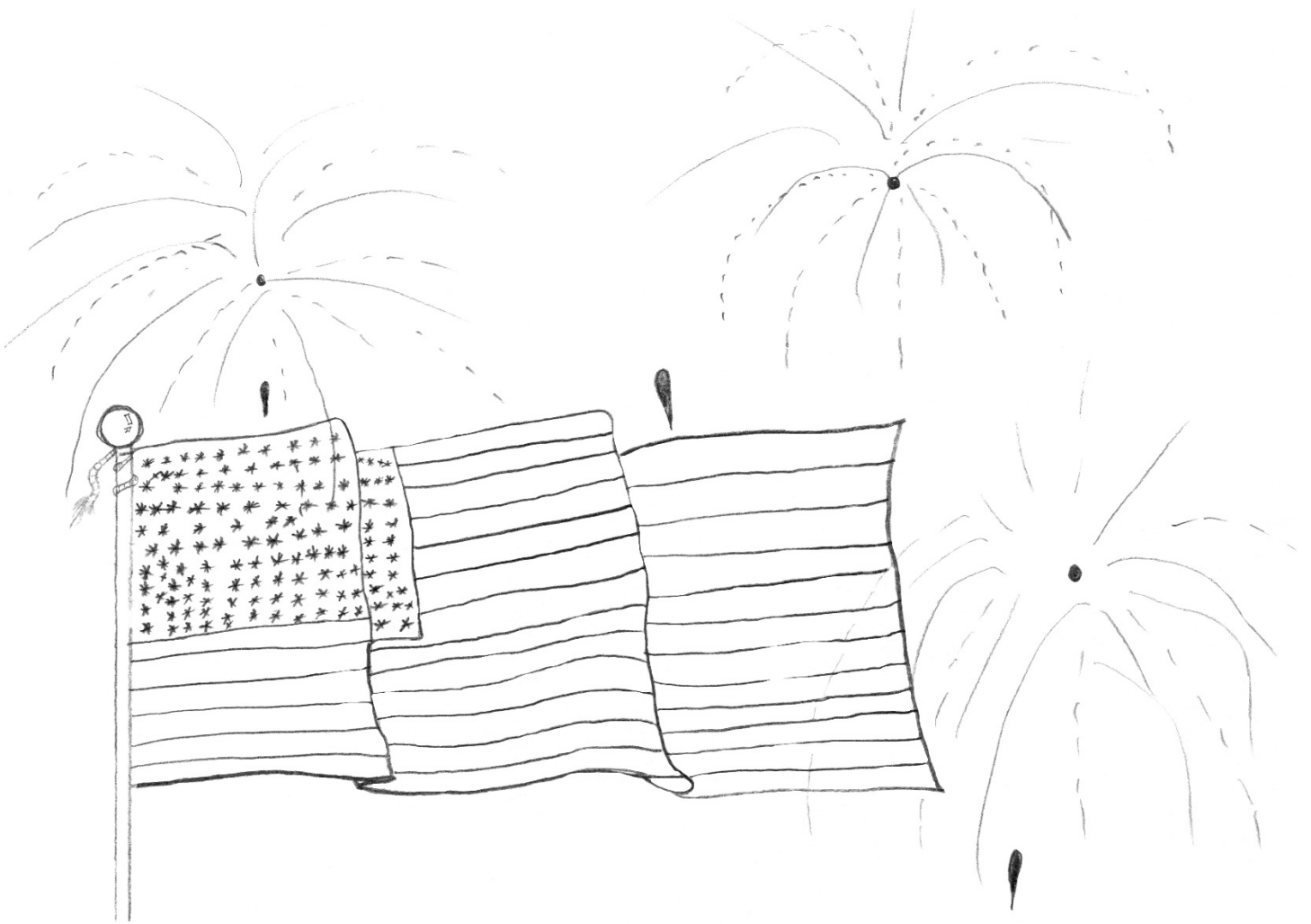

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PROPOSED RULES

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 16. ECONOMIC REGULATION

PART 8. TEXAS RACING COMMISSION

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER D. RUNNING OF THE RACE DIVISION 1. JOCKEYS

16 TAC §313.405

The Texas Racing Commission proposes amendments to 16 TAC §313.405, Whips and Other Equipment. The amendments would change the word "whip" to "crop" throughout the rule and would establish the specifications for an acceptable crop, in accordance with the Association of Racing Commissioners International's model rule.

FISCAL NOTE

STATE AND LOCAL GOVERNMENT

Chuck Trout, Executive Director, has determined that for the first five-year period the rule is in effect, the amendments would have no anticipated fiscal impact on state or local government.

PUBLIC BENEFIT AND COST

Mr. Trout has determined that for each year of the first five years that the amended rule is in effect, the anticipated public benefit will be increased rider and horse safety because jockeys will be able to maintain healthier weights while riding. The probable economic cost to persons required to comply with the rule as amended is minimal, as approximately 75% of jockeys already use crops that comply with the proposed requirements, and the cost to the others of buying a compliant crop (a one-time expense) is estimated to be about \$70.

GOVERNMENT GROWTH IMPACT

For each year of the first five years that the amended rule is in effect, the government growth impact is as follows: the amendments do not create or eliminate a government program; the amendments do not create any new employee positions or eliminate any existing employee positions; implementation of the amendments does not require an increase or decrease in future legislative appropriations to the agency; implementation of the amendments does not require a substantial increase or decrease in the total amount of fees paid to the agency; the amendments do not create any new regulations; the amendments do not expand any existing regulations; the amendments do not

create the number of individuals subject to the rule's applicability; and the proposed amendments do not affect this state's economy.

SMALL, MICRO-BUSINESS, LOCAL ECONOMY, AND RURAL COMMUNITIES

These amendments would have no anticipated adverse economic effect on small or micro-businesses, local economy, or rural communities, and therefore preparation of an economic impact statement and a regulatory flexibility analysis is not required.

There are no negative impacts upon employment conditions in this state as a result of the proposed amendments.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

Mr. Trout has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225, and so an environmental impact analysis is not required.

TAKINGS IMPACT STATEMENT

Mr. Trout has determined that the proposed rule will not affect private real property, and will not restrict, limit, or impose a burden on an owner's right to his or her private real property and, therefore, will not constitute a taking. As a result, a takings impact assessment is not required, as provided by Government Code §2007.043.

All comments or questions regarding the proposed amendments may be submitted in writing within 30 days following publication of this notice in the *Texas Register* to Jean Cook, Chief of Staff for the Texas Racing Commission, at P.O. Box 12080, Austin, Texas 78711-2080, telephone (512) 833-6699, or fax (512) 833-6907.

The amendments are proposed under Texas Revised Civil Statutes Annotated, Article 179e, §3.02, which requires the Commission to regulate and supervise every race meeting in the state involving wagering on the result of greyhound or horse race and to make rules relating to horse racing.

The amendments implement Texas Revised Civil Statutes Annotated, Article 179e.

§313.405. Crops [~~Whips~~] and Other Equipment.

(a) The use of a crop [~~whip~~] is not required and a jockey who uses a crop [~~whip~~] during a race may do so only in a manner consistent with using the jockey's best efforts to win. The correct uses of a crop [~~whip~~] include:

(1) showing the crop [~~whip~~] to the horse before hitting the horse;

(2) using the crop [whip] in rhythm to the horse's stride; and

(3) using the crop [whip] as an aid to keep a horse running straight.

(b) All riding crops are subject to inspection and approval by the stewards and the clerk of scales. Riding crops shall have a shaft and a flap and will be allowed only as follows:

(1) maximum weight of eight ounces;

(2) maximum length, including flap, of 30 inches;

(3) minimum diameter of the shaft of three-eighths inch;

(4) shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one millimeter throughout its circumference; and

(5) the flap is the only allowable attachment to the shaft and must meet these specifications:

(A) length beyond the end of the shaft shall not exceed one inch;

(B) width shall be between 0.8 inch and 1.6 inches;

(C) no reinforcements or additions beyond the end of the shaft;

(D) no binding within seven inches of the end of the shaft; and

(E) shock absorbing characteristics similar to those of the contact area of the shaft.

~~{(b) A whip used in races must be at least 1/4-inch in diameter and have a looped leather "popper" affixed to one end. The whip must have at least three rows of leather feathers above the popper and each feather must be at least one inch long. The popper must be at least 1 1/4 inch wide and three inches long. A whip may not exceed one pound in weight or 31 inches in length, including the popper.}~~

(c) If a jockey is to ride without a crop[whip], the stewards shall ensure that fact is announced over the public address system.

(d) A jockey may not strike [whip] a horse:

(1) on the head, flanks, or on any part of the horse's body other than the shoulders or hind quarters;

(2) excessively or brutally causing welts or breaks in the skin;

(3) in the post parade except when necessary to control the horse;

(4) when the horse is clearly out of the race or has obtained its maximum placing; or

(5) persistently, if the horse is not responding to the crop [whip].

(e) (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 June 20, 2018.

TRD-201802781

Devon Bijansky

General Counsel

Texas Racing Commission

Earliest possible date of adoption: August 5, 2018

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

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**PART 9. TEXAS LOTTERY
COMMISSION**

**CHAPTER 402. CHARITABLE BINGO
OPERATIONS DIVISION**

**SUBCHAPTER D. LICENSING REQUIRE-
MENTS**

16 TAC §402.443

The Texas Lottery Commission (Commission) proposes new rule 16 TAC §402.443 (Transfer of a Grandfathered Lessor's Commercial Lessor License). The purpose of the proposed rule is to clarify that the broad leasing rights of a "grandfathered" bingo commercial lessor (Grandfathered Lessor) under a commercial lessor license issued on or before June 10, 1989, that has been in effect continuously since that date, cannot be transferred to a new license holder under the license transfer provisions of the Bingo Enabling Act (Texas Occupations Code Chapter 2001) (BEA). The Commission is proposing the new rule in response to Texas Attorney General Opinion No. KP-0202 issued May 16, 2018.

The concept of Grandfathered Lessors originated with H.B. 2260, enacted in 1989 during the regular session of the 71st Texas Legislature. At that time, the Texas Comptroller of Public Accounts administered the charitable bingo regulatory program. H.B. 2260 transferred the bingo program to the Texas Alcoholic Beverage Commission effective January 1, 1990; and, among other things, amended the BEA to provide that newly-licensed commercial lessors may directly lease to only one bingo conductor organization. However, Grandfathered Lessors who kept their license in continuous effect were allowed to continue to lease directly to more than one such organization. Under current law, a Grandfathered Lessor may lease directly (and collect rent from) up to seven bingo conductor organizations. BEA §2001.402(c).

BEA §2001.152(b) provides that "a person who was a licensed commercial lessor on June 10, 1989, whose license has been in effect continuously since that date, and who is otherwise eligible for the license may renew the license." Today, out of a total of over 300 commercial lessor licenses currently in effect, approximately 199 of those are Grandfathered Lessor's licenses. BEA §2001.160(a) further provides that "a licensed commercial lessor may transfer a commercial lessor license if the person to whom the license will be transferred otherwise meets the requirements of this subchapter." The Attorney General in Opinion No. KP-0202 found that such transferee requirements include the leasing restrictions on for-profit non-Grandfathered Lessors (i.e., leasing to only one bingo conductor organization) set forth in the BEA §2001.152(a) eligibility provisions. The Attorney General stated, "A court would likely conclude that the language of the Bingo Enabling Act does not authorize the transfer of a commercial lessor license that includes a grandfathered right to lease to more than one licensed authorized organization." This conclu-

sion requires the Commission to change its historical practice of considering that grandfathered leasing rights (leasing to up to seven bingo conductor organizations) are transferable to a new license holder. Although the Commission's historical practice is not written in a rule, the Attorney General concluded it was likely that a change in such practice requires a formal rulemaking proceeding.

Kathy Pyka, Controller, has determined that for each year of the first five years the rule will be in effect, there will be no fiscal impact for state or local governments as a result of the proposed rule. There will be no adverse effect on small businesses or rural communities, micro businesses, or local or state employment. There will be no additional economic cost to persons required to comply with the rule, as proposed. One industry representative indicated in briefing to the Attorney General that a change in the Commission's historical practice would adversely impact the market value of Grandfathered Lessor's licenses, but the proposed rule itself does not address market value and does not impose a cost. Further, to the extent there may be an economic cost to some persons due to the change in the Commission's practice, the new rule nevertheless is necessary to implement the license transfer requirements of the BEA, as interpreted by the Attorney General. Furthermore, an Economic Impact Statement and Regulatory Flexibility Analysis is not required because the proposed rule will not have an adverse economic effect on small businesses or rural communities as defined in Texas Government Code §2006.001(1-a) and (2).

Ed Rogers, Acting Director of the Charitable Bingo Operations Division, has determined that for each year of the first five years the proposed rule will be in effect, the anticipated public benefit is aligning the Commission's practice of transferring a Grandfathered Lessor's commercial lessor license with the requirements of the BEA and Attorney General Opinion No. KP-0202.

Pursuant to Texas Government Code §2001.0221, the Commission provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, Kathy Pyka, Controller, has determined the following:

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

The Commission requests comments on the proposed rule from any interested person. Comments may be submitted to Bob Biard, General Counsel, by mail at Texas Lottery Commission,

P.O. Box 16630, Austin, Texas 78761-6630; by facsimile at (512) 344-5189; or by email at legal.input@lottery.state.tx.us. Comments must be received within 30 days after publication of this proposal in the *Texas Register* in order to be considered. The Commission also will hold a public hearing to receive comments on this proposal at 10:00 a.m. on July 18, 2018, at 611 E. 6th Street, Austin, Texas 78701.

The new rule is proposed under Texas Occupations Code §2001.054, which authorizes the Commission to adopt rules to enforce and administer the Bingo Enabling Act; and Texas Government Code §467.102, which authorizes the Commission to adopt rules for the laws under the Commission's jurisdiction.

This proposal is intended to implement Texas Occupations Code, Chapter 2001.

§402.443. Transfer of a Grandfathered Lessor's Commercial Lessor License.

(a) "Grandfathered Lessor's License" means a commercial lessor license that was in effect on June 10, 1989, and that has been in effect continuously since that date.

(b) The Commission's approval to transfer a Grandfathered Lessor's License from a current license holder to a new license holder does not transfer the grandfathered leasing rights. The new license holder's authority under the transferred license shall be subject to the eligibility requirements set forth in Bingo Enabling Act §2001.152(a) (and any successor statute thereto).

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 June 21, 2018.

TRD-201802790

Bob Biard

General Counsel

Texas Lottery Commission

Earliest possible date of adoption: August 5, 2018

For further information, please call: (512) 344-5012

◆ ◆ ◆
TITLE 22. EXAMINING BOARDS

PART 3. TEXAS BOARD OF CHIROPRACTIC EXAMINERS

CHAPTER 78. RULES OF PRACTICE

22 TAC §78.14

The Texas Board of Chiropractic Examiners (Board) proposes the repeal of Chapter 78, §78.14, concerning Acupuncture. This rule will be replaced by a new acupuncture rule at the Board meeting on August 16, 2018. The proposed repeal and replacement is to promote a clear understanding of the use of acupuncture as a modality by chiropractors.

The Board's Executive Director, Patrick Fortner, has determined that for the first five-year period the proposed repeal is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed repeal.

Mr. Fortner has determined that the expected public benefit of the proposed repeal will be clarity and guidance for the public

and stakeholders regarding the use of acupuncture in the practice of chiropractic.

Mr. Fortner has also determined that the proposed repeal will not have an adverse economic effect on small businesses, rural communities or individuals, because it does not impose any duties or obligations upon small businesses, rural communities or individuals.

GOVERNMENT GROWTH IMPACT: Mr. Fortner has determined that the proposed repeal does not have a government growth impact pursuant to Texas Government Code, §2001.0221.

Comments on the proposed repeal and/or a request for a public hearing may be submitted to Christopher Burnett, General Counsel, Texas Board of Chiropractic Examiners, 333 Guadalupe St, Tower III, Suite 825, Austin, Texas 78701, via email rules@tbce.state.tx.us; or fax, (512) 305-6705, no later than 30 days from the date that this proposed repeal is published in the *Texas Register*.

The repeal is proposed under Texas Occupations Code §201.152, which authorizes the Board to adopt rules necessary to regulate the practice of chiropractic to protect the public health and safety. The Board is further authorized to adopt rules based upon the relevant portions of the Administrative Procedure Act, Government Code §2001.

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

§78.14. Acupuncture.

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 June 21, 2018.

TRD-201802793

Christopher Burnett

General Counsel

Texas Board of Chiropractic Examiners

Earliest possible date of adoption: August 5, 2018

For further information, please call: (512) 305-6700



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 7. PREPAID HIGHER EDUCATION TUITION PROGRAM

SUBCHAPTER B. BOARD MEETING GUIDELINES AND REQUIREMENTS

34 TAC §7.18

The Comptroller of Public Accounts proposes amendments to §7.18, concerning complaints.

The amendments to §7.18 update the language in subsection (a) to require that a statement specifying where to send complaints is placed on plan or program websites and plan or program descriptions instead of on all applications, contracts and informational materials. This change is being made because increased

internet access and usage make websites more effective in conveying this information, and because plan or program descriptions are a more appropriate placement than plan or program contracts. The amendments also correct a typographical error in subsection (b).

Tom Currah, Chief Revenue Estimator, has determined that during the first five years that the proposal is in effect, the rule: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy. This proposal amends an existing rule.

Mr. Currah also has determined that the proposal would have no significant fiscal impact on small businesses or rural communities. The rule would have no fiscal impact on the state government, units of local government, or individuals. The proposed amendment would benefit the public by improving dissemination of this information. There would be no anticipated significant economic cost to the public.

Comments on the proposals may be submitted to Linda Fernandez, Director, Educational Opportunities and Investment Division, Comptroller of Public Accounts, at P.O. Box 13407, Austin, Texas 78711-3407 or at Linda.Fernandez@cpa.texas.gov. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

These amendments are proposed under Education Code, §54.618(b)(2), which authorizes the Prepaid Higher Education Tuition Board in the Comptroller of Public Accounts to adopt rules to implement the program.

These amendments implement Education Code, Chapter 54, Subchapter F.

§7.18. Complaints.

(a) All plan or program websites and plan or program descriptions [applications, contracts and informational materials distributed] on behalf of the program shall include a statement specifying that complaints may be forwarded to the following address or by calling the toll free number: Prepaid Higher Education Tuition Program, Office of the Comptroller of Public Accounts, P.O. Box 13407, Austin, Texas 78711-3407, 1-800-445-GRAD.

(b) Staff shall document the source and nature of each complaint as provided in [the] Education Code, §54.617, and shall keep a file for each written complaint filed. Each file shall include a description of the action taken to resolve the complaint. Staff shall provide any person who files a written complaint with a copy of the board's policies [policies] and procedures pertaining to complaint investigation and resolution, shall update such person at least quarterly regarding the status of the complaint, and shall notify such person of the final resolution of the complaint.

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 June 22, 2018.

TRD-201802800



SUBCHAPTER K. HIGHER EDUCATION SAVINGS PLAN

34 TAC §7.101

The Comptroller of Public Accounts proposes amendments to §7.101, concerning definitions.

The amendments to §7.101 revise paragraph (6)(A) to exclude from the definition of "Promotional material, or savings plan information" internet banner ads that link directly to a web page that contains a link to the savings plan description. This change is being made to allow the comptroller the flexibility to link ads to a webpage that contains the savings plan descriptions instead of the home page of the savings plan.

The amendments to §7.101 also revise paragraph (6)(E) to exclude from the definition of "Promotional material, or savings plan information" objects, advertisements, or social media posts that include no more than the name and logo of the plan and a short slogan that does not constitute a call to invest. This change is being made due to the increased use and content of online advertising, and to be consistent with federal rules and guidance.

Tom Currah, Chief Revenue Estimator, has determined that during the first five years that the proposal is in effect, the rule: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy. This proposal amends an existing rule.

Mr. Currah also has determined that the proposal would have no significant fiscal impact on small businesses or rural communities. The rule would have no fiscal impact on the state government, units of local government, or individuals. The proposed amendment would benefit the public by allowing more flexibility for promotion of the savings plan. There would be no anticipated significant economic cost to the public.

Comments on the proposal may be submitted to Linda Fernandez, Director, Educational Opportunities and Investment Division, Comptroller of Public Accounts, at P.O. Box 13407, Austin, Texas 78711-3407 or at Linda.Fernandez@cpa.texas.gov. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

This amendment is proposed under Education Code, §§54.618, 54.702(a), 54.708, and 54.710, which authorize the Prepaid Higher Education Tuition Board in the Comptroller of Public Accounts to adopt rules to implement the program.

This amendment implements Education Code, Chapter 54, Subchapter G.

§7.101. Definitions.

The following words, terms, and phrases, when used in this subchapter, shall have the following meanings.

(1) **Beneficiary**--The designated individual whose qualified higher education expenses are expected to be paid from a savings trust account.

(2) **Financial institution**--A bank, trust company, savings and loan association, credit union, broker-dealer, mutual fund, insurance company, or other similar financial institution that is authorized to transact business in this state.

(3) **Nonqualified withdrawal**--A withdrawal from a savings trust account other than:

(A) a qualified withdrawal;

(B) a withdrawal that is made as the result of the death or disability of the beneficiary of the account; or

(C) a withdrawal that is made as a result of the receipt of a scholarship or an allowance or payment that is described in Internal Revenue Code of 1986, §135(d)(1)(B) or (C), as amended, and that the beneficiary has received, to the extent that the amount of the withdrawal does not exceed the amount of the scholarship, allowance, or payment, in accordance with federal law.

(4) **Owner**--The individual, trust, estate, Uniform Gift to Minors Act (UGMA) custodian or Uniform Transfer to Minors Act (UTMA) custodian, guardian, corporation, non-profit entity, or other legal entity, or any combination thereof that results from transfers by operation of law, that owns a savings trust account under a savings trust agreement between the board and that individual, trust, estate, UGMA or UTMA custodian, guardian, corporation, non-profit entity, or other legal entity, or any combination thereof.

(5) **Plan manager**--A financial institution that is under contract with the board to serve as a plan administrator.

(6) **Promotional material, or savings plan information**--Any material published or used in any written, electronic, or other public media. For the purpose of §7.102(e)(2) and (3), of this title (relating to General Provisions) the term does not include:

(A) internet banner ads that link directly to a web page that contains a link to the savings plan description [~~to the home page of a savings plan~~];

(B) time-limited broadcast advertisements;

(C) press releases distributed only to members of the media;

(D) materials and information that is not distributed to account owners, beneficiaries, or the public; or

(E) objects, advertisements or social media posts that include no more than the name and logo of the plan and a short [brief] slogan that does not constitute a call to invest [of ten words or less].

(7) **Qualified higher education expenses**--Tuition, fees, books, supplies, and equipment that are required for the enrollment or attendance of a beneficiary at an eligible educational institution as defined by Internal Revenue Code of 1986, §529, as amended, and including in certain instances the following:

(A) In the case of a special needs beneficiary, "qualified higher education expenses" include expenses for special needs services that are incurred in connection with enrollment or attendance of the beneficiary at an eligible educational institution; and

(B) To the extent permitted by Internal Revenue Code of 1986, §529, as amended, beneficiaries who live off-campus and not at home may include in "qualified higher education expenses" a reasonable room and board allowance as determined by the eligible edu-

ational institution, and beneficiaries who live on campus may include in "qualified higher education expenses" the actual invoice amount that is charged for room and board, if that amount is greater than the allowance.

(8) Qualified withdrawal--A withdrawal from a savings trust account to pay the qualified higher education expenses of the beneficiary of the account.

(9) Savings trust account--An account that an owner establishes through the savings plan under this subchapter and Education Code, Chapter 54, Subchapter G, on behalf of a beneficiary for the purpose of applying distributions from the account toward qualified higher education expenses at eligible educational institutions.

(10) Savings trust agreement--The agreement between the owner that establishes a savings trust account and the board, which may be amended over time.

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

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Victoria North
Chief Counsel, Fiscal and Agency Affairs Legal Services Division
Comptroller of Public Accounts
Earliest possible date of adoption: August 5, 2018
For further information, please call: (512) 475-0387



SUBCHAPTER L. PREPAID TUITION UNIT UNDERGRADUATE EDUCATION PROGRAM: TEXAS TOMORROW FUND II

34 TAC §7.121

The Comptroller of Public Accounts proposes an amendment to §7.121, concerning application.

The amendment to §7.121 updates the address in subsection (b) where applications are made available by deleting the room number.

Tom Currah, Chief Revenue Estimator, has determined that during the first five years that the proposal is in effect, the rule: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy. This proposal amends an existing rule.

