:00 PM, May 23, 2025.**

Resolution Required

A Resolution (Order or Ordinance) by the applicant governing body is required to make an application for these funds. The resolution shall provide that the governing body applies for the funds for the purpose provided in statute (SB 224 and this RFA) and agrees to return the grant funds in the event of loss or misuse and designate the officials that the governing body chooses as its agents to make uniform assurances and administer the grant if awarded.

Only the governing body that submits an application needs to adopt and submit a Resolution. Participating jurisdictions in multi-agency

taskforces shall agree and commit to the grant through Interlocal Cooperation Contract or agreements as provided under Texas Local Government Code Chapter 362, Texas Government Code Chapter 791, and TxGMS.

In the event a governing body has delegated the application authority to a city manager, chief of police, sheriff or other official, then applicants must submit on-line a copy of the delegation order (documentation) along with the Resolution signed by the official. A sample Resolution is attached as Appendix A.

Figure 2:

Appendix A

Updated Sample Motor Vehicle Crime Prevention Authority Resolution

Applicants must use the language below to meet the minimum legal elements to execute an agreement with the MVCPA through the grant application process. Cities and counties not wanting to use the sample below must address all the legal elements contained herein.

2025 Blank City / County Resolution or Order or Ordinance

Motor Vehicle Crime Prevention Authority

2025 Blank City / County Resolution

SB 224 Catalytic Converter Grant Program

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement taskforces and agencies for economic motor vehicle theft, including catalytic converter theft; and

WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, [GOVERNMENTAL ENTITY] has agreed that in the event of loss or misuse of the grant funds, [GOVERNMENTAL ENTITY] agrees and assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

NOW THEREFORE, BE IT RESOLVED and ordered that [TITLE], is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application

for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that [Name] is designated as the Program Director and [Name] is designated as the Financial Officer for this grant.

Adopted this _____ day of _____, 2025.

NAME

TITLE: County Judge /Mayor/ City Manager

Program Category

To be eligible for consideration for funding, a law enforcement taskforce grant application must be designed to support one or more of the following MVCPA program categories (43 TAC §57.14):

Law Enforcement, Detection, and Apprehension - provide financial assistance to support law enforcement agencies for economic motor vehicle theft, including, but not limited to, theft of a catalytic converter attached to a motor vehicle, and fraud-related motor vehicle crime enforcement teams (referred to as taskforces). Taskforces will develop organized methods to combat economic motor vehicle theft, including, but not limited to, theft of a catalytic converter attached to a motor vehicle, burglary of a motor vehicle, and fraud-related motor vehicle crime through the enforcement of law. This may include recovery of vehicles, clearance of cases, arrest of law violators, and disruption of organized motor vehicle crime. This category includes the development of uniform programs to prevent stolen motor vehicles and stolen catalytic converters from entering Mexico or being removed from Texas through outbound seaports.

Prosecution/Adjudication/Conviction - provide financial support for taskforces to work with prosecutors and the judiciary to implement programs designed to reduce the incidence of catalytic converter theft.

Prevention, Anti-Theft Devices, and Automobile Registration - provide financial support for taskforces to work with organizations and communities to reduce the incidence of catalytic converter theft. The application shall demonstrate how financial support will assist motor vehicle owners to reduce catalytic converter theft.

Reduction of the Sale of Stolen Vehicles or Parts - provide financial support for taskforces to work with businesses, organizations, and communities to reduce the sale of catalytic converters. Applicants will develop organized methods to combat the sale of stolen catalytic converters using any of the following: vehicle identification number (VIN) inspections; inspections of motor vehicle part and component distribution enterprises; parts labeling and etching methods; and means to detect the fraudulent sale of stolen catalytic converters.

Educational Programs and Marketing - provide financial support for taskforces to work with individuals, businesses, organizations,

and communities to assist motor vehicle owners in detecting and preventing catalytic converter theft. Develop and provide specialized training or education program(s) to the public on detecting and preventing catalytic converter theft, law enforcement on interdiction and prosecution, and government officials on detecting and preventing catalytic converter theft in this state.