Mr. Currah also has determined that the proposal would have no significant fiscal impact on small businesses or rural communities. The rule would have no fiscal impact on the state government, units of local government, or individuals. The proposed amendment would benefit the public by improving access to applications for this program. There would be no anticipated significant economic cost to the public.

Comments on the proposal may be submitted to Linda Fernandez, Director, Educational Opportunities and Investment Division, Comptroller of Public Accounts, at P.O. Box 13407, Austin,

Texas 78711-3407 or at Linda.Fernandez@cpa.texas.gov. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

This amendment is proposed under Education Code, §54.752(b)(1), which authorizes the Prepaid Higher Education Tuition Board in the Comptroller of Public Accounts to adopt rules to implement the program.

This amendment implements Education Code, Chapter 54, Subchapter H.

§7.121. Application.

(a) This subchapter applies to prepaid tuition contracts under the prepaid tuition unit undergraduate education program (Texas Tomorrow Fund II) to enable individuals to enter into a prepaid tuition contract with the board on behalf of a beneficiary for the purchase of one or more tuition units that the beneficiary is entitled to apply to the payment of the beneficiary's undergraduate tuition and required fees at an eligible educational institution.

(b) Applications shall be made available through the Prepaid Tuition Unit Undergraduate Education Program, Office of the Comptroller of Public Accounts, P.O. Box 13407, Austin, Texas 78711-3407; 111 East 17th Street, [Room 445,] Austin, Texas 78711-1440, or by calling toll-free at 1-800-445-4723 (GRAD), or as otherwise provided by the board on the board's Internet web site.

(c) The rights of purchasers and beneficiaries are subject to the provisions of this subchapter, Education Code, Chapter 54, Subchapter H, Internal Revenue Code, §529, and the terms and conditions of the prepaid tuition contract. To the extent of irreconcilable conflict, the provisions of Internal Revenue Code, §529; Education Code, Chapter 54, Subchapter H; and this subchapter prevail over the prepaid tuition contract. Any amendment to Internal Revenue Code, §529; Education Code, Chapter 54, Subchapter H; or this subchapter that would apply to a prepaid tuition contract will automatically constitute an amendment to the prepaid tuition contract.

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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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.1

The Texas Commission on Law Enforcement (Commission) proposes amendments to §211.1, concerning Definitions. Paragraphs (49) - (50) in Subsection (a) are being added to clarify which police chiefs must attend chiefs training through the Bill

Blackwood Law Enforcement Management Institute of Texas. Paragraphs (51) - (68) in Subsection (a) are being renumbered to reflect the addition of the new definitions. Subsection (b) is amended to reflect the effective date of the changes.

The proposed amendments clarify which police chiefs must attend chiefs training through the Bill Blackwood Law Enforcement Management Institute of Texas as required under Texas Occupations Code, Section 1701.358, and Texas Education Code, Section 96.641.

John Beauchamp, General Counsel, has determined that for each year of the first five years the amendments as proposed will be in effect, there will be little or no effect on state or local governments as a result of administering the amendments.

Mr. Beauchamp has determined that for each year of the first five years the section as proposed will be in effect, there will be a positive benefit to the public by correctly listing those required to take the training.

Mr. Beauchamp has determined that for each year of the first five years the section as proposed will be in effect, there will be no anticipated cost to small businesses, micro-businesses, rural communities, or individuals, as a result of the proposed section.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

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

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

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability;

(8) the proposed rule does not positively or adversely affect this state's economy.

Comments on the proposal may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. Kim Vickers, Executive Director, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amendments are proposed under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, Texas Occupations Code, §1701.358, Initial Training and Continuing Education for Police Chiefs, Texas Education Code, §96.641 Initial Training and Continuing Education for Police Chiefs and Command Staff.

No other code, article, or statute is affected by this proposal.

§211.1. Definitions.

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

(1) Academic alternative program--A program for college credit offered by a training provider recognized by the Southern Association of Colleges and Schools and the Texas Higher Education Coordinating Board, authorized by the commission to conduct preparatory law enforcement training as part of a degree plan program, and consisting of commission-approved curricula.

(2) Academic provider--A school, accredited by the Southern Association of Colleges and Schools and the Texas Higher Education Coordinating Board, which has been approved by the commission to provide basic licensing courses.

(3) Accredited college or university--An institution of higher education that is accredited or authorized by the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Commission on Colleges and Universities, the Western Association of Schools and Colleges, or an international college or university evaluated and accepted by a United States accredited college or university.

(4) Active--A license issued by the commission that meets the current requirements of licensure and training as determined by the commission.

(5) Administrative Law Judge (ALJ)--An administrative law judge appointed by the chief administrative law judge of the State Office of Administrative Hearings.

(6) Agency--A law enforcement unit or other entity, whether public or private, authorized by Texas law to appoint a person licensed or certified by the commission.

(7) Appointed--Elected or commissioned by an agency as a peace officer, reserve or otherwise selected or assigned to a position governed by the Texas Occupations Code, Chapter 1701, without regard to pay or employment status.

(8) Background investigation--An investigation into an applicant's personal history that meets or exceeds the commission-developed questionnaire or personal history statement.

(9) Basic licensing course--Any current commission developed course that is required before an individual may be licensed by the commission.

(10) Certified copy--A true and correct copy of a document or record certified by the custodian of records of the submitting entity.

(11) Chief administrator--The head or designee of a law enforcement agency.

(12) Commission--The Texas Commission on Law Enforcement.

(13) Commissioned--Has been given the legal power to act as a peace officer or reserve, whether elected, employed, or appointed.

(14) Commissioners--The nine commission members appointed by the governor.

(15) Contract jail--A correctional facility, operated by a county, municipality or private vendor, operating under a contract with a county or municipality, to house inmates convicted of offenses committed against the laws of another state of the United States, as provided by Texas Government Code, §511.0092.

(16) Contract Jailer--a person licensed as a Jailer in a Contract Jail or employed by an agency outside of a County Jail whose employing agency provides services inside of a County Jail which would require the person to have a Jailer License.

(17) Contractual training provider--A law enforcement agency or academy, a law enforcement association, alternative delivery trainer, distance education, academic alternative, or proprietary training provider that conducts specific education and training under a contract with the commission.

(18) Convicted--Has been adjudged guilty of or has had a judgment of guilt entered in a criminal case that has not been set aside on appeal, regardless of whether:

(A) the sentence is subsequently probated and the person is discharged from probation;

(B) the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense; or

(C) the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

(19) Community supervision--Any court-ordered community supervision or probation resulting from a deferred adjudication or conviction by a court of competent jurisdiction. However, this does not include supervision resulting from a pretrial diversion.

(20) Diploma mill--An entity that offers for a fee with little or no coursework, degrees, diplomas, or certificates that may be used to represent to the general public that the individual has successfully completed a program of secondary education or training.

(21) Distance education--Study, at a distance, with an educational provider that conducts organized, formal learning opportunities for students. The instruction is offered wholly or primarily by distance study, through virtually any media. It may include the use of: videotapes, DVD, audio recordings, telephone and email communications, and Web-based delivery systems.

(22) Duty ammunition--Ammunition required or permitted by the agency to be carried on duty.

(23) Executive director--The executive director of the commission or any individual authorized to act on behalf of the executive director.

(24) Experience--Includes each month, or part thereof, served as a peace officer, reserve, jailer, telecommunicator, or federal officer. Credit may, at the discretion of the executive director, be awarded for relevant experience from an out-of-state agency.

(25) Family Violence--In this chapter, has the meaning assigned by Chapter 71, Texas Family Code.

(26) Field training program--A program intended to facilitate a transition from the academic setting to the performance of the general duties of the appointing agency.

(27) Firearms--Any handgun, shotgun, precision rifle, patrol rifle, or fully automatic weapon that is carried by the individual officer in an official capacity.

(28) Firearms proficiency--Successful completion of the annual firearms proficiency requirements.

(29) Fit for duty review--A formal specialized examination of an individual, appointed to a position governed by the Texas Occupations Code, Chapter 1701, without regard to pay or employment status, to determine if the appointee is able to safely and/or effectively perform essential job functions. The basis for these examinations should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical and/or psychological condition or impairment. Objective evidence may include direct observation, credible third party reports; or other reliable evidence. The review should come

after other options have been deemed inappropriate in light of the facts of the case. The selected Texas licensed medical doctor or psychologist, who is familiar with the duties of the appointee, conducting an examination should be consulted to ensure that a review is indicated. This review may include psychological and/or medical fitness examinations.

(30) High School Diploma--An earned high school diploma from a United States high school, an accredited secondary school equivalent to that of United States high school, or a passing score on the general education development test indicating a high school graduation level. Documentation from diploma mills is not acceptable.

(31) Home School Diploma--An earned diploma from a student who predominately receives instruction in a general elementary or secondary education program that is provided by the parent, or a person in parental authority, in or through the child's home. (Texas Education Code §29.916)

(32) Honorably Retired Peace Officer--an unappointed person with a Texas Peace Officer license who has a cumulative total of 15 years of full-time service as a Peace Officer. An Honorably Retired Peace Officer does not carry any Peace Officer authority.

(33) Individual--A human being who has been born and is or was alive.

(34) Jailer--A person employed or appointed as a jailer under the provisions of the Local Government Code, §85.005, or Texas Government Code §511.0092.

(35) Killed in the line of duty--A death that is the directly attributed result of a personal injury sustained in the line of duty.

(36) Law--Including, but not limited to, the constitution or a statute of this state, or the United States; a written opinion of a court of record; a municipal ordinance; an order of a county commissioners' court; or a rule authorized by and lawfully adopted under a statute.

(37) Law enforcement academy--A school operated by a governmental entity which may provide basic licensing courses and continuing education under contract with the commission.

(38) Law enforcement automobile for training--A vehicle equipped to meet the requirements of an authorized emergency vehicle as identified by Texas Transportation Code §546.003 and §547.702.

(39) Lesson plan--A plan of action consisting of a sequence of logically linked topics that together make positive learning experiences. Elements of a lesson plan include: measurable goals and objectives, content, a description of instructional methods, tests and activities, assessments and evaluations, and technologies utilized.

(40) License--A license required by law or a state agency rule that must be obtained by an individual to engage in a particular business.

(41) Licensee--An individual holding a license issued by the commission.

(42) Line of duty--Any lawful and reasonable action, which an officer identified in Texas Government Code, Chapter 3105 is required or authorized by rule, condition of employment, or law to perform. The term includes an action by the individual at a social, ceremonial, athletic, or other function to which the individual is assigned by the individual's employer.

(43) Moral character--The propensity on the part of a person to serve the public of the state in a fair, honest, and open manner.

(44) Officer--A peace officer or reserve identified under the provisions of the Texas Occupations Code, §1701.001.

(45) Patrol rifle--Any magazine-fed repeating rifle with iron/open sights or with a frame mounted optical enhancing sighting device, 5 power or less, that is carried by the individual officer in an official capacity.

(46) Peace officer--A person elected, employed, or appointed as a peace officer under the provisions of the Texas Occupations Code, §1701.001.

(47) Personal Identification Number (PID)--A unique computer-generated number assigned to individuals for identification in the commission's electronic database.

(48) Placed on probation--Has received an adjudicated or deferred adjudication probation for a criminal offense.

(49) Police Chief--The head of a police department. A police chief is a chief administrator as defined above.

(50) Police Department--A municipal police department, an independent school district police department, or a police department of a public or private institution of higher education. This does not include state agencies that are not institutions of higher education, county agencies, water districts, city marshals' offices, or any other type of law enforcement agency not listed above.

(51) [(49)] POST--State or federal agency with jurisdiction similar to that of the commission, such as a peace officer standards and training agency.

(52) [(50)] Precision rifle--Any rifle with a frame mounted optical sighting device greater than 5 power that is carried by the individual officer in an official capacity.

(53) [(51)] Proprietary training contractor--An approved training contractor who has a proprietary interest in the intellectual property delivered.

(54) [(52)] Public security officer--A person employed or appointed as an armed security officer identified under the provisions of the Texas Occupations Code, §1701.001.

(55) [(53)] Reactivate--To make a license issued by the commission active after a license becomes inactive. A license becomes inactive at the end of the most recent unit or cycle in which the licensee is not appointed and has failed to complete legislatively required training.

(56) [(54)] Reinstate--To make a license issued by the commission active after disciplinary action or failure to obtain required continuing education.

(57) [(55)] Reserve--A person appointed as a reserve law enforcement officer under the provisions of the Texas Occupations Code, §1701.001.

(58) [(56)] School marshal--A person employed and appointed by the board of trustees of a school district, the governing body of an open-enrollment charter school, the governing body of a private school, or the governing board of a public junior college under Texas Code of Criminal Procedure, Article 2.127 and in accordance with and having the rights provided by Texas Education Code, §37.0811.

(59) [(57)] Self-assessment--Completion of the commission created process, which gathers information about a training or education program.

(60) [(58)] Separation--An explanation of the circumstances under which the person resigned, retired, or was terminated,

reported on the form currently prescribed by the commission, in accordance with Texas Occupations Code, §1701.452.

(61) [(59)] SOAH--The State Office of Administrative Hearings.

(62) [(60)] Successful completion--A minimum of:

(A) 70 percent or better; or

(B) C or better; or

(C) pass, if offered as pass/fail.

(63) [(61)] TCLEDDS--Texas Commission on Law Enforcement Data Distribution System.

(64) [(62)] Telecommunicator--A person employed as a telecommunicator under the provisions of the Texas Occupations Code, §1701.001.

(65) [(63)] Training coordinator--An individual, appointed by a commission-recognized training provider, who meets the requirements of §215.9 of this title.

(66) [(64)] Training cycle--A 48-month period as established by the commission. Each training cycle is composed of two contiguous 24-month units.

(67) [(65)] Training hours--Classroom or distance education hours reported in one-hour increments.

(68) [(66)] Training program--An organized collection of various resources recognized by the commission for providing preparatory or continuing training. This program includes, but is not limited to, learning goals and objectives, academic activities and exercises, lesson plans, exams, skills training, skill assessments, instructional and learning tools, and training requirements.

(69) [(67)] Training provider--A governmental body, law enforcement association, alternative delivery trainer, or proprietary entity credentialed by or authorized under a training provider contract with the commission to provide preparatory or continuing training for licensees or potential licensees.

(70) [(68)] Verification (verified)--The confirmation of the correctness, truth, or authenticity of a document, report, or information by sworn affidavit, oath, or deposition.

(b) The effective date of this section is November 1, 2018 [May 1, 2018].

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 June 22, 2018.

TRD-201802810

Kim Vickers

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: August 5, 2018

For further information, please call: (512) 936-7771



CHAPTER 218. CONTINUING EDUCATION

37 TAC §218.3

The Texas Commission on Law Enforcement (Commission) proposes the repeal of §218.3, concerning Legislatively Required

Continuing Education for Licensees. The repealed section is replaced with new rule §218.3 proposed elsewhere in this issue of the *Texas Register*.

The repealed section is replaced with new rule §218.3 to consolidate all legislatively required continuing education training requirements into one rule.

John Beauchamp, General Counsel, has determined that for each year of the first five years the repeal as proposed will be in effect, there will be little or no effect on state or local governments as a result of administering the rule.

Mr. Beauchamp has determined that for each year of the first five years the repeal as proposed is in effect, there will be a positive benefit to the public by combining required training into one rule.

Mr. Beauchamp has determined that for each year of the first five years after the repeal as proposed is in effect, there will be no anticipated cost to small business, individuals, or rural communities as a result of the proposed section.

Mr. Beauchamp has determined the following:

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

Comments on the proposal may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. Kim Vickers, Executive Director, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The repeal is proposed under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, Texas Occupations Code §1701.253, School Curriculum, Texas Occupations Code §1701.351, Continuing Education Required for Peace Officers, Texas Occupations Code §1701.352, Continuing Education Programs, Texas Occupations Code §1701.353, Continuing Education Procedures, Texas Occupations Code §1701.354, Continuing Education for Deputy Constables, Texas Occupations Code §1701.3545, Initial Training and Continuing Education for Constables.

No other code, article, or statute is affected by this proposal.

§218.3. *Legislatively Required Continuing Education for Licensees.* 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 June 22, 2018.

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Kim Vickers

Executive Director

Texas Commission on Law Enforcement

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For further information, please call: (512) 936-7771



37 TAC §218.3

The Texas Commission on Law Enforcement (Commission) proposes new §218.3, concerning Legislatively Required Continuing Education for Licensees. The new rule as proposed is intended to consolidate multiple training requirements for clarity.

The new rule merges all legislatively-required continuing education training requirements into one rule.

John Beauchamp, General Counsel, has determined that for each year of the first five years the amendment as proposed will be in effect, there will be little or no effect on state or local governments as a result of administering this amendment.

Mr. Beauchamp has determined that for each year of the first five years the section as proposed will be in effect, there will be a positive benefit to the public by clarifying legislatively mandated training requirements.

Mr. Beauchamp has determined that for each year of the first five years the section as proposed will be in effect, there will be no anticipated cost to small business, individuals, or rural communities as a result of the proposed section.

Mr. Beauchamp has determined the following:

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

Comments on the proposal may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. Kim Vickers, Executive Director, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

This new rule is proposed under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority; Texas Occupations Code §1701.251, Training Programs; Instructors; Texas Occupations Code §1701.253, School Curriculum; Texas Occupations Code §1701.258, Edu-

cation and Training Programs on Trafficking of Persons; Texas Occupations Code §1701.261, Canine Encounter Training Program; Texas Occupations Code §1701.262, Training For School District Peace Officers And School Resource Officers; Texas Occupations Code §1701.263, Education And Training Program For School District Peace Officers And School Resource Officers; Texas Occupations Code §1701.267, Training Program For Court Security Officers; Texas Occupations Code §1701.268, Civilian Interaction Training Program; Texas Occupations Code §1701.310, Appointment of County Jailer; Training Required; Texas Occupations Code §1701.351, Continuing Education Required for Peace Officers; Texas Occupations Code §1701.352, Continuing Education Programs; Texas Occupations Code §1701.353, Continuing Education Procedures; Texas Occupations Code §1701.354, Continuing Education For Deputy Constables; Texas Occupations Code §1701.358, Initial Training And Continuing Education for Police Chiefs; Texas Occupations Code §1701.656, Training; Texas Occupations Code §1701.3545, Initial Training And Continuing Education For Constables; Texas Education Code, §96.641, Initial Training And Continuing Education For Police Chiefs And Command Staff; and Code of Criminal Procedure §2.1386, Eyewitness Identification Protocols.

No other code, article, or statute is affected by this proposal.

§218.3. Legislatively Required Continuing Education for Licensees.

(a) Each agency that appoints licensees shall provide each licensee with a continuing education program to meet or exceed the requirements of this section. This section does not limit the number of hours of continuing education an agency may provide.

(b) Each training unit (2 years)

(1) Peace officers shall complete at least 40 hours of continuing education, to include the corresponding legislative update for that unit.

(2) Telecommunicators shall complete at least 20 hours of continuing education.

(c) Each training cycle (4 years)

(1) Peace officers who have not yet reached intermediate proficiency certification shall complete: Cultural Diversity (3939), Special Investigative Topics (3232), Crisis Intervention (3843) and De-escalation (1849).

(2) Individuals licensed as reserve law enforcement officers, jailers, or public security officers shall complete Cultural Diversity (3939), unless the person has completed or is otherwise exempted from legislative required training under another commission license or certificate.

(d) Assignment specific training

(1) Police chiefs: individuals appointed as "chief" or "police chief" of a police department shall complete:

(A) For an individual appointed to that individual's first position as chief, the initial training program for new chiefs provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as chief; and

(B) At least 40 hours of continuing education for chiefs each 24-month unit, as provided by the Bill Blackwood Law Enforcement Management Institute.

(2) Constables: elected or appointed constables shall complete:

(A) For an individual appointed or elected to that individual's first position as constable, the initial training program for new constables provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as constable.

(B) At least 40 hours of continuing education for constables each 48 month cycle, as provided by the Bill Blackwood Law Enforcement Management Institute.

(3) Deputy constables: each deputy constable shall complete a 20 hour course of training in civil process each training cycle. The commission may waive the requirement for this training if the constable, in the format required by TCOLE, requests exemption due to the deputy constable not engaging in civil process as part of their assigned duties.

(4) New supervisors: each peace officer assigned to their first position as a supervisor must complete new supervisor training within one year prior to or one year after appointment as a supervisor.

(5) School-based Law Enforcement Officers: School district peace officers and school resource officers providing law enforcement services at a school district with an enrollment of 30,000 or more students must obtain a school-based law enforcement proficiency certificate within 120 days of the officer's commission or placement in the district or campus of the district.

(6) Eyewitness Identification Officers: peace officers performing the function of eyewitness identification must first complete the Eyewitness Identification training (3286).

(7) Courtroom Security Officers/Persons: any person appointed to perform courtroom security functions at any level shall complete the Courtroom Security course (10999) within 1 year of appointment (to be added September 1, 2019).

(8) Body Worn Cameras- peace officers and other persons meeting the requirements of Occupations Code 1701.656 must first complete Body-worn Camera training (8158).

(e) Miscellaneous training

(1) Human Trafficking: every peace officer first licensed on or after January 1, 2011, must complete Human Trafficking (3270), within 1 year after licensing.

(2) Canine Encounters: every peace officer first licensed on or after January 1, 2016, must take Canine Encounters (4065), within 2 years of being licensed.

(3) Deaf and Hard of Hearing Drivers: every peace officer licensed on or after March 1, 2016, must complete Deaf and Hard of Hearing Drivers (7887) within 2 years of being licensed.

(4) Civilian Interaction Training: every peace officer licensed before January 1, 2018, must complete Civilian Interaction Training Program (CITP) within 2 years. All other peace officers must complete the course within 2 years of being licensed.

(5) Crisis Intervention Training: every peace officer licensed on or after April 1, 2018, must complete the 40 hour Crisis Intervention Training within 2 years of being licensed.

(6) Mental Health for Jailers: all county jailers must complete Mental Health for Jailers not later than August 31, 2021.

(f) The Commission may choose to accept an equivalent course for any of the courses listed in this chapter, provided the equivalent course is evaluated by commission staff and found to meet or exceed the minimum curriculum requirements of the legislatively mandated course.

(g) The commission shall provide adequate notice to agencies and licensees of impending non-compliance with the legislatively required continuing education.

(h) The chief administrator of an agency that has licensees who are in non-compliance shall, within 30 days of receipt of notice of non-compliance, submit a report to the commission explaining the reasons for such non-compliance.

(i) Licensees shall complete the legislatively mandated continuing education in the first complete training unit, as required, or first complete training cycle, as required, after being licensed.

(j) All peace officers must meet all continuing education requirements except where exempt by law.

(k) The effective date of this section is November 1, 2018.

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 June 22, 2018.

TRD-201802812

Kim Vickers

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: August 5, 2018

For further information, please call: (512) 936-7771



CHAPTER 223. ENFORCEMENT

37 TAC §223.17

The Texas Commission on Law Enforcement (Commission) proposes an amendment to §223.17, concerning Reinstatement of a License. Subsection (b) is amended to mirror the current reactivation process. Subsection (c) is amended to reflect the effective date of the changes.

This amendment is necessary to mirror the current reactivation process.

John Beauchamp, General Counsel, has determined that for each year of the first five years the amendment as proposed will be in effect, there will be little or no effect on state or local governments as a result of administering this amendment.

Mr. Beauchamp has determined that for each year of the first five years the section as proposed will be in effect, there will be a positive benefit to the public by having the same guidelines for the reactivation of a license.

Mr. Beauchamp has determined that for each year of the first five years the section as proposed will be in effect, there will be no anticipated cost to small business, individuals, or rural communities as a result of the proposed section.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

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

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

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

Comments on the proposal may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. Kim Vickers, Executive Director, Texas Commission on Law Enforcement, 6330 E Highway 290, Suite 200, Austin, Texas 78723-1035.

The amendment is proposed under Texas Occupations Code §1701.151, General Powers of the Commission, Rulemaking Authority, Texas Occupations Code §1701.316, Reactivation of Peace Officer License, Texas Occupations Code §1701.3161, Reactivation of Peace Officer License: Retired Peace Officers, Texas Occupations Code §1701.351, Continuing Education Required for Peace Officers, Texas Occupations Code §1701.501, Disciplinary Action, Texas Occupations Code §1701.502, Felony Conviction or Placement on Community Supervision.

No other code, article, or statute is affected by this proposal.

§223.17. *Reinstatement of a License.*

(a) To reinstate a suspended or probated license for a licensee that meets current training requirements and has continually maintained legislatively required continuing education for the duration of the suspension or probation, a licensee must:

(1) make application for reinstatement in the format currently prescribed by the commission; and

(2) submit any required fee(s).

(b) A licensee that does not meet current training requirements, or has failed to continually maintain the legislatively required continuing education for the duration of the suspension or probation, must meet the reactivation of a license requirement in the format currently prescribed by the commission. [following requirements:]

{(1) If less than two years from last appointment held:}

{(A) meet current licensing standards;}

{(B) successfully complete legislatively required continuing education; and}

{(C) make application and submit any required fee(s) in the format currently prescribed by the commission-}

{(2) If two years but less than five years from last appointment held:}

{(A) meet current licensing standards;}

{(B) successfully complete a supplementary peace officer training course approved by the commission;}

{(C) make application and submit any required fee(s) in the format currently prescribed by the commission; and}

{(D) pass the licensing exam.}

{(3) If five years or more from last appointment held:}

{(A) meet current enrollment standards;}

{(B) meet current licensing standards;}

{(C) successfully complete the basic licensing course for the license sought;}

{(D) make application and submit any required fee(s) in the format currently prescribed by the commission; and}

{(E) pass the licensing exam.}

(c) The effective date of this section is November 1, 2018 [February 1, 2016].

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 June 22, 2018.

TRD-201802813

Kim Vickers

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: August 5, 2018

For further information, please call: (512) 936-7771



TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 215. MOTOR VEHICLE DISTRIBUTION

SUBCHAPTER E. GENERAL DISTINGUISHING NUMBERS

43 TAC §215.155

The Texas Department of Motor Vehicles (department) proposes an amendment to Chapter 215, Motor Vehicle Distribution, Subchapter E, General Distinguishing Numbers, §215.155, Buyer's Temporary Tags.

EXPLANATION OF PROPOSED AMENDMENT

An amendment makes §215.155(b) consistent with Transportation Code, Chapter 548, which includes exemptions from the vehicle inspection requirements. The amendment authorizes a buyer's temporary tag to be displayed on a vehicle that does not have a valid inspection if the vehicle is exempt from inspection under Chapter 548.

FISCAL NOTE

Linda M. Flores, Chief Financial Officer, has determined that for each of the first five years the amendment as proposed is in effect, there will be no fiscal implications for state or local governments as a result of enforcing or administering the proposed amendment.

Corrie Thompson, Director of the Enforcement Division, has determined that there will be no impact on local economies or overall employment as a result of enforcing or administering the proposed amendment.

PUBLIC BENEFIT AND COST

Ms. Thompson has also determined that for each year of the first five years the amendment is in effect, the public benefit anticipated as a result of enforcing or administering the amendment will be a rule that is consistent with Transportation Code, Chapter 548. There are no anticipated economic costs for persons required to comply with the proposed amendment. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities.

TAKINGS IMPACT ASSESSMENT

The department has determined that this proposal affects no private real property interests and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action, and so does not constitute a taking or require a takings impact assessment under Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

The department has determined that during the first five years the proposed amendment is in effect, no government program would be created or eliminated. Implementation of the proposed amendment would not require the creation of new employee positions or elimination of existing employee positions. Implementation would not require an increase or decrease in future legislative appropriations to the department or an increase or decrease of fees paid to the department. Additionally, the proposed amendment does not create a new regulation, or expand, limit, or repeal an existing regulation, other than to eliminate the requirement for the vehicle to be inspected prior to obtaining a buyer's temporary tag when the vehicle is exempt from the vehicle inspection requirements under Transportation Code, Chapter 548. The proposed amendment does not affect the number of individuals subject to the rule's applicability and will not affect this state's economy.

SUBMITTAL OF COMMENTS

Written comments on the proposed amendment may be submitted to David D. Duncan, General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731 or by email to rules@txdmv.gov. The deadline for receipt of comments is 5:00 p.m. on August 6, 2018.

STATUTORY AUTHORITY

The amendment is proposed under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles (board) with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; and more specifically, Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapter 548 and §503.063.

§215.155. *Buyer's Temporary Tags.*

(a) A buyer's temporary tag may be displayed only on a vehicle that can be legally operated on the public streets and highways and for which a sale has been consummated.

(b) A buyer's temporary tag may be displayed only a vehicle that has a valid inspection in accordance with Transportation Code, Chapter 548, unless the vehicle is exempt from inspection under Chapter 548.

(c) For a wholesale transaction, the purchasing dealer places on the motor vehicle its own:

- (1) dealer's temporary tag; or
- (2) metal dealer's license plate.

(d) A buyer's temporary tag is valid until the earlier of:

- (1) the date on which the vehicle is registered; or
- (2) the 60th day after the date of purchase.

(e) The dealer must ensure that the following information is placed on a buyer's temporary tag that the dealer issues:

- (1) the vehicle-specific number obtained from the temporary tag database;
- (2) the year and make of the vehicle;
- (3) the VIN of the vehicle;
- (4) the month, day, and year of the expiration of the buyer's temporary tag; and
- (5) the name of the dealer.

(f) A dealer shall charge a buyer a fee of \$5 for the buyer's temporary tag or Internet-down buyer's temporary tag issued, unless the vehicle is exempt from payment of registration fees under Transportation Code, §502.453 or §502.456 or an all-terrain vehicle or recreational

off-highway vehicle under Transportation Code, §502.140 or Transportation Code, Chapter 663. The fee shall be remitted to the county in conjunction with the title transfer for deposit to the credit of the Texas Department of Motor Vehicles fund, unless the vehicle is sold to an out-of-state resident, in which case:

(1) the dealer shall remit the entire fee to the department for deposit to the credit of the Texas Department of Motor Vehicles fund if payment is made through the department's electronic title system; or

(2) the dealer shall remit the fee to the county for deposit to the credit of the Texas Department of Motor Vehicles fund.

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 June 25, 2018.

TRD-201802816

David D. Duncan

General Counsel

Texas Department of Motor Vehicles

Earliest possible date of adoption: August 5, 2018

For further information, please call: (512) 465-5665



WITHDRAWN RULES

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

TITLE 16. ECONOMIC REGULATION

PART 1. RAILROAD COMMISSION OF TEXAS

CHAPTER 3. OIL AND GAS DIVISION

16 TAC §3.52, §3.53

The Railroad Commission of Texas withdraws the proposed amended §3.52 and §3.53, which appeared in the May 11, 2018, issue of the *Texas Register* (43 TexReg 2898).

Filed with the Office of the Secretary of State on June 19, 2018.

TRD-201802762

Haley Cochran

Rules Attorney, Office of General Counsel

Railroad Commission of Texas

Effective date: June 19, 2018

For further information, please call: (512) 475-1295



PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 86. VEHICLE TOWING AND BOOTING

16 TAC §86.213

The Texas Department of Licensing and Regulation withdraws the proposed repeal of §86.213, which appeared in the May 4, 2018, issue of the *Texas Register* (43 TexReg 2688).

Filed with the Office of the Secretary of State on June 21, 2018.

TRD-201802787

Brian E. Francis

Executive Director

Texas Department of Licensing and Regulation

Effective date: June 21, 2018

For further information, please call: (512) 463-3671

16 TAC §86.705

The Texas Department of Licensing and Regulation withdraws the proposed amended §86.705, which appeared in the May 4, 2018, issue of the *Texas Register* (43 TexReg 2688).

Filed with the Office of the Secretary of State on June 21, 2018.

TRD-201802788

Brian E. Francis

Executive Director

Texas Department of Licensing and Regulation

Effective date: June 21, 2018

For further information, please call: (512) 463-3671



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 103. HEALTH AND SAFETY

SUBCHAPTER DD. COMMISSIONER'S RULES CONCERNING VIDEO SURVEILLANCE OF CERTAIN SPECIAL EDUCATION SETTINGS

19 TAC §103.1301, §103.1303

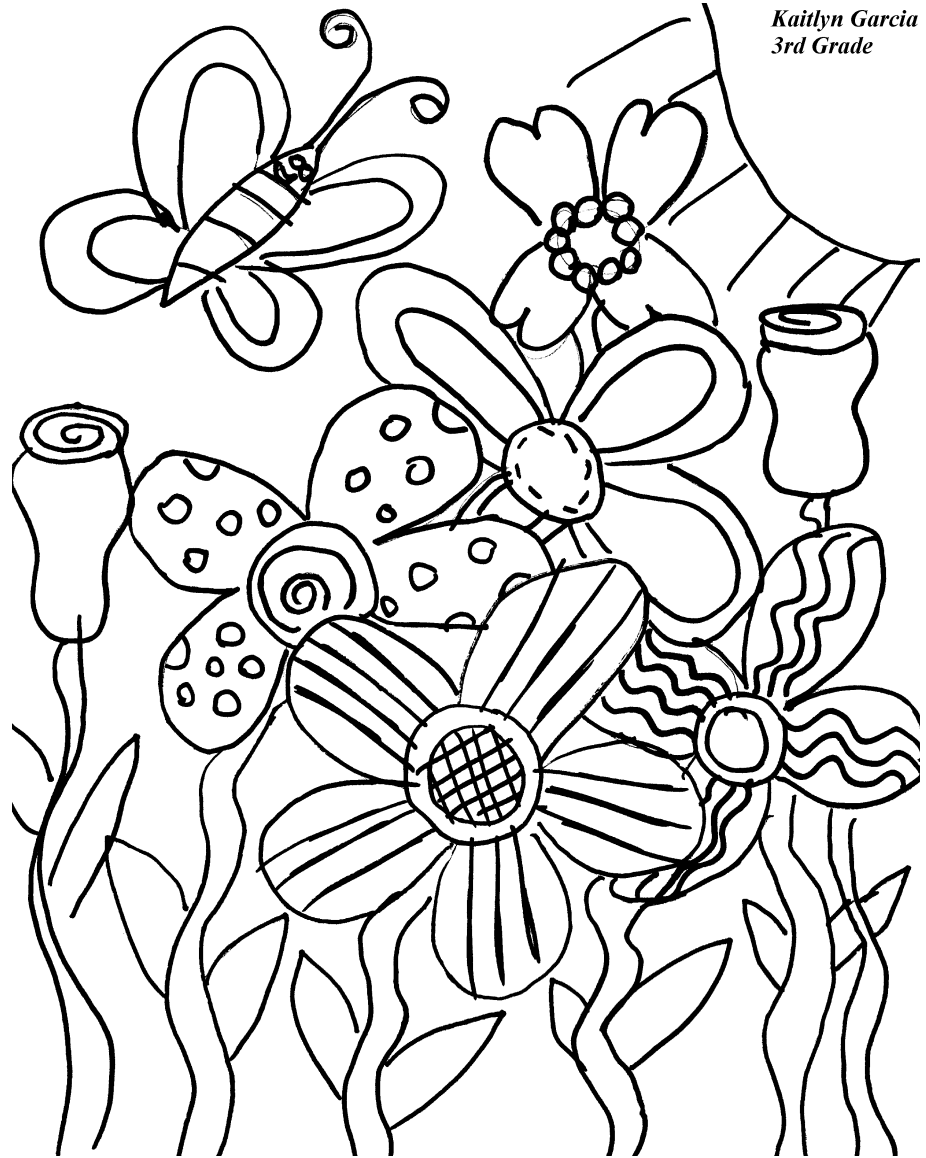
Proposed amended §103.1301 and new §103.1303, published in the December 22, 2017, issue of the *Texas Register* (42 TexReg 7253), is automatically withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on June 25, 2018.

TRD-201802815



*Kaitlyn Garcia
3rd Grade*



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 16. ECONOMIC REGULATION

PART 9. TEXAS LOTTERY COMMISSION

CHAPTER 401. ADMINISTRATION OF STATE LOTTERY ACT

SUBCHAPTER D. LOTTERY GAME RULES

16 TAC §401.308

The Texas Lottery Commission (Commission) adopts amendments to 16 TAC §401.308 ("Cash Five" Draw Game Rule), without changes to the proposed text as published in the April 27, 2018, issue of the *Texas Register* (43 TexReg 2507). The amendments change the Cash Five game matrix, offer guaranteed (fixed) prizes and set a liability limit for the Match 5 top prize. The new game matrix will change from the selection of 5 numbers out of a field of 37 numbers to a selection of 5 numbers out of a field of 35 numbers. This matrix change will improve the overall odds to win a prize in the Cash Five game. The Commission anticipates the changes to the Cash Five game to be implemented September 24, 2018.

A public comment hearing was held on Wednesday, May 9, 2018, at 9:30 a.m., at 611 E. 6th Street, Austin, Texas 78701. No individuals were present at the hearing. However, the Commission did receive three written comments on the proposed amendments during the public comment period. Two of the comments only stated opposition to the game changes. A third comment was from a representative of the Lotto Report.

COMMENT SUMMARY: The Lotto Report is opposed to the proposed changes to the Cash Five game because the changes will reduce prize amounts, which, in turn, will not increase sales or entice more people to play Cash Five. The commenter describes the decline in the Cash Five game sales and participation over several years. The commenter asserts that the deletion of the prize allocation and "guaranteed" 50% prize pool from the new rule is so that the Lottery does not have to return 50% of sales to the players, which makes more money for the Lottery. The commenter states that players want to win something worthwhile, not \$1 or \$2 "breakeven" amounts (which should not be considered "wins"), therefore, the pari-mutuel and roll down aspects of the game should remain in place. The commenter also points out that from May 1, 2017, to May 23, 2018, there have been 331 Cash Five drawings, of which a ticket winning the Match 5 of 5 occurred only 80 times (94 including multiple winners in a drawing), therefore, the top prize amount rolled down to the Match 4 of 5 winners, creating more winners than there will be in the new game with fixed prize amounts. The commenter also predicts that the free quick pick tickets awarded for the Match 2 of 5 tier level will most likely be non-winning tickets.

COMMISSION RESPONSE: The Commission's mandate is to generate revenue for Texas education and veterans through the sale of lottery tickets. Changes to lottery draw games are necessary to keep games fresh and interesting for players. When changing a game, the Commission obtains input from the lottery operator, who is contractually required to develop, research and propose draw game concepts, on the best way to make changes to increase sales. The Commission disagrees with the comments made by the representative of the Lotto Report. The prize payout for the proposed Cash Five game will be 50.97% over time. (Similar to Pick 3 and Daily 4, the prize payout percentage will vary from draw to draw due to the fixed prize amounts.) The 50.97% payout percentage was verified by the lottery operator and by the independent statistical consulting firm. The current version of the Cash Five game that is pari-mutuel and offers a roll-down feature has been experiencing sales declines. The Commission believes that guaranteeing prize amounts in the game and improving the odds of winning for players will increase player and retailer interest leading to increased sales, which will, in turn, lead to increased revenue generation for Texas education and veterans and increased commissions for retailers.

The rule amendments are adopted under the Texas Government Code §466.015, which authorizes the Commission to adopt rules governing the operation of the lottery, and §467.102, which authorizes the Commission to adopt rules for the enforcement and administration of the laws under the Commission's jurisdiction.

The adopted amendments implement Texas Government Code, Chapter 466.

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

Filed with the Office of the Secretary of State on June 25, 2018.

TRD-201802814

Bob Biard

General Counsel

Texas Lottery Commission

Effective date: September 23, 2018

Proposal publication date: April 27, 2018

For further information, please call: (512) 344-5012

CHAPTER 402. CHARITABLE BINGO OPERATIONS DIVISION

SUBCHAPTER A. ADMINISTRATION

16 TAC §402.102

The Texas Lottery Commission (Commission) adopts amendments to 16 TAC §402.102 (Bingo Advisory Committee) without changes to the proposed text as published in the April 27, 2018, issue of the *Texas Register* (43 TexReg 2509). The purpose of the rule amendments is to update and streamline the Bingo Advisory Committee (BAC) member eligibility and appointment procedures, and procedural requirements regarding BAC meetings.

A public comment hearing was held on Wednesday, May 9, 2018, at 10:00 a.m., at 611 E. 6th Street, Austin, Texas 78701. The Department of Texas, Veterans of Foreign Wars; Texas Charity Advocates; and the Bingo Interest Group each provided comments in support of the proposed amendments at the hearing. Additionally, River City Bingo Association (RBCA) submitted written comments during the public comment period.

RBCA commented that the reference in subsection (b)(2)(C) to "conductors that are licensed commercial lessors" as a category of BAC member should be interpreted to include not only a single licensed authorized organization (bingo conductor) but also an association of bingo conductors that jointly owns or leases premises where bingo is or will be conducted and that the association leases or offers to lease to one or more conductors for the conduct of bingo. Thus, a representative of a bingo conductor that is part of such a lessor association could be considered for appointment to the BAC as a conductor that is a commercial lessor. The Commission agrees with this interpretation but declines to make changes to the text of the rule.

The rule amendments are adopted under the Texas Occupations Code §2001.054, which authorizes the Commission to adopt rules to enforce and administer the Bingo Enabling Act; and the Texas Government Code §467.102, which authorizes the Commission to adopt rules for the laws under the Commission's jurisdiction.

The adopted amendments implement the Texas Occupations Code, Chapter 2001.

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

Filed with the Office of the Secretary of State on June 22, 2018.

TRD-201802803

Bob Biard

General Counsel

Texas Lottery Commission

Effective date: July 12, 2018

Proposal publication date: April 27, 2018

For further information, please call: (512) 344-5392



SUBCHAPTER C. BINGO GAMES AND EQUIPMENT

16 TAC §402.300

The Texas Lottery Commission (Commission) adopts amendments to 16 TAC §402.300 (Pull-Tab Bingo) with changes to the proposed text as published in the April 27, 2018, issue of the *Texas Register* (43 TexReg 2511). The purpose of the rule amendments is to remove an unnecessary provision (former subsection (d)(3)) requiring detailed information to be provided in a packing slip inside each deal of pull-tab bingo tickets. The

adopted version of the rule corrects several grammatical and punctuation errors and completes the alphabetization of the definitions

A public comment hearing was held on Wednesday, May 9, 2018, at 10:00 a.m., at 611 E. 6th Street, Austin, Texas 78701. The Department of Texas, Veterans of Foreign Wars; Texas Charity Advocates; and the Bingo Interest Group each provided comments in support of the proposed amendments at the hearing.

The rule amendments are adopted under the Texas Occupations Code §2001.054, which authorizes the Commission to adopt rules to enforce and administer the Bingo Enabling Act; and the Texas Government Code §467.102, which authorizes the Commission to adopt rules for the laws under the Commission's jurisdiction.

The adopted amendments implement the Texas Occupations Code, Chapter 2001.

§402.300. *Pull-Tab Bingo.*

(a) Definitions. The following words and terms, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Bingo Ball Draw--A pulling of a bingo ball(s) to determine the winner of an event ticket by either the number or color on the ball(s).

(2) Deal--A separate and specific game of pull-tab bingo tickets of the same serial number and form number.

(3) Face--The side of a pull-tab bingo ticket, which displays the artwork of a specific game.

(4) Flare--A poster or placard that must display:

(A) a form number of a specific pull-tab bingo game;

(B) the name of the pull-tab bingo game;

(C) the total card count of the pull-tab bingo game;

(D) the cost per pull-tab bingo ticket;

(E) the number of prizes to be awarded and the corresponding prize amounts of the pull-tab bingo game; and

(F) the name of the manufacturer or trademark.

(5) Form Number--The unique identification number assigned by the manufacturer to a specific pull-tab bingo game. A form number may be numeric, alpha, or a combination of numeric and alpha characters.

(6) High Tier--The two highest paying prize amounts as designated on the pull-tab bingo ticket and on the game's flare.

(7) Last Sale--The purchaser of the last pull-tab bingo ticket(s) sold in a deal with this feature is awarded a prize or a registration for the opportunity to win a prize.

(8) Merchandise--Any non-cash item(s), including bingo equipment, provided to a licensed authorized organization that is used as a prize.

(9) Pay-Out--The total sum of all possible prize amounts in a pull-tab bingo game.

(10) Payout Schedule--A printed schedule prepared by the manufacturer that displays:

(A) the name of the pull-tab bingo game;

(B) the form number of the pull-tab bingo game;

- (C) the total card count of the pull-tab bingo game;
- (D) the cost per pull-tab bingo ticket;
- (E) the number of prizes to be awarded and the corresponding prize amount or jackpot for each category of the pull-tab bingo game;
- (F) the number of winners for each category of prize;
- (G) the profit of the pull-tab bingo game;
- (H) the percentage of payout or the percentage of profit of the pull-tab bingo game; and
- (I) the payout(s) of the pull-tab bingo game.

(11) Payout Structure--The printed information that appears on a pull-tab bingo ticket that shows the winnable prize amounts, the winning patterns required to win a prize, and the number of winners for each category of prize.

(12) Prize--An award of collectible items, merchandise, cash, bonus pull-tabs, and additional pull-tab bingo tickets, individually or in any combination.

(13) Prize Amount--The value of cash and/or merchandise which is awarded as a prize, as valued under §402.200(f) of this chapter. A collectible item is considered merchandise for determining allowable prize amounts.

(14) Serial Number--The unique identification number assigned by the manufacturer identifying a specific deal of pull-tab bingo tickets. A serial number may be numeric, alpha, or a combination of numeric and alpha characters.

(15) Subset--A part of a deal that is played as a game to itself or combined with more subsets and played as a game. Each subset may be designed to have:

(A) a designated payout; or

(B) a series of designated payouts. Subsets must be of the same form and serial number to have a combined designated payout or a series of designated payouts.

(16) Symbol--A graphic representation of an object other than a numeric or alpha character.

(17) Video Confirmation--A graphic and dynamic representation of the outcome of a bingo event ticket that will have no effect on the result of the winning or losing event ticket.

(18) Wheels--Devices that determine event ticket winner(s) by a spin of a wheel.

(b) Approval of pull-tab bingo tickets.

(1) A pull-tab bingo ticket may not be sold in the state of Texas, nor furnished to any person in this state nor used for play in this state until that pull-tab bingo ticket has received approval for use within the state of Texas by the Commission. The manufacturer at its own expense must present their pull-tab bingo ticket to the Commission for approval.

(2) All pull-tab bingo ticket color artwork with a letter of introduction including style of play must be presented to the Commission's Austin, Texas location for review. The manufacturer must submit one complete color positive or hardcopy set of the color artwork for each pull-tab bingo ticket and its accompanying flare. The color artwork may be submitted in an electronic format prescribed by the Commission in lieu of the hardcopy submission. The submission must include the payout schedule. The submission must show both sides of a pull-tab bingo ticket and must be submitted on an 8 1/2" x 11" size

sheet. The color artwork will show the actual size of the ticket and a 200% size of the ticket. The color artwork will clearly identify all winning and non-winning symbols. The color artwork will clearly identify the winnable patterns and combinations.

(3) The color artwork for each individual pull-tab bingo ticket must:

(A) display in no less than 26-point diameter circle, an impression of the Commission's seal with the words "Texas Lottery Commission" engraved around the margin and a five-pointed star in the center;

(B) contain the name of the game in a conspicuous location on the pull-tab bingo ticket;

(C) contain the form number assigned by the manufacturer in a conspicuous location on the pull-tab bingo ticket;

(D) contain the manufacturer's name or trademark in a conspicuous location on the pull-tab bingo ticket;

(E) disclose the prize amount and number of winners for each prize amount, the number of individual pull-tab bingo tickets contained in the deal, and the cost per pull-tab bingo ticket in a conspicuous location on the pull-tab bingo ticket;

(F) display the serial number where it will be printed in a conspicuous location on the pull-tab bingo ticket. The color artwork may display the word "sample" or number "000000" in lieu of the serial number;

(G) contain graphic symbols that preserve the integrity of the Commission. The Commission will not approve any pull-tab bingo ticket that displays images or text that could be interpreted as depicting violent acts, profane language, or provocative, explicit, or derogatory images or text, as determined by the Commission. All images or text are subject to final approval by the Commission; and

(H) be accompanied with the color artwork of the pull-tab bingo tickets along with a list of all other colors that will be printed with the game.

(4) Upon approval of the color artwork, the manufacturer will be notified by the Commission to submit a specified number of tickets for testing. The tickets must be submitted for testing to the Commission at the manufacturer's own expense. If necessary, the Commission may request that additional tickets or a deal be submitted for testing.

(5) If the color artwork is approved and the pull-tab bingo tickets pass the Commission's testing, the manufacturer will be notified of the approval. This approval only extends to the specific pull-tab bingo game and the specific form number cited in the Commission's approval letter. If the pull-tab bingo ticket is modified in any way, with the exception of the serial number, index color, or trademark(s), it must be resubmitted to the Commission for approval. Changes to symbols require only an artwork approval from the Commission.