Priority Funding

The MVCPA enabling statute provides that "The authority shall allocate grant funds primarily based on the number of motor vehicles stolen in, or the motor vehicle burglary or theft rate across, and the number of fraud-related motor vehicle crimes committed in the state rather than based on geographic distribution." (TTC Section 1006.151(c); SB 224). In addition, the following grant features will be given priority consideration in evaluating new grant applications:

Continuing Funded Programs in Compliance with MVCPA Grant Conditions - Applications that provide for the continuation of existing programs that currently meet the program and fiscal reporting conditions of the MVCPA grant program. Applicants must provide the ongoing need and their progress and impactful performance toward detecting and preventing catalytic converter theft.

The applicant must describe the experience and qualifications of investigators used in the program and how utilization of grant inventory and resources for continued operation of these specialized investigative grant programs are useful for state and local governments.

Programs to Combat Organized Catalytic Converter Crime- Applications for detecting and preventing catalytic converter theft enforcement teams that introduce, increase, or expand efforts to detect and prevent theft of catalytic converters by organized crime.

Border and Port Security-Applications that provide specific initiatives to identify and prevent stolen catalytic converters from crossing the border with Mexico using automatic license plate readers, training of local state and federal personnel in the identification of stolen vehicles, and bridge and port inspections.

Use of Technology-Applications that incorporate automatic license plate reader programs, surveillance equipment, and other uses of tech-

nology to increase the number of stolen catalytic converters recovered and the number of persons arrested for catalytic converter crimes.

Theft of Parts from a Motor Vehicle-Applications that incorporate a reasonable, objective plan to combat and prevent the theft of catalytic converters.

Dedicated Prosecutors-Applications that incorporate a dedicated prosecutor to increase the priority of catalytic converter theft prosecutions and decrease the number of repeat offenders through successful and timely prosecution efforts.

Supporting Documents

Documents that provide evidence of local support or commitment from other officials or agencies for the application may be submitted following the same instructions as the Resolution. Interagency agreements shall be submitted prior to payments being authorized if an award is made. MVCPA recommends that interagency agreements be completed after award determinations are made to ensure correct amounts are reflected in those agreements. All interagency agreements must meet the conditions and elements required in the TxGMS.

Supplanting Prohibited

Grant funds provided by the Authority under this RFA shall not be used to supplant federal, state, or local funds that otherwise would be available for the same purposes (43 Texas Administrative Code §57.9). Supplanting means the replacement of other funds with MVCPA grant funds. This shall include using existing resources already available to a program activity as cash match.

NICB-Applicants may enter into formal agreements with the National Insurance Crime Bureau (NICB) to work on grant funded activities. The amount of salary and other direct costs related to the work on grant activity provided by the NICB may be reported. Time certifications are required to be made by the employee for these positions as required by TXGMS.

In-Kind Match

Only include in-kind match if necessary for the local jurisdiction. In-kind match may be used to: 1) reflect the total level of jurisdictions' effort/costs to combat catalytic converter theft; 2) reflect how the grant program fits into jurisdictions' operation; 3) effectively operate a single program with multiple funding streams; and/or 4) contributions from the applicant or third parties that are for grant-funded activity. Costs in detail line items shall not be split between in-kind match and grant funding. For example, the entire salary of an officer shall be placed in one expense type rather than split between grant and in-kind.

Reporting and Webinar Attendance Requirements

Applicants who are awarded grants will be required to provide:

Quarterly Progress Reports-The MVCPA requires the submission of quarterly progress reports to demonstrate progress toward meeting goals and activities provided in the grant application. These include: 1) Monthly progress toward meeting statutorily required performance measures; 2) Monthly progress recorded on the Goals, Strategies, and Activities report; and 3) Quarterly Summary and Success section. Grantees designated as Border/Port Security grants are required to complete additional sections required by the Texas Legislature.

Quarterly Financial Reports-Reports of actual expenses incurred are required to request funds. All expenditures must be in accordance with local policies and procedures and grant requirements. Grantees shall review all expenditures, ensure all applicable regulations are followed, and maintain documentation that is accurate and complete. All expenses must be supported by appropriate documentation.

Webinar Attendance: One grant financial representative from the applicant agency is required to attend a monthly session via teleconference or webinar that includes information on MVCPA grant administration.

One law enforcement officer is required to attend the information sharing and networking sessions on a monthly session via teleconference or webinar that includes law enforcement issues and other MVCPA issues critical to the successful operation of MVCPA taskforces.