(6) The Commission may require resubmission of an approved pull-tab bingo ticket at any time.

(c) Disapproval of pull-tab bingo tickets.

(1) Upon inspection of a pull-tab bingo ticket by the Commission, if it is deemed not to properly preserve the integrity or security of the Commission including compliance with the art work requirements of this rule, the Commission may disapprove a pull-tab bingo ticket. All pull-tab bingo tickets that are disapproved by the Commission will cease to be allowed for sale until such time as the manufacturer complies with the written instructions of the Commission, or un-

til any discrepancies are resolved. Disapproval of and prohibition to use, purchase, sell or otherwise distribute such a pull-tab bingo ticket is effective immediately upon notice to the manufacturer by the Commission. Upon receipt of such notice, the manufacturer must immediately notify the distributor and the distributor must immediately notify affected licensed authorized organizations to cease all use, purchase, sale or other distribution of the disapproved pull-tab ticket. The distributor must provide to the Commission, within 15 days of the Commission's notice to the manufacturer, confirmation that the distributor has notified the licensed authorized organization that the pull-tab ticket has been disapproved and sale and use of the disapproved ticket must cease immediately.

(2) If modified by the manufacturer all disapproved pull-tab bingo tickets may be resubmitted to the Commission. No sale of disapproved tickets will be allowed until the resubmitted tickets have passed security testing by the Commission. At any time the manufacturer may withdraw any disapproved pull-tab bingo tickets from further consideration.

(3) The Commission may disapprove a pull-tab bingo game at any stage of review, which includes artwork review and security testing, or at any time in the duration of a pull-tab bingo game. The disapproval of a pull-tab bingo ticket is administratively final.

(d) Manufacturing requirements.

(1) Manufacturers of pull-tab bingo tickets must manufacture, assemble, and package each deal in such a manner that none of the winning pull-tab bingo tickets, nor the location, or approximate location of any winning pull-tab bingo ticket can be determined in advance of opening the deal by any means or device. Nor should the winning pull-tab bingo tickets, or the location or approximate location of any winning pull-tab bingo ticket be determined in advance of opening the deal by manufacture, printing, color variations, assembly, packaging markings, or by use of a light. Each manufacturer is subject to inspection by the Commission, its authorized representative, or designee.

(2) All winning pull-tab bingo tickets as identified on the payout schedule must be randomly distributed and mixed among all other pull-tab bingo tickets of the same serial number in a deal regardless of the number of packages, boxes, or other containers in which the deal is packaged. The position of any winning pull-tab bingo ticket of the same serial numbers must not demonstrate a pattern within the deal or within a portion of the deal. If a deal of pull-tabs is packed in more than one box or container, no individual container may indicate that it includes a winner or contains a disproportionate share of winning or losing tickets.

(3) Each deal's package, box, or other container shall be sealed at the manufacturer's factory with a seal including a warning to the purchaser that the deal may have been tampered with if the package, box, or other container was received by the purchaser with the seal broken.

(4) Each deal's serial number shall be clearly and legibly placed on the outside of the deal's package, box or other container or be able to be viewed from the outside of the package, box or container.

(5) A flare must accompany each deal.

(6) The information contained in subsection (a)(3)(A), (B), (C), (D), and (F) of this section shall be located on the outside of each deal's sealed package, box, or other container.

(7) Manufacturers must seal or tape, with tamper resistant seal or tape, every entry point into a package, box or container of pull-tab bingo tickets prior to shipment. The seal or tape must be of such

construction as to guarantee that should the container be opened or tampered with, such tampering or opening would be easily discernible.

(8) All high tier winning instant pull-tab bingo tickets must utilize a secondary form of winner verification.

(9) Each individual pull-tab bingo ticket must be constructed so that, until opened by a player, it is substantially impossible, in the opinion of the Commission, to determine its concealed letter(s), number(s) or symbol(s).

(10) No manufacturer may sell or otherwise provide to a distributor and no distributor may sell or otherwise provide to a licensed authorized organization of this state or for use in this state any pull-tab bingo game that does not contain a minimum prize payout of 65% of total receipts if completely sold out.

(11) A manufacturer in selling or providing pull-tab bingo tickets to a distributor shall seal or shrink-wrap each package, box, or container of a deal completely in a clear wrapping material.

(12) Pull-tab bingo tickets must:

(A) be constructed of cardboard and glued or otherwise securely sealed along all four edges of the pull-tab bingo ticket and between the individual perforated break-open tab(s) on the ticket. The glue must be of sufficient strength and type so as to prevent the separation of the sides of a pull-tab bingo ticket;

(B) have letters, numbers or symbols that are concealed behind perforated window tab(s), and allow such letters, numbers or symbols to be revealed only after the player has physically removed the perforated window tab(s);

(C) prevent the determination of a winning or losing pull-tab bingo ticket by any means other than the physical removal of the perforated window tab(s) by the player;

(D) be designed so that the numbers and symbols are a minimum of 2/32 (4/64) inch from the dye-cut window perforations;

(E) be designed so that the lines or arrows that identify the winning symbol combinations will be a minimum of 5/32 inch from the open edge farthest from the hinge of the dye-cut window perforations;

(F) be designed so that highlighted "pay-code" designations that identify the winning symbol combinations will be a minimum of 3.5/32 (7/64) inch from the dye-cut window perforations;

(G) be designed so that secondary winner protection codes appear in the left margin of the ticket, unless the secondary winner protection codes are randomly generated serial number-type winner protection codes. Randomly generated serial number-type winner protection codes will be randomly located in either the left or middle column of symbols and will be designed so that the numbers are a minimum of 3.5/32 (7/64) inch from the dye-cut window perforations. Any colored line or bar or background used to highlight the winner protection code will be a minimum 3.5/32 (7/64) inch from the dye-cut window perforations;

(H) have the Commission's seal placed on all pull-tab bingo tickets by only a licensed manufacturer; and

(I) be designed so that the name of the manufacturer or its distinctive logo, form number and serial number unique to the deal, name of the game, price of the ticket, and the payout structure remain when the letters, numbers, and symbols are revealed.

(13) Wheels must be submitted to the Commission for approval. As a part of the approval process, the following requirements must be demonstrated to the satisfaction of the Commission:

(A) wheels must be able to spin at least four times with reasonable effort;

(B) wheels must only contain the same number or symbols as represented on the event ticket; and

(C) locking mechanisms must be installed on wheel(s) to prevent play outside the licensed authorized organization's licensed time(s).

(14) A manufacturer must include with each pull-tab bingo ticket deal instructions for how the pull-tab bingo ticket can be played in a manner consistent with the Bingo Enabling Act and this chapter. The instructions are not required to cover every potential method of playing the pull-tab bingo ticket deal.

(e) Sales and redemption.

(1) Instant pull-tab bingo tickets from a single deal may be sold by a licensed authorized organization over multiple occasions. A winning instant pull-tab bingo ticket must be presented for payment during the licensed authorized organization's bingo occasion(s) at which the instant pull-tab bingo ticket is available for sale.

(2) Except as provided by paragraph (3) or (4) of this subsection, the event used to determine the winner(s) of an event pull-tab bingo ticket deal must occur during the same bingo occasion at which the first event pull-tab bingo ticket from that deal was sold. A winning event pull-tab ticket must be presented for payment during the same bingo occasion at which the event occurred.

(3) For a licensed authorized organization that conducts bingo through a unit created and operated under Texas Occupations Code, Subchapter I-1, any organization in the unit may sell or redeem event pull-tab tickets from a deal on the premises specified in their bingo licenses and during such licensed time on consecutive occasions within one 24-hour period.

(4) For a licensed authorized organization that conducts bingo on consecutive occasions within one 24-hour period, the organization may sell or redeem event pull-tab tickets from a deal during either occasion.

(5) Licensed authorized organizations may not display or sell any pull-tab bingo ticket which has in any manner been marked, defaced, tampered with, or which otherwise may deceive the public or affect a person's chances of winning.

(6) A licensed authorized organization may not withdraw a deal of instant pull-tab bingo tickets from play until the entire deal is completely sold out or all winning instant pull-tab bingo tickets of \$25.00 prize winnings or more have been redeemed, or the bingo occasion ends.

(7) A licensed authorized organization may not commingle different serial numbers of the same form number of pull-tab bingo tickets.

(8) A licensed authorized organization may bundle pull-tab bingo tickets of different form numbers and may sell these bundled pull-tab bingo tickets during their licensed times.

(9) The licensed authorized organization's gross receipts from the sale of pull-tab bingo tickets must be included in the reported total gross receipts for the organization. Each deal of pull-tab bingo tickets must be accounted for in sales, prizes or unsold cards.

(10) A licensed authorized organization may use video confirmation to display the results of an event ticket pull-tab bingo game(s). Video confirmation will have no effect on the play or results of any ticket or game.

(11) A licensed authorized organization must sell the pull-tab ticket for the price printed on the pull-tab ticket.

(12) Immediately upon payment of a winning pull-tab ticket of \$25.00 or more, the licensed authorized organization must punch a hole with a standard hole punch through or otherwise mark or deface that winning pull-tab bingo ticket.

(f) Inspection. The Commission, its authorized representative or designee may examine and inspect any individual pull-tab bingo ticket or deal of pull-tab bingo tickets and may pull all remaining pull-tab bingo tickets in an unsold deal.

(g) Records.

(1) Any licensed authorized organization selling pull-tab bingo tickets must maintain a purchase log showing the date of the purchase, the form number and corresponding serial number of the purchased pull-tab bingo tickets.

(2) Licensed authorized organizations must show the sale of pull-tab bingo tickets, prizes that were paid and the form number and serial number of the pull-tab bingo tickets on the occasion cash report. The aggregate total sales for the licensed authorized organization must be recorded on the cash register or point of sale station.

(3) Licensed authorized organizations must maintain a perpetual inventory of all pull-tab bingo games. They must account for all sold and unsold pull-tab bingo tickets and pull-tab bingo tickets designated for destruction. The licensed authorized organization will be responsible for the gross receipts, prizes and prize fee associated with the unaccounted for pull-tab bingo tickets.

(4) As long as a specific pull-tab bingo game serial number is in play, all records, reports, receipts and redeemed winning pull-tab bingo tickets of \$25.00 or more relating to this specific pull-tab bingo game serial number must be retained on the licensed premises for examination by the Commission.

(5) If a deal is removed from play and marked for destruction then all redeemed and unsold pull-tab bingo tickets of the deal must be retained by the licensed authorized organization for a period of four years from the date the deal is taken out of play or until the destruction of the deal is witnessed by the Commission, its authorized representative or designee.

(6) Manufacturers and distributors must provide the following information on each invoice and other document used in connection with a sale, return, or any type of transfer of pull-tab bingo tickets:

(A) date of sale;

(B) quantity sold;

(C) cost per each deal of pull-tab bingo game sold;

(D) form number and serial number of each pull-tab bingo game's deal;

(E) name and address of the purchaser; and

(F) Texas taxpayer number of the purchaser.

(7) All licensed organizations must retain these records for a period of four years.

(h) Style of Play. The following pull-tab bingo tickets are authorized by this rule. A last sale feature can be utilized on any pull-tab bingo ticket.

(1) Sign-up Board. A form of pull-tab bingo that is played with a sign-up board. Sign-up board tickets that contain a winning

numeric, alpha or symbol instantly win the stated prize or qualify to advance to the sign-up board. The sign-up board that serves as the game flare is where identified winning sign-up board ticket holders may register for the opportunity to win the prize indicated on the sign-up board.

(2) Sign-up Board Ticket. A sign up board ticket is a form of pull-tab bingo played with a sign-up board. A single window or multiple windows sign-up board ticket reveals a winning (or losing) numeric, alpha or symbol that corresponds with the sign-up board.

(3) Tip Board. A form of pull-tab game where perforated tickets attached to a placard that have a predetermined winner under a seal.

(4) Coin Board. A placard that contains prizes consisting of coin(s). Coin boards can have a sign-up board as part of its placard.

(5) Coin Board Ticket. A form of pull-tab bingo that when opened reveals a winning number or symbol that corresponds with the coin board.

(6) Event Ticket. A form of pull-tab bingo that utilizes some subsequent action to determine the event ticket winner(s), such as a drawing of ball(s), spinning wheel, opening of a seal on a flare(s) or any other method approved by the Commission so long as that method has designated numbers, letters, or symbols that conform to the randomly selected numbers or symbols. When a flare is used to determine winning tickets, the flare shall have the same form number and serial number as the event tickets. Pull-tab bingo tickets used as event tickets must contain more than two instant winners.

(7) Instant Ticket. A form of pull-tab bingo that has predetermined winners and losers and has immediate recognition of the winners and losers.

(8) Multiple Part Event or Multiple Part Instant Ticket. A pull-tab bingo ticket that is broken apart and sold in sections by a licensed authorized organization. Each section of the ticket consists of a separate deal with its own corresponding payout structure, form number, serial number, and winner verification.

(9) Jackpot Pull-Tab Game. A style of pull-tab game that has a stated prize and a chance at a jackpot prize(s). A portion of the stated payout is contributed to the jackpot prize(s). Each jackpot is continuous for the same form number and continues until a jackpot prize(s) is awarded; provided that, any jackpot prize(s) must not exceed the statutory limits.

(10) Video Confirmation shall be subject to Commission approval.

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

Filed with the Office of the Secretary of State on June 22, 2018.

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Bob Biard

General Counsel

Texas Lottery Commission

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Proposal publication date: April 27, 2018

For further information, please call: (512) 344-5392



SUBCHAPTER D. LICENSING REQUIREMENTS

16 TAC §402.402

The Texas Lottery Commission (Commission) adopts amendments to 16 TAC §402.402 (Registry of Bingo Workers) with changes to the proposed text as published in the April 27, 2018, issue of the *Texas Register* (43 TexReg 2513). Changes to the adopted text are intended to correct minor grammatical errors.

The purpose of the rule amendments is to (1) remove a requirement that a provisional employee of a licensed authorized organization (bingo conductor) must indicate the playing location(s) where they are provisionally employed on the Application for Registry of Approved Bingo Workers (Bingo Registry) form submitted to the Commission; and (2) extend the length of time a provisional employee who is not a resident of Texas may work without being listed on the Bingo Registry from 45 days to 75 days. A provisional employee is an individual who is employed by a bingo conductor as an operator, manager, cashier, usher, caller, or salesperson while awaiting the results of a criminal history background check, whether paid or not. Except during the time period allowed for provisional employees awaiting the result of a background check, all bingo workers must be listed on the Bingo Registry.

A public comment hearing was held on Wednesday, May 9, 2018, at 10:00 a.m., at 611 E. 6th Street, Austin, Texas 78701. The Department of Texas, Veterans of Foreign Wars; Texas Charity Advocates; and the Bingo Interest Group each provided comments in support of the proposed amendments at the hearing.

The rule amendments are adopted under the Texas Occupations Code §2001.054, which authorizes the Commission to adopt rules to enforce and administer the Bingo Enabling Act, and the Texas Government Code §467.102, which authorizes the Commission to adopt rules for the laws under the Commission's jurisdiction.

The adopted amendments implement the Texas Occupations Code, Chapter 2001.

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

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 61. SCHOOL DISTRICTS

SUBCHAPTER AA. COMMISSIONER'S

RULES ON SCHOOL FINANCE

19 TAC §61.1016

The Texas Education Agency adopts new §61.1016, concerning commissioner's rules on school finance. The new section is adopted without changes to the proposed text as published in the May 4, 2018, issue of the *Texas Register* (43 TexReg 2692) and will not be republished. The adopted new rule implements Senate Bill (SB) 195, 85th Texas Legislature, Regular Session, 2017, by providing for additional transportation funding for areas with hazardous traffic conditions or a high risk of violence.

REASONED JUSTIFICATION. Texas Education Code (TEC), §42.155, allows a school district to apply for up to 10% of its regular transportation allotment in additional funding to transport children who live within two miles of their campus but are subject to hazardous traffic conditions in getting to school. SB 195, 85th Texas Legislature, Regular Session, 2017, expanded the criteria to apply for additional funds to include areas within two miles of a campus where students are at high risk for violence when walking to and from school. To be eligible for funding under the statute, districts must adopt a board policy that identifies specific hazardous or high-risk-of-violence areas for which the allocation is requested. In determining these areas, districts are to consult with local law enforcement agencies and must obtain law enforcement records that document a high incidence of violent crimes. Districts may use all or part of additional funds to support community walking transportation programs.

Adopted new §61.1016 implements the TEC, §42.155, by establishing provisions for hazardous transportation funding. The adopted new rule provides definitions and eligibility criteria as well as detailing how school districts must submit the additional data and the formulas to be used to calculate the additional funding.

SUMMARY OF COMMENTS AND AGENCY RESPONSES. The public comment period on the proposal began May 4, 2018, and ended June 4, 2018. No public comments were received.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §42.155(d), as amended by Senate Bill (SB) 195, 85th Texas Legislature, Regular Session, 2017, which authorizes hazardous transportation funding for areas within two miles of a campus where students would be subject to hazardous traffic conditions or a high risk of violence when walking to and from school; TEC, §42.155(d-1), as amended by SB 195, 85th Texas Legislature, Regular Session, 2017, which requires the school district board of trustees to provide an explanation of the hazardous traffic conditions or areas presenting a high risk of violence applicable to that district and to identify the specific hazardous or high-risk areas for which the allocation is requested by consulting with local law enforcement agencies and obtaining law enforcement records that document a high incidence of violent crimes; and TEC, §42.155(d-2), as added by SB 195, 85th Texas Legislature, Regular Session, 2017, which allows school districts to use all or part of additional funds to support community walking transportation programs and requires the commissioner to adopt rules for the administration of TEC, §42.155.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §42.155, as amended by Senate Bill 195, 85th Texas Legislature, Regular Session, 2017.

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

Filed with the Office of the Secretary of State on June 21, 2018.

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Cristina De La Fuente-Valadez
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Texas Education Agency
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TITLE 22. EXAMINING BOARDS

PART 10. TEXAS FUNERAL SERVICE COMMISSION

CHAPTER 201. LICENSING AND ENFORCEMENT--PRACTICE AND PROCEDURE

22 TAC §201.18

The Texas Funeral Service Commission (Commission) adopts new rule Title 22 Texas Administrative Code, Chapter 201 -- Practice and Procedure §201.18 -- Agency Staff Training and Education, without changes to the proposed text as published in the April 6, 2018, issue of the *Texas Register* (43 TexReg 2116). The rule will not be republished.

BACKGROUND AND JUSTIFICATION. The Commission is complying with the State Employee Training Act (Texas Government Code Chapter 656 Subchapter C), which sets out requirements for state agencies to adopt rules regarding training and education for state employees.

No comments were received regarding the new rule.

STATUTORY AUTHORITY. This proposal is made pursuant to Texas Occupations Code §651.152, which authorizes the Texas Funeral Service Commission to adopt rules considered necessary for carrying out the Commission's work, and Texas Government Code §656.048, which requires the agency to adopt rules regarding training offered to state employees.

No other statutes, articles, or codes are affected by 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 June 22, 2018.

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Janice McCoy
Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2469

CHAPTER 205. CEMETERIES AND CREMATORIES

22 TAC §205.11

The Texas Funeral Service Commission (Commission) adopts amendments to Title 22 Texas Administrative Code, Part 10, Chapter 205, Cemeteries and Crematories, §205.11, Prerequisites for Cremation. This rule was adopted with changes to the proposed text as published in the April 6, 2018, issue of the *Texas Register* (43 TexReg 2118). The change clarifies the location of subsection (a)(2).

BACKGROUND AND JUSTIFICATION. In 2014, the agency updated Chapter 205 in its entirety as a part of the agency's quadrennial rule review. The update was intended to improve ease of use for both consumers and industry and to improve efficiencies for agency staff as the rules were updated and clarified.

However it has been brought to the agency's attention the changes made to §205.11 - Prerequisites for Cremation created delays in the cremation process which negatively impact consumers and their requests for timely disposition of their loved ones.

This amendment clarifies the death record required by Texas Health and Safety Code Chapter 716.051 can be the burial transit permit as required by 25 Texas Admin. Code §181.2. In effect, this clarification allows only two documents to be presented before cremation can occur.

No comments were received regarding the amendment.

STATUTORY AUTHORITY. This proposal is made pursuant to Health and Safety Code §716.002, which authorizes the Texas Funeral Service Commission to adopt rules considered necessary for carrying out the Commission's work, and Health and Safety Code §716.051, which outlines the documents necessary for cremation.

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

§205.11. Prerequisites for Cremation.

(a) The following documents are required to cremate deceased human remains:

(1) a cremation authorization form signed by the person responsible for making arrangements for final disposition; and

(2) a death certificate or other death record indicating that the deceased human remains may be cremated.

(b) A burial transit permit is required under 25 TAC §181.2 and may be considered other death record under subsection (a)(2) of 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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Janice McCoy

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Texas Funeral Service Commission

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TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 3. TAX ADMINISTRATION

SUBCHAPTER O. STATE AND LOCAL SALES AND USE TAXES

34 TAC §3.336

The Comptroller of Public Accounts adopts amendments to §3.336, concerning gold, silver, coins, and currency, without changes to the proposed text as published in the May 18, 2018, issue of the *Texas Register* (43 TexReg 3229). The comptroller adopts to retitle the section "Currency, Certain Coins, and Gold, Silver, and Platinum Bullion" to describe the subject of the section more completely. The comptroller amends the section to implement House Bill 78, 83rd Legislature, 2013. Effective October 1, 2013, House Bill 78 amended Tax Code, §151.336 (Certain Coins and Precious Metals) to exempt all sales of gold, silver, or numismatic coins and gold, silver, or platinum bullion. The comptroller also amends the section to add headings, make it easier to read, and to conform to other sections of this title.

The comptroller amends subsection (a) to delete existing language and to add definitions. The comptroller deletes language that required that sales of gold, silver, or numismatic coins or of gold, silver, or platinum bullion in a single transaction be at least \$1,000 to be exempt from sales tax. Because all sales of these items are now exempt, the comptroller also deletes the requirement that sellers of gold, silver, platinum, or numismatic coins hold a sales and use tax permit to collect sales tax on all taxable sales within the state. Additionally, the comptroller deletes the reference to the official state coin because Texas never produced an official state coin and the legislature repealed State Purchasing and General Services Act, §11.05.

The comptroller defines the term "bullion" in new paragraph (1), adapting the proposed definition from the definition of the term in Government Code, §2116.001(2) (Definitions). The comptroller defines the term "currency" in new paragraph (2), basing the proposed definition on the definition of the term in Finance Code, §151.301(b)(1) (Definitions) and §151.501(b)(1) (Definitions).

The comptroller adopts a definition for the term "numismatic coin" in new paragraph (3), deriving the definition from long standing guidance in Comptroller's Decision No. 12,033 (1983) and STAR Accession No. 7405L0014E02 (May 16, 1974), and from industry usage of the term. For example, the Web site investorwords.com defines a "numismatic coin," in part, as "{a} type of coin that typically has a higher value than the face value on the coin..." See http://investorwords.com/8131/numismatic_coin.html (last visited August 21, 2017).

The comptroller deletes language in existing subsections (b) and (c) because §3.286 (relating to Seller's and Purchaser's Responsibilities, including Nexus, Permits, Returns and Reporting Periods, Collection and Exemption Rules, and Criminal Penalties) and §3.346 (relating to Use Tax) already provide general information on seller's and purchaser's responsibilities for sales and use tax.

The comptroller amends subsection (b) to implement House Bill 78, stating that all sales of gold, silver, or numismatic coins and gold, silver, or platinum bullion are exempt. The comptroller adopts new subsection (b)(1) to explain that the exemption from sales and use tax does not include specific coins or bullion when

in the form of jewelry or other items of adornment. The comptroller includes guidance from existing subsection (e), revising the existing language to make it easier to read.

The comptroller adopts new subsection (b)(2) to restate information from existing subsection (f) concerning commodity contracts. The comptroller amends the existing language to explain that the purchase of a commodity contract for items exempted from tax is not a taxable transaction.

The comptroller amends subsection (c) to address the taxability of currency exchanges. This subsection incorporates guidance from existing subsection (d), regarding the taxability of the exchange of foreign currency at face value, with revisions to address currency exchanges in general. To determine taxability, the comptroller will no longer rely on whether the currency is United States or foreign currency or on whether the currency was sold above face value. Instead, the comptroller's policy is that the exchange of currency for another form of currency based on an exchange rate is not a taxable transaction if the invoice, receipt, billing, sales slip or ticket, or contract issued to the customer identifies the exchange rate.

The comptroller amends subsection (d) to delete existing language because the comptroller addresses the information in subsection (c) and to address the taxability of the sale of certain paper money. To determine taxability, the comptroller will no longer rely on whether paper money is United States or foreign money or on whether the paper money was sold above face value. Instead, the sale of paper money that is not currency is taxable as the sale of tangible personal property and sales or use tax is due on the total sales price of the paper money. To implement House Bill 78, the comptroller deletes all references to United States and foreign coins being taxable. The exemption in Tax Code, §151.336, together with the comptroller's proposed definitions of the terms "numismatic coin" and "currency," and the fact that currency exchanges are not taxable, makes sales of any coins nontaxable.

The comptroller amends subsection (e) to delete existing language because the comptroller states the information provided in this subsection more clearly in proposed subsection (b)(1). The comptroller moves language from existing subsection (g) to subsection (e) to address the use of gold, silver, or numismatic coins, or gold, silver, or platinum bullion to acquire taxable items. The comptroller removes references from existing subsection (g) to diamonds and other precious stones because those items are not the subject of this section.

The comptroller deletes subsection (f), as the language was moved to subsection (b)(2).

The comptroller deletes subsection (g), as applicable language is included in subsection (e).

No comments were received regarding adoption of the amendment.

The comptroller adopts this section under Tax Code, §111.002 (Comptroller's Rules; Compliance; Forfeiture), which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2 (State Taxation).

The section implements Tax Code, §151.336 (Certain Coins and Precious Metals).

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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William Hamner

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For further information, please call: (512) 475-0387



CHAPTER 5. FUNDS MANAGEMENT (FISCAL AFFAIRS)

SUBCHAPTER L. CLAIMS PROCESSING-- REPLACEMENT PAYMENTS

34 TAC §5.140

The Comptroller of Public Accounts adopts amendments to §5.140, concerning replacement warrants and an amendment to the title of Subchapter L, without changes to the proposed text as published in the May 4, 2018, issue of the *Texas Register* (43 TexReg 2714). The amendments clarify that if a payment is issued to replace an original warrant, it may be issued either in the form of a paper warrant or as an electronic funds transfer.

The amendment to the title of Subchapter L changes the title from "Claims Processing--Duplicate Warrants" to "Claims Processing--Replacement Payments" to more accurately describe the content of the subchapter.

The amendment to the title of §5.140 changes the title from "Replacement Warrants" to "Replacement Payments" to more accurately describe the content of the section.

The amendments to subsection (a) move the definitions of "appropriation year" and "fiscal year" to place them in alphabetical order in the list of definitions in this subsection, while simplifying the language of the definition of "appropriation year" and keeping the current definition of "fiscal year", and renumber the subsequent paragraphs accordingly; change "of" to "for" in current paragraph (2) to make the definition of comptroller in this paragraph consistent with other definitions of comptroller in this chapter; change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; delete the definition of "person" in current paragraph (6) and add the contents of that definition to the definition of "payee" in current paragraph (4) to make the definition of "payee" more readable; delete "paper" from the definition of "payment cancellation voucher" in current paragraph (5) to clarify that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; define "replacement payment" in current paragraph (7) so that it includes a payment issued in paper form and one made by initiating an electronic funds transfer; change "statewide accounting systems" in current paragraph (9) to "statewide accounting system" to reflect the way the term is used in the text of the section; clarify in current paragraph (9) that the Centralized Accounting and Payroll/Personnel System is a statewide accounting system; and clarify in current

paragraph (12) that a warrant may be issued to a payee by either a state agency or the comptroller on behalf of a state agency.

The amendments to subsection (b) clarify that the requestor must be the payee of the original warrant and that the request must be sent to the agency that initiated the original warrant; change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; and move the issues an agency must determine upon receipt of a request from this subsection to current subsections (c)(1) and (d)(3) because this language is more relevant to the content of current subsections (c)(1) and (d)(3) than it is to the content of this subsection.

The amendments to subsection (c) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; add the language from current subsection (b) to current paragraph (1); clarify in paragraph (1) that an agency must receive a request for issuance of a replacement payment from the payee of the original warrant and that a replacement payment must replace an original warrant previously issued by the agency; and remove the comma from current paragraph (3) to correct the grammar in that paragraph.

The amendments to subsection (d) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; revise the language in paragraph (1) to more closely reflect the language of Government Code, §403.060 regarding the printing and issuance of warrants; add the language from current subsection (b) to current paragraph (3); and remove the comma from paragraph (4) to correct the grammar in that paragraph.

The amendments to subsection (e) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; remove the comma from current paragraphs (1) and (2) to correct the grammar in those paragraphs; clarify in current paragraphs (1) and (2) that current paragraph (2) applies only to specified financial assistance warrants and back pay award warrants and that current paragraph (1) applies to all other warrants; and simplify the language in current paragraph (3) to make it more readable without changing its meaning.

The amendments to subsection (f) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer.

The amendments to subsection (g) change "warrant" to "payment" in this subsection to indicate that the term includes not only a payment issued in paper form, but also one made by initiating an electronic funds transfer; delete redundant language in current paragraph (4) and add language to that paragraph to clarify that an electronic funds transfer may not be issued to replace a state employee payroll warrant; and clarify in current paragraph (5) that the agency that issues a replacement payment determines the form of the payment and must follow appropriate comptroller procedures.

No comments were received regarding adoption of the amendments.

The section is adopted under Government Code, §403.016(j) and §403.054(h), which require the comptroller to adopt rules regarding electronic funds transfer and the issuance of replacement warrants.

This section implements Government Code, §403.016 and §403.054, regarding electronic funds transfer and replacement warrant.

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

Filed with the Office of the Secretary of State on June 22, 2018.

TRD-201802798

Victoria North

Chief Counsel, Fiscal and Agency Affairs Legal Services Division
Comptroller of Public Accounts

Effective date: July 12, 2018

Proposal publication date: May 4, 2018

For further information, please call: (512) 475-0387



TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 218. MOTOR CARRIERS

SUBCHAPTER B. MOTOR CARRIER REGISTRATION

43 TAC §218.13

The Texas Department of Motor Vehicles (department) adopts amendments to Chapter 218, Motor Carriers, Subchapter B, Motor Carrier Registration, §218.13, Application for Motor Carrier Registration, without changes to the proposed text as published in the March 2, 2018, issue of the *Texas Register* (43 TexReg 1245). The rule will not be republished.

EXPLANATION OF AMENDMENTS

An amendment to §218.13(a)(12)(F) requires a sole proprietor who applies for motor carrier operating authority to provide a copy of their driver's license or other identification document. Applicants must scan in a copy of their identification document via the department's online system, which is currently called eLINC.

This additional documentation will help the department verify the identity of the individuals who apply for operating authority. The amendment will help the department determine whether the applicant is a potential chameleon carrier or reincarnated carrier, which is a motor carrier that reinvents itself or operates affiliated companies to avoid the consequences of prior violations of the laws, rules, and/or regulations. Chameleon carriers create a new business or operate affiliated companies because otherwise, they would not qualify for operating authority under Transportation Code, Chapter 643.

Other amendments to §218.13 modify the language to be consistent with the amendments in House Bill 3254 from the 85th Legislature, Regular Session, 2017.

COMMENTS

No comments on the amendments as proposed were received.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §1002.001, which provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are necessary and appropriate to implement the powers and the duties of the department under the Transportation Code; and more specifically, Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; and Transportation Code, §643.052(8), which authorizes the department by rule to require an application to include any information the department determines is necessary for the safe operation of a motor carrier under Chapter 643.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapter 643.

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

Filed with the Office of the Secretary of State on June 25, 2018.

TRD-201802818

David D. Duncan

General Counsel

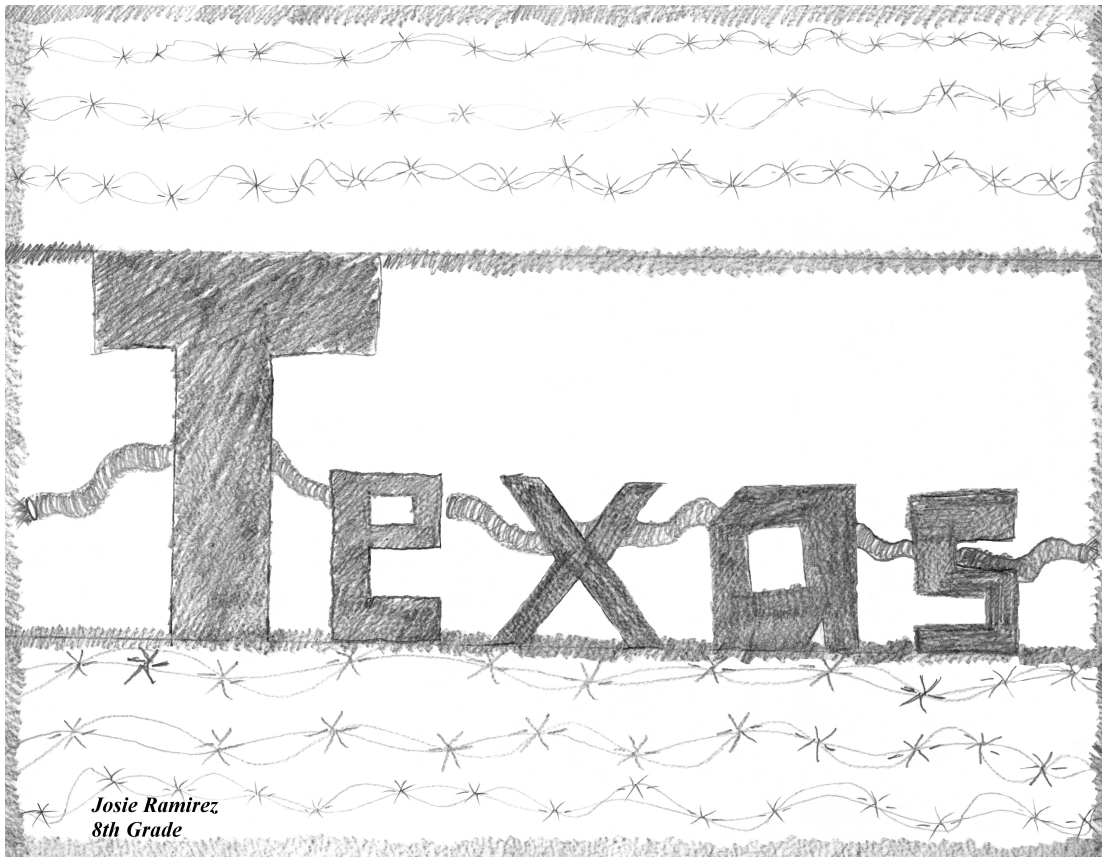
Texas Department of Motor Vehicles

Effective date: July 15, 2018

Proposal publication date: March 2, 2018

For further information, please call: (512) 465-5665





Josie Ramirez
8th Grade

REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Office of Consumer Credit Commissioner

Title 7, Part 5

The Finance Commission of Texas (commission) files this notice of intention to review and consider for readoption, revision, or repeal, Texas Administrative Code, Title 7, Part 5, Chapter 83, Subchapter A, concerning Rules for Regulated Lenders. Chapter 83, Subchapter A contains Division 1, concerning General Provisions; Division 2, concerning Authorized Activities; Division 3, concerning Application Procedures; Division 4, concerning License; Division 5, concerning Interest Charges on Loans; Division 6, concerning Alternate Charges for Consumer Loans; Division 7, concerning Interest and Other Charges on Secondary Mortgage Loans; Division 8, concerning Refunds for Pre-computed Loans; Division 9, concerning Insurance; Division 10, concerning Duties and Authority of Authorized Lenders; and Division 11, concerning Prohibitions on Authorized Lenders.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission will accept comments for 31 days following publication of this notice in the *Texas Register* as to whether the reasons for adopting these rules continue to exist.

The Office of Consumer Credit Commissioner, which administers these rules, believes that the reasons for adopting the rules contained in this subchapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Laurie Hobbs, Assistant General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207, or by email to laurie.hobbs@occc.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional 31-day public comment period prior to final adoption or repeal by the commission.

TRD-201802845

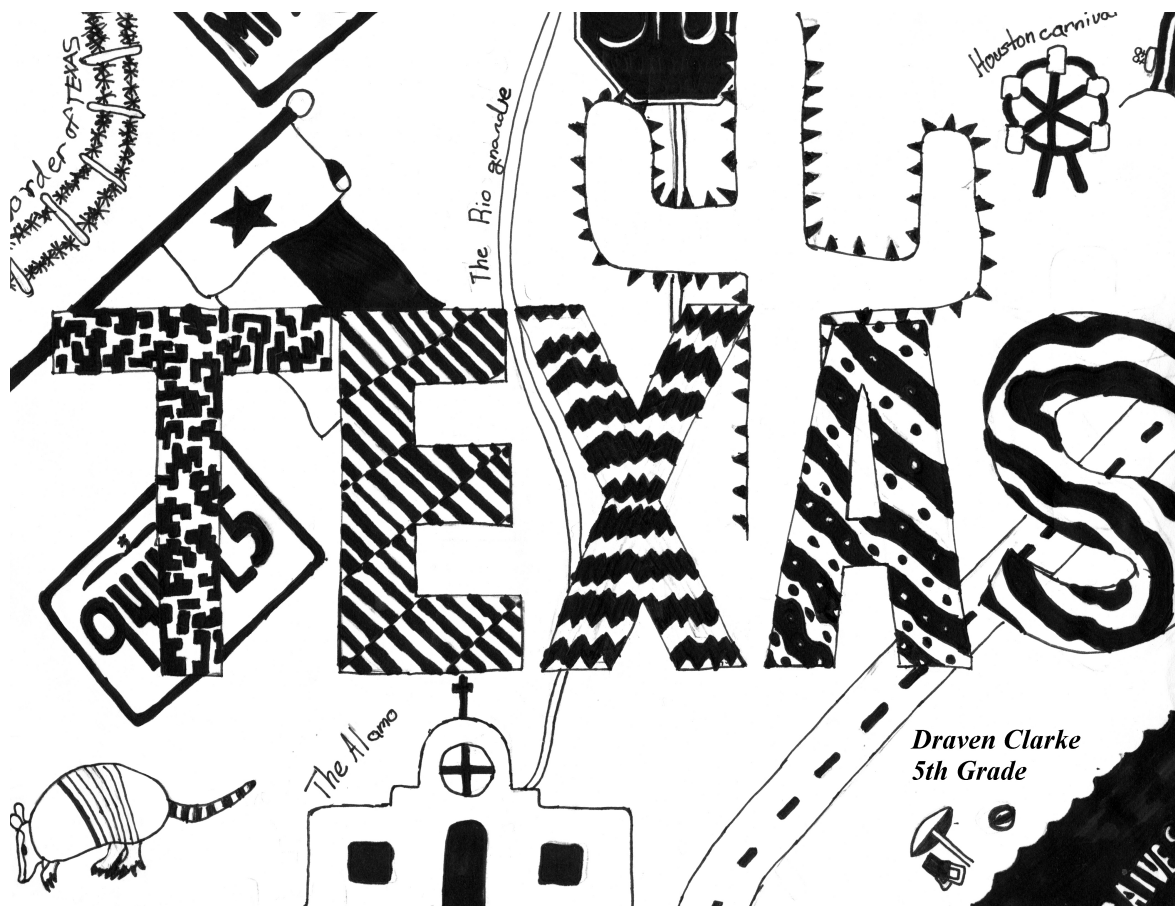
Laurie B. Hobbs

Assistant General Counsel

Office of Consumer Credit Commissioner

Filed: June 27, 2018





Border on TEXAS

The Rio Grande

Houston carnival

The Alamo

Draven Clarke
5th Grade

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.

Automobile Burglary and Theft Prevention Authority

Correction of Error

The Automobile Burglary and Theft Prevention Authority submitted a notice of withdrawal for proposed amended 43 TAC §§57.48 - 57.51 and new §57.52, which appeared in the June 22, 2018, issue of the *Texas Register* (43 TexReg 4212). Due to a *Texas Register* error, the sections were incorrectly numbered. Also in the same notice, the date of the proposed rules' previous publication was incorrectly typed. The corrected paragraphs read as follows:

"The Automobile Burglary and Theft Prevention Authority (ABTPA) adopts amendments to §57.18, Grant Adjustments, without changes to the proposed text as published in the December 15, 2017, issue of the *Texas Register* (42 TexReg 7115). The rule will not be republished.

The remaining rules included in the proposal, §§57.48 - 57.52, are withdrawn in accordance with §2001.027, Texas Government Code. The ABTPA anticipates future meetings and discussions with stakeholders regarding these withdrawn sections."

TRD-201802836

David D. Duncan

General Counsel

Automobile Burglary and Theft Prevention Authority

Filed: June 27, 2018

Comptroller of Public Accounts

Certification of the Average Closing Price of Gas and Oil - May 2018

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 May 2018 is \$47.37 per barrel for the three-month period beginning on February 1, 2018, and ending April 30, 2018. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of May 2018, from a qualified low-producing oil lease, is not eligible for a 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 May 2018 is \$2.06 per mcf for the three-month period beginning on February 1, 2018, and ending April 30, 2018. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of May 2018, 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 May 2018 is \$69.98 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 May 2018, 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 May 2018 is \$2.83 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 May 2018, from a qualified low-producing gas well.

Inquiries should be submitted to Teresa G. Bostick, 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.

TRD-201802789

William Hamner

Special Counsel for Tax Administration

Comptroller of Public Accounts

Filed: June 21, 2018

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/02/18 - 07/08/18 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/02/18 - 07/08/18 is 18% for Commercial over \$250,000.

¹Credit for personal, family or household use.

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

TRD-201802831

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: June 26, 2018

Court of Criminal Appeals

In the Court of Criminal Appeals of Texas

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 18-013

ORDER PROPOSING AMENDMENTS TO TEXAS RULES OF APPELLATE PROCEDURE 31.1 AND 31.2

ORDERED that:

1. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals proposes amendments to Rules of Appellate Procedure 31.1 and 31.2.
2. These amendments may be changed in response to public comments received before October 30, 2018. Any interested party may submit written comments to the Court of Criminal Appeals at txccarulescomments@txcourts.gov.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: June 18, 2018.

Sharon Keller, Presiding Judge

Michael Keasler, Judge

Barbara Hervey, Judge

Elsa Alcala, Judge

Bert Richardson, Judge

Kevin P. Yeary, Judge

David Newell, Judge

Mary Lou Keel, Judge

Scott Walker, Judge

31.1. Filing the Record and Briefs

When written notice of appeal from a judgment or order in a habeas corpus or bail proceeding is filed, the trial court clerk must prepare and certify the clerk's record and, if the appellant requests, the court reporter must prepare and certify a reporter's record. The clerk must send the clerk's record and the court reporter must send the reporter's record to the appellate court within 15 days after the notice of appeal is filed. On reasonable explanation, the appellate court may shorten or extend the time to file the records.

- (a) For an appeal from a habeas corpus proceeding challenging a conviction or an order placing the defendant on community supervision—but not challenging any particular condition of community supervision—the appellate court should use the same briefing rules, deadlines, and schedule that apply to direct appeals from criminal cases. On motion of any party, or on its own initiative, the appellate court may impose a more expedited timeline or submit the case without briefing, if necessary to do substantial justice to the parties.
- (b) For an appeal from a bail proceeding or any other habeas corpus proceeding, including one that challenges a particular condition of community supervision, the court will—if it desires briefs—set the time for filing briefs.

31.2. Submission; Hearing

The applicant need not personally appear. The appellate court will not review any incidental question that might have arisen on the hearing of the application before the trial court. The sole purpose of the appeal is to do substantial justice to the parties.

- (a) For an appeal from a habeas corpus proceeding challenging a conviction or an order placing the defendant on community supervision—but not challenging a particular condition of community supervision—the appellate court should use the same submission and hearing schedules that apply to direct appeals from criminal cases. On motion of any party, or on its own initiative, the appellate court may impose a more expedited timeline or submit the case without briefing, if necessary to do substantial justice to the parties.
- (b) An appeal in any other habeas corpus or bail proceeding, including a challenge to a particular condition of community supervision, shall be submitted and heard at the earliest practicable time.

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 18-014

ORDER PROPOSING AMENDMENTS TO APPENDIX D OF THE TEXAS RULES OF APPELLATE PROCEDURE

ORDERED that:

1. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals proposes amendments to Appendix D of the Rules of Appellate Procedure.
2. These amendments may be changed in response to public comments received before October 30, 2018. Any interested party may submit written comments to the Court of Criminal Appeals at txccarulescomments@txcourts.gov.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: June 18, 2018.

Sharon Keller, Presiding Judge

Michael Keasler, Judge

Barbara Hervey, Judge

Elsa Alcala, Judge

Bert Richardson, Judge

Kevin P. Yeary, Judge

David Newell, Judge

Mary Lou Keel, Judge

Scott Walker, Judge

APPENDIX D

Certification of Defendant's Right of Appeal

No. _____

The State of Texas

In the _____ Court

v.

of

Defendant

_____ County, Texas

TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I certify that this criminal case:

- is not a plea-bargain case, and the defendant has the right of appeal;
- is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial and not withdrawn or waived, and the defendant has the right of appeal;
- is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal;
- is a plea-bargain case, and the defendant has NO right of appeal;
- the defendant has waived the right of appeal.

Judge

Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals' judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the court of appeals. TEX. R. APP. P. 68.2. I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

Defendant

Defendant's Counsel

Mailing address: _____

State Bar of Texas ID number: _____

Mailing address: _____

Telephone number: _____

Telephone number: _____

Email Address (if any): _____

Email Address: _____

* See TEX. R. APP. P. 25.2(a)(2).

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

=====
Misc. Docket No. 18-015
=====

=====
**ORDER PROPOSING AMENDMENTS TO APPENDIX F OF THE
TEXAS RULES OF APPELLATE PROCEDURE**
=====

ORDERED that:

1. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals proposes amendments to Appendix F of the Rules of Appellate Procedure.
2. These amendments may be changed in response to public comments received before October 30, 2018. Any interested party may submit written comments to the Court of Criminal Appeals at txccarulescomments@txcourts.gov.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: June 18, 2018.

Sharon Keller, Presiding Judge

Michael Keasler, Judge

Barbara Hervey, Judge

Elsa Alcala, Judge

Bert Richardson, Judge

Kevin P. Yeary, Judge

David Newell, Judge

Mary Lou Keel, Judge

Scott Walker, Judge

APPENDIX F
IN THE COURT OF CRIMINAL APPEALS OF TEXAS
CLERK'S SUMMARY SHEET FOR
POSTCONVICTION APPLICATIONS FOR WRIT OF HABEAS CORPUS
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

Application for Writ of Habeas Corpus

Ex Parte _____ from _____ County
(Name of Applicant)

_____ Court

TRIAL COURT WRIT NO. _____

APPLICANT'S NAME (As reflected in judgment): _____

OFFENSE (As reflected in judgment): _____

CAUSE NO. (As reflected in judgment): _____

PLEA: _____ GUILTY _____ NOT GUILTY

SENTENCE: _____ DATE: _____
(Terms of years reflected in judgment)

TRIAL DATE: _____

TRIAL JUDGE'S NAME (Judge presiding at trial): _____

APPEAL NO. (If applicable): _____

CITATION TO OPINION (If applicable): _____ S.W.3d _____

HEARING HELD: _____ YES _____ NO
(Pertaining to the application for writ of habeas corpus)

FINDINGS & CONCLUSIONS ENTERED BY HABEAS JUDGE: _____ YES _____ NO
(Pertaining to the application for writ of habeas corpus)

RECOMMENDATION: _____ GRANT _____ DENY _____ DISMISS _____ NONE
(Habeas judge's recommendation regarding application for writ of habeas corpus)

HABEAS JUDGE'S NAME: _____
(Judge presiding over habeas corpus proceeding)

NAME OF HABEAS COUNSEL IF APPLICANT IS REPRESENTED: _____

I certify that all applicable requirements of Texas Rule of Appellate Procedure 73.4 have been complied with in this habeas proceeding, including the requirement to serve on all the parties in the case any objections, motions, affidavits, exhibits, proposed findings of fact and conclusions of law, findings of fact and conclusions of law, and any other orders entered or pleadings filed in the habeas case.

Signature of District Clerk or Clerk's Representative

Date Signed

TRD-201802786
Deana Williamson
Clerk
Court of Criminal Appeals
Filed: June 20, 2018

◆ ◆ ◆
State Board for Educator Certification

Correction of Error

The State Board for Educator Certification proposed amendments to §§249.3, 249.5, and 249.15 in the June 22, 2018, issue of the *Texas Register* (43 TexReg 3992).