Funding Requirements and Conditions

a) State Funds Availability-All awards by the MVCPA are subject to the availability of state funds.

b) Right of Refusal-The Authority reserves the right to reject any or all of the applications submitted.

c) Awards-Publishing the RFA does not legally obligate the Authority to fund any programs.

Partial Funding-The Authority may choose to offer funds for all, or any portion of a program submitted in an application.

d) Substitution-The Authority may offer alternative funding sources, special conditions, or alternative program elements in response to submitted Applications.

e) Application Required-Registration for online access is required. The MVCPA is not responsible for applicants who cannot complete the registration and application process on time.

f) No Alternative Application Submission-Paper applications and requests for funding are not accepted in lieu of the online grant application process.

g) Review Criteria-Authority staff and any designated MVCPA Board member(s) will review each grant using subjective and objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Authority.

h) Questions and Clarification-During the review period, the applicant may be contacted by Authority staff to ask questions or to seek clarification regarding information provided in the application. Failure to promptly respond will not disqualify an applicant, but information that is submitted after the review period may not be considered.

i) Final Selection-The Authority may select and award programs that best meet the statutory and legislative purposes of SB 224 and that reflect its current priorities. No appeal may be made regarding the Authority's decisions.

j) Changes in Application-If an applicant proposes changes to be made in the program type or participation of jurisdictions after an award is determined, then the Authority will review the changes and may make modifications (including the amount) or cancel the award as deemed appropriate by the Authority.

k) Delayed Start-An applicant who is awarded a grant and does not begin operations within 30 days of the issuance of the Statement of Grant Award is considered terminated.

l) Application instructions-the MVCPA will provide additional details and instructions in the online application system that are incorporated by reference as part of this RFA and which must be followed during the application and award process.

m) Program Income-is defined in the TxGMS. Current grantees carrying forward program income to future years will follow the new rules established by the Texas Comptroller and MVCPA Grant Administrative Manual.

n) TCOLE Certifications Required-All law enforcement agencies regulated by Chapter 1701, Occupations Code must certify that they are

in compliance with the Texas Commission on Law Enforcement standards or provide a certification from the Texas Commission on Law Enforcement that states that the requesting agency is in the process of achieving compliance with said rules.

Selection Process:

Eligible applications will be reviewed. Grant award decisions by MVCPA are final and not subject to judicial review.

Applications that do not meet the stated requirements of this RFA and that are not eligible for review will be notified within ten (10) working days after the due date.

Application Workshop

Potential applicants are requested/required to attend the on line "Motor Vehicle Crime Prevention Authority Grant Application Workshop" which has been scheduled for: April 30, 2025, from 9 a.m to 12 p.m. Join by using the following link

THIS MEETING WILL BE HELD REMOTELY VIA MICROSOFT TEAMS MEETING

Microsoft Teams

Join the meeting on your computer, mobile app or room device.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDd-kYzc2NzgtY2U3NS00ZTUwLTg3YzktYmExMzhkYjhmZjZm%40t-hread.v2/0?context=%7b%22Tid%22%3a%2272719f70-3533-46b3-9456-ec1235143768%22%2c%22Oid%22%3a%220514ac85-ebb6-4d6b-83c8-d095df91e59b%22%7d

Meeting ID: 215 109 540 885

Passcode: QK3kC9Tk

Dial in by phone

+1 737-787-8456,,404290408# United States, Austin

Find a local number

Phone conference ID: 404 290 408#

Conference ID: 929 327 163#

The informational session will provide details on the grant Application process including grant eligibility requirements, completing the various Application sections, and the grant cycle timeline.

Contact Person

William Diggs, MVCPA Director,
Texas Motor Vehicle Crime Prevention Authority
4000 Jackson Avenue
Austin, Texas 78731
(512) 465-1485
GrantsMVCPA@TxDMV.gov

Webinar Attendance: One grant representative from the applicant agency is required to attend a monthly session via teleconference or webinar that includes information on MVCPA grant administration.

One law enforcement officer is required to attend the monthly information sharing and networking sessions on law enforcement issues and other MVCPA issues critical to the successful operation of an MVCPA taskforce. "These meetings occur in person during the months a MVCPA Board Meeting takes place."

TRD-202501259
William Diggs
MVCPA Director
Motor Vehicle Crime Prevention Authority
Filed: April 15, 2025



How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "50 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 50 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State's website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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