Due to error by the Texas Education Agency, the cross reference to §249.14 listed in §249.15(b)(9) included a typographical error. The cross reference should read §249.14(k)(1) instead of §249.14(h)(1).

TRD-201802807
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: June 22, 2018

◆ ◆ ◆
Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC) §7.075. TWC §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is August 6, 2018. 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 August 6, 2018. Written comments may also be sent by facsimile machine to the enforcement 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: 4S FARMING OPERATIONS, LLC; DOCKET NUMBER: 2018-0127-IHW-E; IDENTIFIERS: RN109767376 and RN109767384; LOCATION: Edroy, San Patricio County; TYPE OF

FACILITY: farmland; RULE VIOLATED: 30 TAC §335.6(h), by failing to submit a written notice to the TCEQ which includes the type of industrial solid waste or municipal hazardous waste to be recycled, the method of storage prior to recycling, and the nature of the recycling activity 90 days prior to engaging in such activities; PENALTY: \$2,624; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(2) COMPANY: B. T. SIKES WATER WELLS, INCORPORATED; DOCKET NUMBER: 2018-0128-WR-E; IDENTIFIER: RN110066586; LOCATION: Sandia, Nueces County; TYPE OF FACILITY: business; RULES VIOLATED: 30 TAC §297.11 and TWC, §11.081 and §11.121, by failing to obtain authorization prior to diverting, storing, impounding, or using state water; PENALTY: \$750; ENFORCEMENT COORDINATOR: Caleb Olson, (512) 239-2541; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(3) COMPANY: C. COOPER CUSTOM HOMES, INCORPORATED; DOCKET NUMBER: 2018-0711-WQ-E; IDENTIFIER: RN109635276; LOCATION: Tyler, Smith County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 2616 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(4) COMPANY: CADILLAC WATER CORPORATION; DOCKET NUMBER: 2018-0188-PWS-E; IDENTIFIER: RN101175784; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(h)(4), by failing to test and certify to be operating within specifications all backflow prevention assemblies which are installed to provide protection against health hazards at least annually; 30 TAC §290.42(l), by failing to compile and maintain a thorough and up-to-date plant operations manual of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency; 30 TAC §290.41(c)(1)(F), by failing to obtain sanitary control easements covering land within 150 feet of the facility's well; and 30 TAC §290.46(f)(2) and (3)(E)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director upon request; PENALTY: \$392; ENFORCEMENT COORDINATOR: Ross Luedtke, (512) 239-3157; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(5) COMPANY: City of Byers; DOCKET NUMBER: 2018-0218-PWS-E; IDENTIFIER: RN101236404; LOCATION: Byers, Clay County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$210; ENFORCEMENT COORDINATOR: Toni Red, (512) 239-1704; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(6) COMPANY: City of Grand Saline; DOCKET NUMBER: 2018-0488-MWD-E; IDENTIFIER: RN102330081; LOCATION: Grand Saline, Van Zandt County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010179001, Effluent Limitations and Monitoring

Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$1,400; ENFORCEMENT COORDINATOR: Aaron Vincent, (512) 239-0855; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(7) COMPANY: City of White Settlement; DOCKET NUMBER: 2018-0093-WQ-E; IDENTIFIER: RN105521728; LOCATION: White Settlement, Tarrant County; TYPE OF FACILITY: small municipal separate storm sewer system; RULES VIOLATED: 30 TAC §281.25(a)(4) and Texas Pollutant Discharge Elimination System (TPDES) General Permit (GP) Number TXR040125, Part III, by failing to implement the Stormwater Management Program (SWMP) and the Best Management Practices consistent with the provisions of the GP and the SWMP; and 30 TAC §281.25(a)(4) and TPDES GP Number TXR040125, Part IV, Section B(2), by failing to submit the annual report within 90 days of the end of the reporting period; PENALTY: \$4,500; Supplemental Environmental Project offset amount of \$3,600; ENFORCEMENT COORDINATOR: Caleb Olson, (512) 239-2541; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(8) COMPANY: Crane Co.; DOCKET NUMBER: 2018-0272-MWD-E; IDENTIFIER: RN102180288; LOCATION: Montgomery County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1) and 30 TAC §305.65 and §305.125(2), by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; and TWC, §5.702 and 30 TAC §21.4, by failing to pay consolidated water quality fees and associated late fees for TCEQ Financial Administration Account Number 20041619 for Fiscal Year 2018; PENALTY: \$3,563; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: Exclusive Star, Incorporated dba Texas Express 3; DOCKET NUMBER: 2018-0326-PST-E; IDENTIFIER: RN102434255; LOCATION: Brownwood, Brown County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), and failing to provide release detection for the pressurized piping associated with the UST system; and 30 TAC §334.10(b)(2), by failing to assure that all UST record-keeping requirements are met; PENALTY: \$3,724; ENFORCEMENT COORDINATOR: John Paul Fennell, (512) 239-2616; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(10) COMPANY: Flint Hills Resources Longview, LLC; DOCKET NUMBER: 2018-0358-AIR-E; IDENTIFIER: RN101618759; LOCATION: Longview, Harrison County; TYPE OF FACILITY: polypropylene pellet manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(1), 116.115(c), and 122.143(4), 40 Code of Federal Regulations (CFR) §60.18(c)(3)(ii), Federal Operating Permit Number O1282, Special Terms and Conditions Numbers 1.A and 7, New Source Review Permit Number 18105, Special Conditions Number 7.A, and Texas Health and Safety Code, §382.085(b), by failing to comply with the minimum net heating value of 200 British Thermal Units per standard cubic foot as required by 40 CFR Part 60, Subpart A; PENALTY: \$3,338; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(11) COMPANY: FOREST WATER SUPPLY CORPORATION; DOCKET NUMBER: 2018-0281-PWS-E; IDENTIFIER:

RN101183465; LOCATION: Forest, Cherokee County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(f)(2) and (3)(A)(vi), by failing to properly maintain water works operation and maintenance records and make them available for review to the executive director (ED) upon request; 30 TAC §290.46(j), by failing to complete a Customer Service Inspection certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross connections or other potential contamination hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition; 30 TAC §290.43(c)(8), by failing to maintain the facility's storage tank in strict accordance with current American Water Works Association standards; 30 TAC §290.39(j) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the ED and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 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: \$420; ENFORCEMENT COORDINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(12) COMPANY: Freestone Dynamis Energy Products, LLC; DOCKET NUMBER: 2016-1987-MLM-E; IDENTIFIER: RN103074746; LOCATION: Ennis, Ellis County; TYPE OF FACILITY: scrap tire pyrolysis processing; RULES VIOLATED: 30 TAC §328.63(c), by failing to obtain a registration to process scrap tires; 30 TAC §335.9(a)(1), by failing to maintain documentation of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal; and 30 TAC §§335.62, 335.503, and 335.504 and 40 Code of Federal Regulations §262.11, by failing to conduct hazardous waste determinations and classifications; PENALTY: \$7,813; ENFORCEMENT COORDINATOR: Margarita Dennis, (817) 588-5892; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(13) COMPANY: Industrial Asphalt, LLC; DOCKET NUMBER: 2017-1602-MLM-E; IDENTIFIER: RN105532782; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: quarry; RULES VIOLATED: 30 TAC §213.4(k) and Water Pollution Abatement Plan Number 11-12111601, Special Condition II, by failing to ensure that all permanent pollution abatement measures are operational prior to the startup of the facility; TWC, §26.121 and Texas Pollutant Discharge Elimination System (TPDES) General Permit (GP) Number TXR05BN55, Part III, Section A, Number 4, by failing to prevent the unauthorized discharge of pollutants into or adjacent to water of the state; and 30 TAC §281.25(a)(4) and TPDES GP Number TXR05BN55, Part III, Section A, Numbers 1(a), 4, and 5, by failing to implement the stormwater pollution prevention plan; PENALTY: \$22,276; ENFORCEMENT COORDINATOR: Caleb Olson, (512) 239-2541; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(14) COMPANY: Isaac Camacho; DOCKET NUMBER: 2018-0691-WQ-E; IDENTIFIER: RN105890503; LOCATION: Sinton, San Patricio County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Herbert Darling, (512) 239-2520; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(15) COMPANY: Ky Cheng dba Angus Discount Beer and Wine; DOCKET NUMBER: 2018-0238-PST-E; IDENTIFIER: RN102426624; LOCATION: Corsicana, Navarro 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 for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(16) COMPANY: Manakamana Properties, Incorporated dba Proctor Grocery; DOCKET NUMBER: 2018-0250-PST-E; IDENTIFIER: RN101431757; LOCATION: Proctor, Comanche 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 for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$4,500; ENFORCEMENT COORDINATOR: James Boyle, (512) 239-2527; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(17) COMPANY: MAPLE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2018-0017-PWS-E; IDENTIFIER: RN101458156; LOCATION: Maple, Bailey County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.109(d)(4)(B) (formerly §290.109(c)(4)(B)) and §290.122(c)(2)(A) and (f), by failing to collect, within 24 hours of notification of the routine distribution total coliform-positive sample on January 27, 2015, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each groundwater source in use at the time the distribution coliform-positive samples were collected, and failing to provide public notification and submit a copy of the notification to the executive director (ED) regarding the failure to collect a raw groundwater source *Escherichia coli* sample during the month of January 2015; 30 TAC §290.117(c)(2)(C), (h), and (i)(1), by failing to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2015 - December 31, 2017, monitoring period; 30 TAC §290.271(b) and §290.274(a) and (c), by failing to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1st for each year, and failing to submit to the TCEQ by July 1st for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the facility, and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2014, 2015, and 2016; 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit a Disinfectant Level Quarterly Operating Report for the third quarter of 2015, and the fourth quarter of 2016, and regarding the failure to conduct routine coliform monitoring during the month of June 2015; 30 TAC §290.51(a)(6) and TWC, §5.702, by failing to pay annual public health service fees and any associated late fees for TCEQ Financial Administration Account Number 90090011 for Fiscal Years 2016 and 2017; and 30 TAC §291.76 and TWC, §5.702, by failing to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity Number 11377 for calendar year 2016; PENALTY: \$810; ENFORCEMENT COORDINATOR: Ross Luedtke, (512) 239-3157; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(18) COMPANY: MB STARMART CONVENIENCE STORES LLC dba Star Mart 4; DOCKET NUMBER: 2018-0257-PST-E; IDENTIFIER:

RN102780293; LOCATION: Atlanta, Cass 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 for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Had Darling, (512) 239-2520; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(19) COMPANY: NABI and RAAIA LLC dba Poco Loco Market; DOCKET NUMBER: 2018-0044-PST-E; IDENTIFIER: RN107244337; LOCATION: San Marcos, Hays County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.7(a)(1) and (c) and §334.8(c)(4)(A)(vi)(II), by failing to register with the commission, on authorized agency forms, an underground storage tank (UST) in existence on or after September 1, 1987, by submitting a properly completed UST registration and self-certification form to the agency within 30 days after the date any regulated substance was placed into the UST; 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum UST; 30 TAC §334.74, by failing to investigate a suspected release of a regulated substance within 30 days of discovery; 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; 30 TAC §334.10(b)(1)(B) and §334.75(a), by failing to maintain UST records and make them immediately available for inspection upon request by agency personnel; and 30 TAC §334.602(a), by failing to identify and designate for the UST facility at least one named individual for each class of operator - Class A, Class B, and Class C; PENALTY: \$7,940; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(20) COMPANY: NORTH TEXAS DISTRICT COUNCIL ASSEMBLIES OF GOD; DOCKET NUMBER: 2017-1672-MWD-E; IDENTIFIER: RN101513554; LOCATION: Waxahachie, Ellis County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1) and (5), and Texas Pollutant Discharge Elimination System Permit Number WQ0013847001, Permit Conditions Number 2.g and Operational Requirements Number 1, by failing to prevent the discharge of wastewater into or adjacent to water in the state; PENALTY: \$1,250; ENFORCEMENT COORDINATOR: Melissa Castro, (512) 239-0855; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(21) COMPANY: QUICKIE BEES KINGSBURY, LLC dba Quickie Bees 2; DOCKET NUMBER: 2018-0339-PST-E; IDENTIFIER: RN101867109; LOCATION: Seguin, Guadalupe 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 for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Carlos Molina, (512) 239-2557; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(22) COMPANY: RAJU SHORT STOP INCORPORATED; DOCKET NUMBER: 2018-0195-PST-E; IDENTIFIER: RN102719770; LOCATION: Denton, Denton 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 for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring);

PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(23) COMPANY: SA Food Mart Incorporated; DOCKET NUMBER: 2018-0261-PST-E; IDENTIFIER: RN101761294; LOCATION: San Antonio, Bexar 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 (USTs) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); and 30 TAC §334.10(b)(2), by failing to assure that all UST record-keeping requirements are met; PENALTY: \$3,575; ENFORCEMENT COORDINATOR: Jonathan Nguyen, (512) 239-1661; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(24) COMPANY: SD and B Enterprise, LLC; DOCKET NUMBER: 2018-0197-PST-E; IDENTIFIER: RN102655602; LOCATION: Corsicana, Navarro 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 for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$4,687; ENFORCEMENT COORDINATOR: Michaelle Garza, (210) 403-4076; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(25) COMPANY: SterMaster Properties, LLC; DOCKET NUMBER: 2017-1669-EAQ-E; IDENTIFIER: RN109335026; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: concrete batch plant; RULE VIOLATED: 30 TAC §213.23(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer contributing zone; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Alejandro Laje, (512) 239-2547; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(26) COMPANY: TPC Group LLC; DOCKET NUMBER: 2017-1228-AIR-E; IDENTIFIER: RN100219526; LOCATION: Houston, Harris County; TYPE OF FACILITY: petrochemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 19806, Special Conditions Number 2, Federal Operating Permit Number O1598, Special Terms and Conditions Number 26, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$12,750; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-201802830

Charmaine Backens

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 26, 2018



Enforcement Orders

An agreed order was adopted regarding City of Crystal City, Docket No. 2015-1498-MSW-E on June 27, 2018, assessing \$29,263 in administrative penalties with \$5,852 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Al S. Jabouri dba Rivers Inn RV Park, Docket No. 2015-1806-PWS-E on June 27, 2018, assessing \$1,002 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ryan Byer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Uvalde, Docket No. 2016-0206-MSW-E on June 27, 2018, assessing \$65,975 in administrative penalties with \$13,195 deferred. Information concerning any aspect of this order may be obtained by contacting Rebecca Boyett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of San Augustine, Docket No. 2016-0449-MWD-E on June 27, 2018, assessing \$26,251 in administrative penalties with \$5,250 deferred. Information concerning any aspect of this order may be obtained by contacting Austin Henck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Timber Floyd, Inc., Docket No. 2016-0453-AIR-E on June 27, 2018, assessing \$60,000 in administrative penalties with \$56,400 deferred. Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MA FOOD MART, INC. dba Matlock Corner Store, Docket No. 2016-1252-PST-E on June 27, 2018, assessing \$22,336 in administrative penalties with \$4,467 deferred. Information concerning any aspect of this order may be obtained by contacting Abigail Lindsey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Danny Joe Cypert, Docket No. 2016-1299-LII-E on June 27, 2018, assessing \$11,436 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jess Robinson, 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 Shell Oil Company, Docket No. 2016-1439-AIR-E on June 27, 2018, assessing \$54,001 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding S.S.G. FUEL SERVICE, INC., Docket No. 2016-1457-PWS-E on June 27, 2018, assessing \$720 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Joseph Washburn, 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 Albemarle Corporation, Docket No. 2016-1527-AIR-E on June 27, 2018, assessing \$25,941 in administrative penalties with \$5,188 deferred. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Odem, Docket No. 2016-1672-MWD-E on June 27, 2018, assessing \$121,690 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Elizabeth Lieberknecht, 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 Lilbert-Looneyville Water Supply Corporation, Docket No. 2016-1873-PWS-E on June 27, 2018, assessing \$1,032 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RIO WATER SUPPLY CORPORATION, Docket No. 2016-2013-PWS-E on June 27, 2018, assessing \$800 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ryan Byer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jack Marley, Docket No. 2016-2068-PST-E on June 27, 2018, assessing \$4,915 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Logan Harrell, 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 Enlink Midstream Services, LLC, Docket No. 2017-0070-AIR-E on June 27, 2018, assessing \$17,063 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Joanna Hunsberger, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of La Joya, Docket No. 2017-0145-MLM-E on June 27, 2018, assessing \$15,000 in administrative penalties with \$3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Joe Martinez, Sr. dba Retired Rubber Solutions, Docket No. 2017-0269-MSW-E on June 27, 2018, assessing \$11,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jake Marx, 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 Victoria County Drainage District No. 3, Docket No. 2017-0298-WQ-E on June 27, 2018, assessing \$13,750 in administrative penalties with \$2,750 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Mercedes, Docket No. 2017-0398-WQ-E on June 27, 2018, assessing \$15,000 in administrative penalties with \$3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Olson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BUDGET READY MIX, LLC, Docket No. 2017-0427-WQ-E on June 27, 2018, assessing \$9,900 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Adam Taylor, 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 Town of Lakeside, Docket No. 2017-0517-MLM-E on June 27, 2018, assessing \$9,000 in administrative

penalties with \$1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Larry Butler, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Hidalgo County Drainage District No. 1, Docket No. 2017-0541-WQ-E on June 27, 2018, assessing \$15,000 in administrative penalties with \$3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding FILMS CORPORATION dba Mom & Pop's, Docket No. 2017-0546-PST-E on June 27, 2018, assessing \$8,756 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Isaac Ta, 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 ST. MARTIN AQUACULTURE, INC., Docket No. 2017-0577-IWD-E on June 27, 2018, assessing \$47,821 in administrative penalties with \$9,564 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding AMT ENTERPRISES, INC. dba AMT Food Mart 1, Docket No. 2017-0590-PST-E on June 27, 2018, assessing \$13,788 in administrative penalties with \$2,757 deferred. Information concerning any aspect of this order may be obtained by contacting Ken Moller, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HS BUSINESS INC. dba HS Chevron, Docket No. 2017-0637-PST-E on June 27, 2018, assessing \$34,225 in administrative penalties with \$6,845 deferred. Information concerning any aspect of this order may be obtained by contacting Tyler Gerhardt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Timber Lane Utility District, Docket No. 2017-0693-MWD-E on June 27, 2018, assessing \$17,250 in administrative penalties with \$3,450 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Olson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Victoria County Water Control and Improvement District No. 2, Docket No. 2017-0774-PWS-E on June 27, 2018, assessing \$819 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Steven Van Landingham, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INEOS Styrolution America LLC, Docket No. 2017-0814-AIR-E on June 27, 2018, assessing \$32,225 in administrative penalties with \$6,445 deferred. Information concerning any aspect of this order may be obtained by contacting Carol McGrath, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SPEEDY BEER & WINE INC dba Speedy Food Mart, Docket No. 2017-0850-PST-E on June

27, 2018, assessing \$9,000 in administrative penalties with \$1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BELL-MILAM-FALLS WATER SUPPLY CORPORATION, Docket No. 2017-0882-PWS-E on June 27, 2018, assessing \$1,380 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SEHER ENTERPRISE INC dba Best Food Mart, Docket No. 2017-0890-PST-E on June 27, 2018, assessing \$8,478 in administrative penalties with \$1,695 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Dallas County Schools, Docket No. 2017-0918-PST-E on June 27, 2018, assessing \$43,750 in administrative penalties with \$8,750 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chevron Phillips Chemical Company LP, Docket No. 2017-0933-AIR-E on June 27, 2018, assessing \$28,826 in administrative penalties with \$5,765 deferred. Information concerning any aspect of this order may be obtained by contacting Abigail Lindsey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Port Mansfield Public Utility District, Docket No. 2017-0954-PWS-E on June 27, 2018, assessing \$160 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Caleb Olson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Alvord, Docket No. 2017-0990-PWS-E on June 27, 2018, assessing \$345 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Uplifting Properties, LP, Docket No. 2017-1011-PWS-E on June 27, 2018, assessing \$781 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Raitz Enterprises Inc dba U.S. Sand & Gravel, Docket No. 2017-1122-WQ-E on June 27, 2018, assessing \$1,312 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Lena Roberts, 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 Greenville Electric Utility System, Docket No. 2017-1314-AIR-E on June 27, 2018, assessing \$14,775 in administrative penalties with \$2,955 deferred. Information concerning any aspect of this order may be obtained by contacting

David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Fort Worth, Docket No. 2017-1438-WQ-E on June 27, 2018, assessing \$7,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Steven Van Landingham, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Nacogdoches Power, LLC, Docket No. 2017-1489-AIR-E on June 27, 2018, assessing \$8,250 in administrative penalties with \$1,650 deferred. Information concerning any aspect of this order may be obtained by contacting David Carney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Thomas S. Rheman Jr., Docket No. 2017-1497-MSW-E on June 27, 2018, assessing \$15,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Clayton Smith, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201802843
Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
Filed: June 27, 2018

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Enforcement Orders

An agreed order was adopted regarding Old Dog New Tricks T-Shirts Limited Liability Company dba Old Dog New Tricks, Docket No. 2016-0128-MSW-E on June 26, 2018, assessing \$2,500 in administrative penalties with \$500 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aurora Organic Farms, Inc. and Gerald Benton Dipple, Jr., Docket No. 2016-0294-AGR-E on June 26, 2018, assessing \$2,870 in administrative penalties with \$574 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Victoria County Water Control and Improvement District No. 2, Docket No. 2016-0388-MWD-E on June 26, 2018, assessing \$3,100 in administrative penalties with \$620 deferred. Information concerning any aspect of this order may be obtained by contacting Had Darling, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MINSA CORPORATION, Docket No. 2016-0625-PWS-E on June 26, 2018, assessing \$1,072 in administrative penalties with \$214 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Wolfforth, Docket No. 2016-1395-PWS-E on June 26, 2018, assessing \$5,186 in admin-

istrative penalties. Information concerning any aspect of this order may be obtained by contacting Ryan Rutledge, 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 Philip C. Robins, Docket No. 2016-1667-OSI-E on June 26, 2018, assessing \$225 in administrative penalties with \$45 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding COMMUNITY WATER SERVICE, INC., Docket No. 2016-1862-PWS-E on June 26, 2018, assessing \$2,310 in administrative penalties with \$462 deferred. Information concerning any aspect of this order may be obtained by contacting Sarah Kim, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chireno Independent School District, Docket No. 2016-2040-MWD-E on June 26, 2018, assessing \$5,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Logan Harrell, 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 New Oasis Kingdom Assembly Church, Docket No. 2017-0102-PWS-E on June 26, 2018, assessing \$465 in administrative penalties with \$93 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ONALASKA WATER SUPPLY CORPORATION, Docket No. 2017-0226-PWS-E on June 26, 2018, assessing \$1,317 in administrative penalties with \$263 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Liberty Utilities (Silverleaf Water) LLC, Docket No. 2017-0297-MWD-E on June 26, 2018, assessing \$2,875 in administrative penalties with \$575 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Phillips 66 Pipeline LLC, Docket No. 2017-0566-AIR-E on June 26, 2018, assessing \$6,563 in administrative penalties with \$1,312 deferred. Information concerning any aspect of this order may be obtained by contacting Shelby Orme, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TRIANGLE ROTATING EQUIPMENT SPECIALIST, INC., Docket No. 2017-0718-PST-E on June 26, 2018, assessing \$2,575 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Adam Taylor, 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 SAIN VENTURE, LLC. dba Sal's Liquor Store, Docket No. 2017-0815-PST-E on June 26, 2018, assessing \$4,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Joseph K. Washburn,

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 Juan Galindo dba Tepatitlan Mobile Home Park, Docket No. 2017-0955-PWS-E on June 26, 2018, assessing \$570 in administrative penalties with \$114 deferred. Information concerning any aspect of this order may be obtained by contacting Steven Hall, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lonestar Operating, LLC, Docket No. 2017-0995-AIR-E on June 26, 2018, assessing \$2,438 in administrative penalties with \$487 deferred. Information concerning any aspect of this order may be obtained by contacting Robyn Babyak, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NOORAIN, INC. dba Country Cleaners, Docket No. 2017-1016-DCL-E on June 26, 2018, assessing \$255 in administrative penalties with \$51 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SECOND CROSSING CAMP-GROUND, LLC, Docket No. 2017-1054-PWS-E on June 26, 2018, assessing \$960 in administrative penalties with \$192 deferred. Information concerning any aspect of this order may be obtained by contacting Ryan Byer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Peter Henry Schouten and Nova Darlene Schouten dba P & L Dairy, Docket No. 2017-1083-AGR-E on June 26, 2018, assessing \$3,975 in administrative penalties with \$795 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ISP TECHNOLOGIES INC., Docket No. 2017-1114-AIR-E on June 26, 2018, assessing \$3,903 in administrative penalties with \$780 deferred. Information concerning any aspect of this order may be obtained by contacting Abigail Lindsey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INVISTA S.Ã r.l., Docket No. 2017-1145-AIR-E on June 26, 2018, assessing \$4,950 in administrative penalties with \$990 deferred. Information concerning any aspect of this order may be obtained by contacting Trina Grieco, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding StarPak, Corp, Docket No. 2017-1154-AIR-E on June 26, 2018, assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Shelby Orme, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lyondell Chemical Company, Docket No. 2017-1202-AIR-E on June 26, 2018, assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Robyn Babyak, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Diocese of Corpus Christi, Docket No. 2017-1249-PWS-E on June 26, 2018, assessing \$209 in administrative penalties with \$167 deferred. Information concerning any aspect of this order may be obtained by contacting James Boyle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Medina Children's Home, Docket No. 2017-1262-PST-E on June 26, 2018, assessing \$3,263 in administrative penalties with \$652 deferred. Information concerning any aspect of this order may be obtained by contacting John Paul Fennell, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TEXAS NEW HORIZON, INC. dba Country Food Store, Docket No. 2017-1266-PST-E on June 26, 2018, assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Jonathan Nguyen, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Sunoco Pipeline L.P., Docket No. 2017-1289-AIR-E on June 26, 2018, assessing \$2,813 in administrative penalties with \$562 deferred. Information concerning any aspect of this order may be obtained by contacting Sandra Douglas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding 4 Way Bar & Grill, LLC, Docket No. 2017-1333-PWS-E on June 26, 2018, assessing \$730 in administrative penalties with \$146 deferred. Information concerning any aspect of this order may be obtained by contacting Jason Fraley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Choice Stores Inc dba Gold Buckle, Docket No. 2017-1345-PST-E on June 26, 2018, assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Claudia Corrales, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Daisy Farms, LLC, Docket No. 2017-1360-AGR-E on June 26, 2018, assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Farhaud Abbaszadeh, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ESPINAZO DEL DIABLO PROPERTY OWNERS ASSOCIATION, INC., Docket No. 2017-1361-MLM-E on June 26, 2018, assessing \$1,800 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ryan Rutledge, 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 Phillips 66 Company, Docket No. 2017-1385-AIR-E on June 26, 2018, assessing \$2,888 in administrative penalties with \$577 deferred. Information concerning any aspect of this order may be obtained by contacting Robyn Babyak, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RV I, LLC, Docket No. 2017-1400-PWS-E on June 26, 2018, assessing \$486 in administrative

penalties with \$97 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Fatani Group Enterprises, Inc. dba Kay Mart, Docket No. 2017-1415-PST-E on June 26, 2018, assessing \$6,139 in administrative penalties with \$1,227 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Ropesville, Docket No. 2017-1432-PWS-E on June 26, 2018, assessing \$875 in administrative penalties with \$175 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding M. A. R. M. C. INC. dba South 1st Grocery, Docket No. 2017-1481-PST-E on June 26, 2018, assessing \$3,063 in administrative penalties with \$612 deferred. Information concerning any aspect of this order may be obtained by contacting Tyler Gerhardt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SOIL BUILDING SYSTEMS, INC., Docket No. 2017-1516-MSW-E on June 26, 2018, assessing \$4,876 in administrative penalties with \$975 deferred. Information concerning any aspect of this order may be obtained by contacting Margarita Dennis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding American Truck Source, LLC., Docket No. 2017-1530-AIR-E on June 26, 2018, assessing \$4,988 in administrative penalties with \$997 deferred. Information concerning any aspect of this order may be obtained by contacting Richard Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Masco Cabinetry LLC, Docket No. 2017-1559-AIR-E on June 26, 2018, assessing \$4,462 in administrative penalties with \$892 deferred. Information concerning any aspect of this order may be obtained by contacting Raime Hayes-Falero, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JAYA SHAMBO INC dba Classic Mart, Docket No. 2017-1589-PST-E on June 26, 2018, assessing \$3,499 in administrative penalties with \$699 deferred. Information concerning any aspect of this order may be obtained by contacting Rahim Momin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Mildred Independent School District, Docket No. 2017-1676-PST-E on June 26, 2018, assessing \$2,625 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Jonathan Nguyen, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Gorman, Docket No. 2017-1683-PWS-E on June 26, 2018, assessing \$1,838 in administrative penalties with \$367 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforce-

ment Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cavender Investment Properties F, Ltd., Docket No. 2017-1686-EAQ-E on June 26, 2018, assessing \$938 in administrative penalties with \$187 deferred. Information concerning any aspect of this order may be obtained by contacting Chris Moreno, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Chris M. Cornett, Docket No. 2017-1688-WOC-E on June 26, 2018, assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Abigail Lindsey, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding H.B. Babwani Enterprises, LLC dba Bob's Food Mart, Docket No. 2017-1698-PST-E on June 26, 2018, assessing \$2,438 in administrative penalties with \$487 deferred. Information concerning any aspect of this order may be obtained by contacting Jonathan Nguyen, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Trinity, Docket No. 2017-1754-PWS-E on June 26, 2018, assessing \$282 in administrative penalties with \$56 deferred. Information concerning any aspect of this order may be obtained by contacting Ross Luedtke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Stonetown Benbrook, LLC, Docket No. 2017-1755-PWS-E on June 26, 2018, assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Sarah Kim, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation order was adopted regarding Bains Brothers LLC, Docket No. 2017-1759-PST-E on June 26, 2018, assessing \$5,250 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Jonathan Nguyen, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding C. COOPER CUSTOM HOMES, INC., Docket No. 2017-1776-WQ-E on June 26, 2018, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Farhaud Abbaszadeh, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Eustace, Docket No. 2017-1791-MWD-E on June 26, 2018, assessing \$9,000 in administrative penalties with \$1,800 deferred. Information concerning any aspect of this order may be obtained by contacting Sandra Douglas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ingram Concrete, LLC, Docket No. 2018-0025-WR-E on June 26, 2018, assessing \$651 in administrative penalties with \$130 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Brazos Electric Power Cooperative, Inc., Docket No. 2018-0028-AIR-E on June 26, 2018, assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Shelby Orme, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Carbon, Docket No. 2018-0051-PWS-E on June 26, 2018, assessing \$1,463 in administrative penalties with \$292 deferred. Information concerning any aspect of this order may be obtained by contacting Jason Fraley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Heights Evergreen Developers, Ltd., Docket No. 2018-0073-WQ-E on June 26, 2018, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Farhaud Abbaszadeh, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding MAX Underground Construction LLC, Docket No. 2018-0076-WQ-E on June 26, 2018, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding James Clinton Daily, Docket No. 2018-0082-PWS-E on June 26, 2018, assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Steven Van Landingham, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Zack Austin, Docket No. 2018-0084-WOC-E on June 26, 2018, assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Jason Fraley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TUSCOLA-TAYLOR COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT 1, Docket No. 2018-0088-PWS-E on June 26, 2018, assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting James Boyle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Town Creek Builders, LLC, Docket No. 2018-0094-WQ-E on June 26, 2018, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Steven Van Landingham, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Fritcher Utilities LP, Docket No. 2018-0103-WQ-E on June 26, 2018, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Farhaud Abbaszadeh, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Michael D. Maciaz, Docket No. 2018-0108-WOC-E on June 26, 2018, assessing \$175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Caleb Olson, Enforcement Coordinator at

(512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Dan Hines, Docket No. 2018-0109-WQ-E on June 26, 2018, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding STP Nuclear Operating Company, Docket No. 2018-0114-AIR-E on June 26, 2018, assessing \$2,513 in administrative penalties with \$502 deferred. Information concerning any aspect of this order may be obtained by contacting Jo Hunsberger, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201802844

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 27, 2018



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Adarsh Enterprises, LLC dba Nu Way of Joaquin

SOAH Docket No. 582-18-4427

TCEQ Docket No. 2017-1294-PST-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing at:

10:00 a.m. - July 19, 2018

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed March 20, 2018, concerning assessing administrative penalties against and requiring certain actions of Adarsh Enterprises, LLC dba Nu Way of Joaquin, for violations in Shelby County, Texas, of: Tex. Water Code §26.3475(a), (c)(1), and (d), and 30 Tex. Admin. Code §§37.815(a) and (b), 334.49(a)(1), 334.50(b)(1)(A) and (b)(2), and 334.602(a).

The hearing will allow Adarsh Enterprises, LLC dba Nu Way of Joaquin, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Adarsh Enterprises, LLC dba Nu Way of Joaquin, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of Adarsh Enterprises, LLC dba Nu Way of Joaquin to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing**

may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes. Adarsh Enterprises, LLC dba Nu Way of Joaquin, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054, Tex. Water Code chs. 7 and 26, and 30 Tex. Admin. Code chs. 37, 70, and 334; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Tex. Admin. Code §§70.108 and 70.109 and ch. 80, and 1 Tex. Admin. Code ch. 155.

Further information regarding this hearing may be obtained by contacting Jess Robinson, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Vic McWherter, Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at <http://www.tceq.texas.gov/goto/eFilings> or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

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

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445 at least one week before the hearing.

Issued: June 21, 2018

TRD-201802833

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 27, 2018



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Country Stop, LLC. and MD Abdul Hakim

SOAH Docket No. 582-18-4477

TCEQ Docket No. 2016-1376-PST-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing at:

10:00 a.m. - July 26, 2018

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed September 25, 2017, concerning assessing administrative penalties against and requiring certain actions of Country Stop, LLC. and MD Abdul Hakim, for violations in Brown County, Texas, of: Texas Water Code §26.3475(a) and (c)(1), 30 Texas Administrative Code §§334.10(b)(1)(B) and 334.50(b)(1)(A) and (b)(2).

The hearing will allow Country Stop, LLC. and MD Abdul Hakim, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford Country Stop, LLC. and MD Abdul Hakim, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of Country Stop, LLC. and MD Abdul Hakim to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes.** Country Stop, LLC. and MD Abdul Hakim, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Texas Water Code §7.054 and Texas Water Code chapters 7 and 26 and 30 Texas Administrative Code chapters 70 and 334; Texas Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Texas Administration Code §§70.108 and 70.109 and chapter 80, and 1 Texas Administrative Code chapter 155.

Further information regarding this hearing may be obtained by contacting Tracy Chandler, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Vic McWhorter, Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at <http://www.tceq.texas.gov/goto/eFilings> or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

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

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: June 26, 2018

TRD-201802834

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: June 27, 2018

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Texas Facilities Commission

Request for Proposals #303-9-20622-A

The Texas Facilities Commission (TFC), on behalf of the Comptroller of Public Accounts - Enforcement (CPA), announces the issuance of a readvertisement for the Request for Proposals (RFP) #303-9-20622-A. TFC seeks a five (5) or ten (10) year lease of approximately 6,205 square feet of office space in Comal or Hays County, Texas.

The deadline for questions is July 18, 2018, and the deadline for proposals is July 25, 2018, at 3:00 p.m. The award date is August 16, 2018. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting the Program Specialist, Evelyn Esquivel, at (512) 463-6494. A copy of the RFP may be downloaded from the Electronic State Business Daily at <http://www.txsmartbuy.com/sp/303-9-20622-A>

TRD-201802842

Naomi Gonzalez

Acting General Counsel

Texas Facilities Commission

Filed: June 27, 2018

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Request for Proposals #303-9-20623-A

The Texas Facilities Commission (TFC), on behalf of the Comptroller of Public Accounts - Enforcement (CPA) announces the issuance of Request for Proposals (RFP) #303-9-20623-A. TFC seeks a five (5) or ten (10) year lease of approximately 6,205 square feet of office space in North Travis or Williamson County, Texas.

The deadline for questions is July 18, 2018, and the deadline for proposals is July 25, 2018, at 3:00 p.m. The award date is August 16, 2018. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting the Program Specialist, Evelyn Esquivel, at (512) 463-6494. A copy of the RFP may be downloaded from the Electronic State Business Daily at <http://www.txsmartbuy.com/sp/303-9-20623-A>

TRD-201802846

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General Land Office

Official Notice to Vessel Owner/Operator
(Pursuant to §40.254, Tex Nat. Res. Code)

PRELIMINARY REPORT

Authority

This preliminary report and notice of violation was issued by Jimmy A. Martinez, Deputy Director, Oil Spill Prevention and Response Division (OSPR), Texas General Land Office, on June 21, 2018.

Facts

Based on an investigation conducted by Texas General Land Office-Region 2 staff on June 21, 2018, the Commissioner of the General Land Office (GLO), has determined that a 25' Steel Barge, vessel identified as GLO Vessel Tracking Number 2-1741 is in a wrecked, derelict and substantially dismantled condition without the consent of the commissioner. The vessel is located at the Kemah bridge boat ramp. There are no names, markings or identification numbers on the vessel, consequently, it is impossible to determine the vessel's owner of record. The GLO determined that pursuant to OSPRA §40.254(b)(2)(B), that the vessel has no intrinsic value. Finally, the GLO determined that, because of the vessel's location and condition, the vessel poses an unreasonable threat to public health & safety and welfare, and is a threat to navigation.

Violation

YOU ARE HEREBY GIVEN NOTICE, pursuant to the provisions of §40.254 of the Texas Natural Resources Code, (OSPRA) that you are in violation of OSPRA §40.108(a) that prohibits a person from leaving, abandoning, or maintaining any structure or vessel in or on coastal waters, on public or private lands, or at 2838a public or private port or dock if the structure or vessel is in a wrecked, derelict, or substantially dismantled condition, and the Commissioner determines the vessel is involved in an actual or threatened unauthorized discharge of oil; a threat to the public health, safety, and welfare; a threat to the environment; or a navigational hazard. The Commissioner is authorized by OSPRA §40.108(b) to dispose of or contract for the disposal of any vessel described in §40.108(a).

Recommendation

The Commissioner recommends that the vessel be removed from Texas coastal waters and disposed of in accordance with OSPRA §40.108.

The owner or operator of this vessel can request a hearing to contest the violation and the removal and disposal of the vessel. If the owner or operator wants to request a hearing, a request in writing must be made within ten (10) days of this notice being posted on the vessel. The request for a hearing must be sent to: Texas General Land Office, Oil Spill Prevention and Response Division, P.O. Box 12873, Austin, Texas 78711. Failure to request a hearing may result in the removal and disposal of the vessel by the GLO. If the GLO removes and disposes of the vessel, the GLO has authority under TNRC §40.108(b) to recover the costs of removal and disposal from the vessel's owner or operator. For additional information contact Michelle Castilleja at (512) 463-2613.

Rev. 06/18

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Texas Health and Human Services Commission

Public Notice: CHIP State Plan Amendments: 18-0042 and 18-0044

The Texas Health and Human Services Commission announces its intent to submit transmittal numbers 18-0042 and 18-0044 to the Texas State Plan for the Children's Health Insurance Program (CHIP), under Title XXI of the Social Security Act.

The purpose of the amendment for CHIP SPA 18-0042 is to provide assurances of compliance with the Mental Health Parity and Addiction Equity Act. The requested effective date for the proposed amendment is September 1, 2017.

The purpose of the amendment for CHIP SPA 18-0044 is to update provisions related to Federally Qualified Health Clinics (FQHCs), effective September 1, 2017, and CHIP provider enrollment effective January 1, 2018. The amendment also includes an update to the cost sharing requirements table to remove obsolete information, effective May 1, 2018.

The proposed amendments are estimated to have no fiscal impact, as they are not expected to have an effect on CHIP utilization or cost.

To obtain copies of the proposed amendments, interested parties may contact Beren Dutra, State Plan Program Specialist, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 428-1932; by facsimile at (512) 730-7472; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposals will also be made available for public review at the local offices of the Health and Human Services Commission.

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Department of State Health Services

Correction of Error

The Department of State Health Services (DSHS) adopted amendments to 25 TAC §33.60 in the June 22, 2018, issue of the *Texas Register* (43 TexReg 4207). Due to an error as submitted by DSHS, the adoption was published with an incorrect effective date. The correct effective date of the adoption is July 1, 2018.

TRD-201802817

◆ ◆ ◆
Correction of Error

The Department of State Health Services proposed amendments to 25 TAC, to change.289.251, concerning Exemptions, General Licenses, and General License Acknowledgements; §289.252, concerning Licensing of Radioactive Material; §289.253, concerning Radiation Safety Requirements for Well Logging Service Operations and Tracer Studies; §289.256, concerning Medical and Veterinary Use

of Radioactive Material; and §289.257, concerning Packaging and Transportation of Radioactive Material, which were published in the June 22, 2018, issue of the *Texas Register* (43 TexReg 4022). Due to *Texas Register* editing and publishing errors, the text as described in this notice was published incorrectly.

On page 4026, §289.251(e)(3)(B)(ii), the existing word "of" was not published and should state "clause (i) of this subparagraph"

On page 4028, §289.252(a)(2), the text "manufacture, produce" should have been underlined to indicate new language.

On page 4028, §289.252(c)(1) and (c)(2), second sentence, the text "conditions or" should have been underlined to indicate new language.

On page 4030, §289.252, the existing text "(dd) (No change.)" was published within subsection (cc) and should have been published after subsection (cc) and before subsection (ee).

On page 4030, §289.252(ee), the existing text "(1) (No change.)" was not published and should have been published after subsection (ee). Also, the existing text "(A) (No change.)" was not published and should have been published after subsection (ee)(2).

On page 4031, §289.252, subsections (hh) and (ii) appear on the same line but the wording is correct.

On page 4032, §289.252(ii), the existing text "(10) General security program requirements." was not published and should have been published after paragraph (9). Also, the existing text "(A) - (C) (No change.)" that was published after paragraph (9) was published twice and should have been published one time.

On page 4032, §289.252(ii)(21)(A), the existing text "(ii) - (iv) (No change.)" was not published which should have been published after paragraph (21)(A)(i)(II).

The formatting in Figure in §289.252(jj)(2) was not published correctly in the on-line version of the *Texas Register* and has been updated to include the correct information.*

There was missing information in Figure §289.252(jj)(7) in the on-line version of the *Texas Register* and has been updated to include the correct information.*

On page 4036, §289.253(x), last sentence, the text "(k)" should be underlined to indicate new language.

On page 4038, §289.253(dd)(6)(B)(viii)(III), the text "Texas" should be underlined to indicate new language.

On page 4038, §289.253(ee)(1)(A), the existing text "(ii) units of radiation dose (rem) and activity:" was published twice and should only have been published one time.

On page 4039, §289.256(c)(5)(A)(i)(I), the word "or" was not underlined to indicate new language.

On page 4040, §289.256(c)(5)(A)(i)(III), the word "or" before the words "agreement state" was not underlined to indicate new language.

On page 4040, §289.256(c)(5)(B)(iii)(I) the word "or" before the words "agreement state" was not underlined to indicate new language.

On page 4041, §289.256(k)(1), second sentence, the word "or" was not underlined to indicate new language.

On page 4041, §289.256(k)(2)(C), the text "or (2)(A) and (B)" was not underlined to indicate new language. Also, the word "If" was published immediately following the new text "or (2)(A) and (B)" and the existing text "of" should have been published.

On page 4041, §289.256(u)(1), the words "the" and "or" should be underlined to indicate new language.

On page 4042, §289.256(w)(3), the word "complete" was not underlined to indicate new text. Also, the word "the" that was published before the word "calibration" was not underlined to indicate new text.

On page 4042, §289.256(gg)(1), second sentence, the word "at" was not underlined to indicate new language.

On page 4043, §289.256(ii)(1)(A), the symbol " μCi " was existing text and should not have been underlined to indicate new language.

On page 4043, §289.256(ii)(1)(B) and (C), the symbol "KBq" was not underlined to indicate new language.

On page 4043, §289.256(ii)(4)(A)(i), the symbol " μCi " was not underlined to indicate new language.

On page 4043, §289.256(ii)(4)(B)(i) and (ii), the symbols "KBq" and "MBq" were not underlined to indicate new language. Also, in §289.256(ii)(4)(B)(ii), the labeling of clause (ii) should have been published only one time.

On page 4043, §289.256(jj)(1), second sentence, the word "at" was not underlined to indicate new language.

On page 4044, §289.256(oo)(1), first sentence, the word "an" was existing text and should not have been underlined. In the second sentence, the text "or an" was not underlined to indicate new language.

On page 4044, §289.256(pp)(1), second sentence, the word "at" was not underlined to indicate new language.

On page 4044, §289.256(zz)(1), second sentence, the word "or" was not underlined to indicate new language.

On page 4045, §289.256(tt)(1), second sentence, the word "or" was not underlined to indicate new language.

On page 4046, §§289.257, should only have one section "§" symbol published.

On page 4049, §289.257(f)(1)(B), the text "(ee)," a comma following (ee)(7), and the text "and (ee)" were not underlined to indicate new text.

On page 4050, the new text in §289.257(o)(3) was not published and should state:

"(3) The licensee, certificate holder, and an applicant for a certificate of compliance (CoC), shall make available to the agency for inspection, upon reasonable notice, all records required by this section. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated."

On page 4052, §289.257(ee)(4)(E), the text "Alternatively, an" was not underlined to indicate new language.

The formatting in Figure §289.257(ee)(6) was not published correctly in the on-line version of the *Texas Register* and has been updated to include the correct information.*

There was an extra "A" in the column "A1(Ci)b" in the Figure §289.257(ee)(8) in the on-line version of the *Texas Register* and has been updated to include the correct information.*

TRD-201802849



Licensing Actions for Radioactive Materials

During the second half of May, 2018, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Safety Licensing Branch has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radiation Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: 512-834-6690, or by e-mail to: RAMlicensing@dshs.state.tx.us.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Throughout TX	Haimo America Inc.	L06936	Houston	00	05/18/18

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Abilene	Texas Oncology P.A.	L06853	Abilene	01	05/18/18
Austin	St. David's Healthcare Partnership L.P., L.L.P. dba St. David's Medical Center	L00740	Austin	154	05/25/18
Austin	St. David's Healthcare Partnership L.P., L.L.P. dba St. David's Medical Center	L00740	Austin	155	05/31/18
Austin	St. David's Healthcare Partnership L.P., L.L.P. dba St. David's Medical Center	L06335	Austin	22	05/29/18
Cleveland	Emergency Hospital Systems L.L.C.	L06886	Cleveland	02	05/18/18
Dallas	Methodist Hospitals of Dallas	L00659	Dallas	124	05/30/18
Dallas	Dallas Medical Center L.L.C.	L06584	Dallas	12	05/17/18
Deer Park	Shell Oil Company	L04554	Deer Park	39	05/16/18
Deer Park	Shell Oil Company	L04554	Deer Park	40	05/18/18
El Paso	El Paso County Hospital District dba University Medical Center of El Paso	L00502	El Paso	78	05/29/18
Fort Worth	Texas Christian University	L01096	Fort Worth	49	05/29/18
Fort Worth	North Texas MCA L.L.C. dba Medical City Alliance	L06687	Fort Worth	07	05/23/18
Freeport	Braskem America Inc.	L06443	Freeport	05	05/18/18
Greenville	Hunt Memorial Hospital District	L01695	Greenville	55	05/25/18

AMENDMENTS TO EXISTING LICENSES ISSUED (continued):

Harlingen	Texas Oncology P.A. dba South Texas Cancer Center Harlingen	L00154	Harlingen	47	05/23/18
Houston	The University of Texas M.D. Anderson Cancer Center	L00466	Houston	172	05/18/18
Houston	The University of Texas M.D. Anderson Cancer Center	L00466	Houston	173	05/23/18
Houston	Houston Community College System	L03099	Houston	24	05/23/18
Houston	St. Luke's Hospital at the Vintage	L06612	Houston	05	05/22/18
Houston	Cy-Fair Medical Center Hospital L.L.C. dba Cypress Fairbanks Medical Center Hospital	L06907	Houston	01	05/21/18
Kerrville	Methodist Physician Practices P.L.L.C.	L06635	Kerrville	02	05/22/18
Kingwood	Lieber-Moore Cardiology Associates dba Texas Cardiology Associates of Houston	L04622	Kingwood	18	05/17/18
Kingwood	Millennium Physicians Association P.L.L.C. dba Millennium PET/CT Center	L05901	Kingwood	11	05/30/18
La Porte	The Chemours Company FC L.L.C.	L06683	La Porte	02	05/22/18
Lake Jackson	The Dow Chemical Company	L00451	Lake Jackson	106	05/17/18
Lakeway	Scott & White Hospital – Round Rock dba Baylor Scott & White Medical Center – Lakeway	L06849	Lakeway	04	05/17/18
Paris	Advanced Heart Care P.A.	L05290	Paris	41	05/24/18
Plainview	Methodist Hospital Plainview Texas dba Covenant Hospital Plainview	L02493	Plainview	38	05/18/18
Plano	HealthTexas Provider Network dba Baylor Scott & White Cardiovascular Consultants	L06494	Plano	06	05/31/18
Port Arthur	BASF Total Petrochemicals L.L.C.	L05914	Port Arthur	10	05/22/18
San Antonio	Wellmed Networks Inc. dba Specialists for Health NE Cardiology	L06448	San Antonio	06	05/31/18
The Woodlands	St. Luke's Community Health Services dba St. Luke's The Woodlands Hospital	L06370	The Woodlands	09	05/29/18
Throughout TX	Professional Service Industries	L04947	Austin	28	05/31/18
Throughout TX	Regional Engineering Inc.	L06471	Austin	07	05/29/18
Throughout TX	SGS North America Inc.	L06869	Deer Park	01	05/29/18
Throughout TX	Wood Environment & Infrastructure Solutions Inc.	L03622	El Paso	35	05/18/18
Throughout TX	Sterigenics US L.L.C.	L03851	Fort Worth	49	05/22/18
Throughout TX	DMS Health Technologies, Inc.	L05594	Garland	30	05/23/18
Throughout TX	Proportional Technologies Inc.	L04747	Houston	34	05/17/18
Throughout TX	Terracon Consultants Inc.	L05268	Houston	58	05/16/18
Throughout TX	Versa Integrity Group Inc.	L06669	Houston	16	05/17/18
Throughout TX	Kleinfelder Central Inc.	L01351	Irving	94	05/17/18
Throughout TX	Code Compliance Inspection L.L.C.	L06703	La Porte	09	05/29/18
Throughout TX	GCT Inspection Inc.	L02378	Pasadena	112	05/24/18
Throughout TX	Beyond Engineering and Testing L.L.C.	L06924	Round Rock	01	05/29/18
Throughout TX	Schlumberger Technology Corporation	L01833	Sugar Land	205	05/21/18
Throughout TX	Thermo Process Instruments L.P.	L03524	Sugar Land	93	05/24/18
Throughout TX	Scott & White Memorial Hospital dba Scott & White Medical Center – Temple	L00331	Temple	110	05/17/18
Throughout TX	Pumpco Energy Services Inc.	L06507	Valley View	19	05/31/18
Tyler	Allens Nutech Inc. dba Nutech Inc.	L04274	Tyler	83	05/29/18

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Beaumont	Christus Health Southeast Texas dba Christus Southeast Texas St. Elizabeth	L00269	Beaumont	124	05/22/18
Cleburne	Johns Manville	L01482	Cleburne	24	05/23/18
Silsbee	Westrock Texas L.P.	L01095	Silsbee	63	05/31/18

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Lubbock	Neutron Lab L.L.C. dba Texas Compounding Services	L06588	Lubbock	04	05/29/18
Orange	Tin L.L.C. dba International Paper Company	L01029	Orange	67	05/22/18
Queen City	International Paper Company	L01686	Queen City	52	05/18/18

TRD-201802828
 Barbara L. Klein
 General Counsel
 Department of State Health Services
 Filed: June 25, 2018

or to Chris Osuna, Team Lead, Company Licensing and Registration Office, Mail Code 103-CL, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

The Commissioner will also consider written and oral comments on the proposal in a public hearing under Docket No. 2806 at 1:30 p.m., Central time, on July 10, 2018, in Room 100 of the William P. Hobby Jr. State Office Building, 333 Guadalupe Street, Austin, Texas 78701.

TRD-201802806
 Norma Garcia
 General Counsel
 Texas Department of Insurance
 Filed: June 22, 2018

Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for WEST BEND MUTUAL INSURANCE COMPANY, a foreign fire and/or casualty company. The home office is in West Bend, Wisconsin.

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 Jeff Hunt, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

TRD-201802840
 Norma Garcia
 General Counsel
 Texas Department of Insurance
 Filed: June 27, 2018

Final Action on Rules

Exempt Filing Notification under Texas Insurance Code Chapter 5, Article 5.96

Adoption of Amendments to Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance, and Statistical Plan for Workers Compensation and Employers Liability Insurance

The Texas Department of Insurance adopts the amendments proposed by the April 26, 2018, petition filed by the Independent Insurance Agents of Texas (IIAT) (Petition No. W-0418-01) to extend the expiration date of negotiated experience modifiers for employers from July 1, 2018, to July 1, 2019.

The petition asks TDI to amend Rule 4-C-4 of the National Council on Compensation Insurance (NCCI) *Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance* (NCCI Experience Rating Plan Manual). Without the amendment, the use of negotiated experience modifiers in Rule 4-C-4 would expire on July 1, 2018. TDI adopts the proposed amendment to Rule 4-C-4 and corresponding amendments to the *Statistical Plan for Workers Compensation and Employers Liability Insurance* (Statistical Manual).

TDI published a notice of hearing on IIAT's proposal in the May 18, 2018, issue of the *Texas Register* (43 TexReg 3247). The comment pe-

Correction of Error

On June 5, 2018, the Texas Department of Insurance submitted a proposal for 28 TAC Chapter 15. The proposal, published in the June 22, 2018, issue of the *Texas Register* (43 TexReg 4093) contains an error in the preamble. In the public comments section, it is stated that the commissioner will hold a public hearing. The time listed is 1:30 a.m. and should be 1:30 p.m. The paragraphs should read as follows:

REQUEST FOR PUBLIC COMMENT. Submit any written comments on the proposal no later than 5:00 p.m., Central time, on July 23, 2018. TDI requires two copies of your comments. Send one copy to Chief-Clerk@tdi.texas.gov; or to the Office of the Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. Send the other copy to Chris.Osuna@tdi.texas.gov;

riod closed at 5:00 p.m. on June 20, 2018. TDI received seven written comments, and four individuals provided oral comments at the hearing held on June 20, 2018. All the comments supported IIAT's petition.

The amendment to Rule 4-C-4 will extend the expiration date for the negotiated modifications rule in the NCCI Experience Rating Plan Manual from July 1, 2018, to July 1, 2019. Conforming amendments to reflect the change of the effective date in the NCCI Experience Rating Plan Manual will be made in Part 3-U-5-c (Texas Exception) and Part 6-H-2 (National Rule) in the Statistical Manual.

A copy of the full text of the petition has been on file with the TDI Office of the Chief Clerk since April 26, 2018. The petition is incorporated by reference into this order.

The Commissioner has jurisdiction over this matter under Insurance Code Article 5.96, and §§2051.002, 2051.201, 2052.002, 2053.002, 2053.011, 2053.051 - 2053.053, and 36.001.

Commissioner's Order No. 3142, dated March 21, 2014, states that proposed changes to the NCCI manuals will be considered under either the procedure established in Insurance Code Article 5.96 or by the following procedure:

- a) NCCI makes a filing;
- b) TDI publishes notice of the filing on the TDI website and distributes notice of the filing to subscribers to TDI's electronic news, with at least a 30-day period for interested persons to submit comments or request a hearing; and
- c) the Commissioner issues an order approving the filing, approving the filing with changes, or rejecting the filing.

TDI adopts IIAT's proposed amendment to Rule 4-C-4 and makes other conforming changes to the Statistical Manual under Insurance Code Article 5.96. Article 5.96 exempts actions taken under this article from the requirements of the Administrative Procedure Act (Government Code Chapter 2001), and authorizes TDI to prescribe, promulgate, adopt, approve, amend, or repeal standard and uniform manual rules, rating plans, classification plans, statistical plans, and policy and endorsement forms for various lines of insurance, including workers' compensation.

TDI certifies that the amendments to the manuals have been reviewed by legal counsel and found to be a valid exercise of TDI's authority.

IIAT's petition (No. W-0418-01) is granted and it is ordered that the amendments to the *Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance*, proposed by the April 26, 2018, petition, and conforming amendments to the *Statistical Plan for Workers Compensation and Employers Liability Insurance* in Part 3-U-5-c (Texas Exception) and Part 6-H-2 (National Rule) be effective for the period beginning July 1, 2018, and ending July 1, 2019. For workers compensation policies effective on and after July 1, 2019, Rule 4-C-4 - Negotiated Modifications will no longer apply in Texas, and the Texas State Rule Exception will be removed from the manual without further notice to any party.

It is further ordered that NCCI revise the *Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance*, and make conforming revisions to the *Statistical Plan for Workers Compensation and Employers Liability Insurance* to implement this order.

TRD-201802835
Norma Garcia
General Counsel
Texas Department of Insurance
Filed: June 27, 2018

Texas Department of Licensing and Regulation

Notice of Vacancies on the Combative Sports Advisory Board

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Combative Sports Advisory Board (Board) established by 16 Texas Administrative Code §61.120. The purpose of the Combative Sports Advisory Board is to provide advice and recommendations to the Texas Commission of Licensing and Regulation (Commission) and the Department on the health and safety of contestants and other matters relevant to the administration and enforcement of this Chapter. The Board meets at the call of the presiding officer of the Commission or the Department's Executive Director. This announcement is for two positions: **a representative of a boxing promoter and a representative of a mixed martial arts promoter.**

The Board is composed of nine members appointed by the presiding officer of the Commission, with the approval of the Commission. The Board members serve terms of six years, with the terms of two or three members, expiring on February 1 of each odd-numbered year. If a license is required to hold any of the member positions on the Board, the license must be issued by the State of Texas, in good standing at appointment and throughout the balance of the term. The Board is composed of the following members:

- (1) four physicians;
- (2) one representative of a boxing promoter;
- (3) one representative of a mixed martial arts promoter;
- (4) one combative sports referee or judge licensed at least three years;
- (5) one former combative sports contestant; and
- (6) one public member.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail advisory.boards@tdlr.texas.gov. **These are voluntary, non-paid positions and there is no compensation or reimbursement for serving on the Board.**

TRD-201802839
Brian Francis
Executive Director
Texas Department of Licensing and Regulation
Filed: June 27, 2018

Notice of Vacancy on Driver Training and Traffic Safety Advisory Committee

The Texas Department of Licensing and Regulation (Department) announces a vacancy on the Driver Training and Traffic Safety Advisory Committee (Committee) established by Texas Education Code, Chapter 1001.058. The purpose of the Driver Training and Traffic Safety Advisory Committee is to advise the Texas Commission on Licensing and Regulation (Commission) and the Department on rules and educational and technical matters relevant to the administration of this chapter. The Committee meets at the call of the presiding officer of the Commission. Service as a Committee member is voluntary and compensation is not authorized by law. This announcement is for: **one member representing the public.**

The Committee consists of eleven members appointed for staggered six-year terms by the presiding officer of the Commission, with the

approval of the Commission. If a license is required to hold any of the member positions on the Committee, the license must be issued by the State of Texas, in good standing at appointment and throughout the balance of the term. A member may not serve two consecutive full terms. The Committee is composed of the following members:

- (1) one member representing a driver education school that offers a traditional classroom course and in-car training;
- (2) one member representing a driver education school that offers a traditional classroom course, alternative methods of instruction, or in-car training;
- (3) one member representing a driving safety school offering a traditional classroom course or providing an alternative method of instruction;
- (4) one member representing a driving safety course provider approved for a traditional classroom course and for an alternative method of instruction;
- (5) one member representing a driving safety course provider approved for a traditional classroom course or for an alternative method of instruction;
- (6) one licensed instructor;
- (7) one representative of the Department of Public Safety;
- (8) one member representing a drug and alcohol driving awareness program course provider;
- (9) one member representing a parent-taught course provider; and
- (10) two members representing the public.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202, fax (512) 475-2874 or email advisory.boards@tdlr.texas.gov. **This is not a paid position and there is no compensation or reimbursement for serving on the committee.**

TRD-201802838
Brian Francis
Executive Director
Texas Department of Licensing and Regulation
Filed: June 27, 2018

◆ ◆ ◆
Texas Lottery Commission

Notice of Public Comment Hearing

A public hearing to receive comments regarding proposed new 16 TAC §402.443 (Transfer of a Grandfathered Lessor's Commercial Lessor License) will be held on Wednesday, July 18, 2018, at 10:00 a.m. at 611 E. 6th Street, Austin, TX 78701. Persons requiring any accommodation for disability should notify Debbie Jamieson at (512) 344-5038 at least 72 hours prior to the public hearing.

TRD-201802791
Bob Biard
General Counsel
Texas Lottery Commission
Filed: June 21, 2018



Scratch Ticket Game Number 2064 "Double Doubler"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2064 is "DOUBLE DOUBLER". The play style is "match 3 of x".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2064 shall be \$1.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2064.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$50.00, \$100, \$1,000, 2X SYMBOL and 4X SYMBOL.

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

Figure 1: GAME NO. 2064 - 1.2D

PLAY SYMBOL	CAPTION
\$1.00	ONE\$
\$2.00	TWO\$
\$4.00	FOR\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$40.00	FRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$1,000	ONTH
2X SYMBOL	WINX2
4X SYMBOL	WINX4

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

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

G. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (2064), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 150 within each Pack. The format will be: 2064-0000001-001.

H. Pack - A Pack of "DOUBLE DOUBLER" Scratch Ticket Game contains 150 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of five (5). Ticket 001 to 005 will be on the top page; Tickets 006 to 010 on the next page etc.; and Tickets 146 to 150 will be on the last page. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "DOUBLE DOUBLER" Scratch Ticket Game No. 2064

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements

set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "DOUBLE DOUBLER" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 6 (six) Play Symbols. If a player reveals 3 matching prize amounts, the player wins that amount. If the player reveals 2 matching prize amounts and a "2X" Play Symbol, the player wins DOUBLE that amount. If the player reveals 2 matching prize amounts and a "4X" Play Symbol, the player wins 4 TIMES that amount. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly 6 (six) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

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

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

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

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

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

13. The Scratch Ticket must be complete and not miscut, and have exactly 6 (six) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Scratch Ticket Number on the Scratch Ticket;

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

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

16. Each of the 6 (six) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 6 (six) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

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

B. A Ticket will win as indicated by the prize structure.

C. A Ticket can win up to one (1) time.

D. A Prize Symbol will not appear more than three (3) times on any Ticket.

E. A Ticket will not contain two (2) sets of three (3) matching Prize Symbols.

F. Winning Tickets will contain three (3) matching Prize Symbols, two (2) matching Prize Symbols and a "2X" (WINX2) Play Symbol, or two (2) matching Prize Symbols and a "4X" (WINX4) Play Symbol.

G. On winning Tickets, all non-winning Prize Symbols will be different from the winning Prize Symbols.

H. Non-Winning Tickets will never have more than two (2) matching Prize Symbols.

I. The "2X" (WINX2) Play Symbol will never appear on a Non-Winning Ticket.

J. The "2X" (WINX2) Play Symbol will never appear more than once on a Ticket.

K. The "2X" (WINX2) Play Symbol will never appear on a Ticket that wins with three (3) matching Prize Symbols.

L. The "2X" (WINX2) Play Symbol will never appear on a Ticket that has more than one (1) pair of matching Prize Symbols.

M. The "4X" (WINX4) Play Symbol will never appear on a Non-Winning Ticket.

N. The "4X" (WINX4) Play Symbol will never appear more than once on a Ticket.

O. The "4X" (WINX4) Play Symbol will never appear on a Ticket that wins with three (3) matching Prize Symbols.

P. The "4X" (WINX4) Play Symbol will never appear on a Ticket that has more than one (1) pair of matching Prize Symbols.

Q. The "2X" (WINX2) Play Symbol and "4X" (WINX4) Play Symbol will never appear on the same Ticket.

2.3 Procedure for Claiming Prizes.

A. To claim a "DOUBLE DOUBLER" Scratch Ticket Game prize of \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$50.00 or \$100, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$40.00, \$50.00 or \$100 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "DOUBLE DOUBLER" Scratch Ticket Game prize of \$1,000 or \$2,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the

Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "DOUBLE DOUBLER" Scratch Ticket Game prize, the claimant must sign the winning Scratch Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. A sufficient amount from the winnings of a prize winner who has been finally determined to be:

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

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

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

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

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

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

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

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

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "DOUBLE

DOUBLER" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

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

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 9,000,000 Scratch Tickets in the Scratch Ticket Game No. 2064. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2064 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$1	960,000	9.38
\$2	620,000	14.52
\$4	190,000	47.37
\$5	80,000	112.50
\$10	60,000	150.00
\$20	60,000	150.00
\$40	2,500	3,600.00
\$50	750	12,000.00
\$100	625	14,400.00
\$1,000	10	900,000.00
\$2,000	15	600,000.00

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

**The overall odds of winning a prize are 1 in 4.56. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2064 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2064, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-201802819
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: June 25, 2018

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Public Utility Commission of Texas

Notice of Application to Amend a Service Provider Certificate of Operating Authority

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on June 18, 2018, in accordance with Public Utility Regulatory Act §§54.151 - 54.156.

Docket Title and Number: Application of Lighttower Fiber Networks II, LLC to Amend a Service Provider Certificate of Operating Authority, Docket Number 48468.

Lighttower Fiber Networks II, LLC seeks to amend service provider certificate of operating authority number 60988 to reflect a name change. The applicant requests to change its name to Crown Castle Fiber LLC.

Persons wishing to comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or by phone at (512) 936-7120 or toll free at (888)782-8477 no later than July 18, 2018. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 48468.

TRD-201802782
 Andrea Gonzalez
 Assistant Rules Coordinator
 Public Utility Commission of Texas
 Filed: June 20, 2018

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 Notice of Application to Amend a Service Provider Certificate of Operating Authority

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on June 21, 2018, in accordance with Public Utility Regulatory Act §§54.151 - 54.156.

Docket Title and Number: Application of FiberLight, LLC to Amend a Service Provider Certificate of Operating Authority, Docket No. 48480.

FiberLight, LLC seeks approval to amend a service provider certificate of operating authority number 60736 to reflect a corporate restructuring.

Persons wishing to comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or by phone at (512) 936-7120 or toll free at (888) 782-8477 no later than July 13, 2018. Hearing and speech-impaired individuals with text

telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 48480.

TRD-201802829

Andrea Gonzalez

Assistant Rules Coordinator

Public Utility Commission of Texas

Filed: June 25, 2018

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Supreme Court of Texas

In the Supreme Court of Texas

IN THE SUPREME COURT OF TEXAS

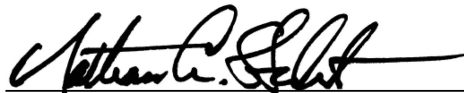
Misc. Docket No. 18-9084

FINAL APPROVAL OF AMENDMENTS TO TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 8.03

ORDERED that:

1. On March 1, 2018, in Miscellaneous Docket No. 18-9030, the Court approved amendments to Texas Disciplinary Rule of Professional Conduct 8.03 to comply with the Act of May 28, 2017, 85th Leg., R.S., ch. 531 (SB 302), and invited public comment.
2. The Court has reviewed all comments received. This order gives final approval to the amendments set forth in Miscellaneous Docket No. 18-9030.
3. The amendments are retroactively effective June 1, 2018.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

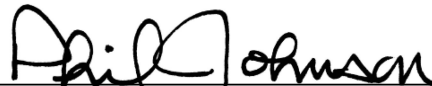
Dated: June 21, 2018.



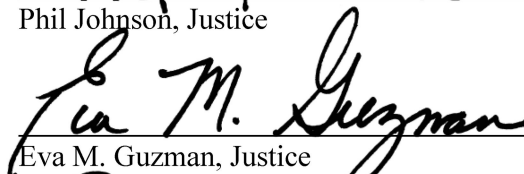
Nathan L. Hecht, Chief Justice



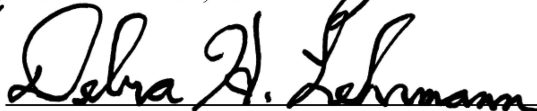
Paul W. Green, Justice



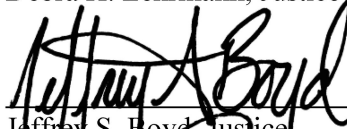
Phil Johnson, Justice



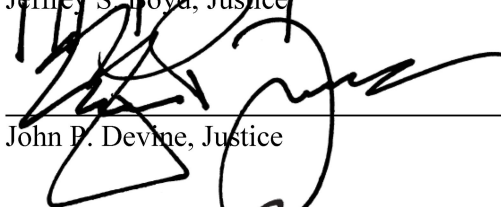
Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



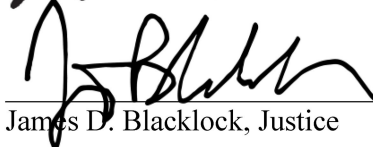
Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice



James D. Blacklock, Justice

Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: June 21, 2018



In the Supreme Court of Texas

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this order is not included in the print version of the Texas Register. The order is available in the on-line version of the July 6, 2018, issue of the Texas Register.)

TRD-201802797
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: June 21, 2018



Texas Department of Transportation

Public Notice - Aviation

Pursuant to Transportation Code, §21.111, and Title 43, Texas Administrative Code, §30.209, the Texas Department of Transportation conducts public hearings to receive comments from interested parties concerning proposed approval of various aviation projects.

For information regarding actions and times for aviation public hearings, please go to the following website:

www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html

Or visit www.txdot.gov, and under "How Do I," choose "Find Hearings and Meetings," then choose "Hearings and Meetings," and lastly choose "Schedule."

Or contact Texas Department of Transportation, Aviation Division, 150 East Riverside, Austin, Texas 78704, (512) 416-4500 or (800) 68-PILOT.

TRD-201802783
Joanne Wright
Deputy General Counsel
Texas Department of Transportation
Filed: June 20, 2018



January - December 2019 Publication Schedule

Filing deadlines for publication in the *Texas Register* are 12 noon Monday for rules and 12 noon Wednesday for miscellaneous documents, rule review notices, and other documents. These deadlines are for publication. ***They are not related to posting requirements for open meeting notices.*** Because of printing and mailing schedules, documents received after the deadline for an issue cannot be published until the next issue. An asterisk beside a publication date indicates that the deadlines are early due to state holidays.

Issue Number	Issue Date	Deadline for Rules by 12 Noon	Deadline for other Documents by 12 Noon
1	January 4, 2019	<i>Wednesday, December 19, 2018 *</i>	<i>Wednesday, December 19, 2018*</i>
2	January 11, 2019	Monday, December 31, 2018	Wednesday, January 2, 2019
3	January 18, 2019	Monday, January 7, 2019	Wednesday, January 9, 2019
4	January 25, 2019	Monday, January 14, 2019	Wednesday, January 16, 2019
5	February 1, 2019	<i>Friday, January 18, 2019 *</i>	Wednesday, January 23, 2019
6	February 8, 2019	Monday, January 28, 2019	Wednesday, January 30, 2019
7	February 15, 2019	Monday, February 4, 2019	Wednesday, February 6, 2019
8	February 22, 2019	Monday, February 11, 2019	Wednesday, February 13, 2019
9	March 1, 2019	<i>Friday, February 15, 2019 *</i>	Wednesday, February 20, 2019
10	March 8, 2019	Monday, February 25, 2019	Wednesday, February 27, 2019
11	March 15, 2019	Monday, March 4, 2019	Wednesday, March 6, 2019
12	March 22, 2019	Monday, March 11, 2019	Wednesday, March 13, 2019
13	March 29, 2019	Monday, March 18, 2019	Wednesday, March 20, 2019
14	April 5, 2019	Monday, March 25, 2019	Wednesday, March 27, 2019
15	April 12, 2019	Monday, April 1, 2019	Wednesday, April 3, 2019
16	April 19, 2019	Monday, April 8, 2019	Wednesday, April 10, 2019
17	April 26, 2019	Monday, April 15, 2019	Wednesday, April 17, 2019
18	May 3, 2019	Monday, April 22, 2019	Wednesday, April 24, 2019
19	May 10, 2019	Monday, April 29, 2019	Wednesday, May 1, 2019
20	May 17, 2019	Monday, May 6, 2019	Wednesday, May 8, 2019
21	May 24, 2019	Monday, May 13, 2019	Wednesday, May 15, 2019

22	May 31, 2019	Monday, May 20, 2019	Wednesday, May 22, 2019
23	June 7, 2019	<i>Friday, May 24, 2019 *</i>	Wednesday, May 29, 2019
24	June 14, 2019	Monday, June 3, 2019	Wednesday, June 5, 2019
25	June 21, 2019	Monday, June 10, 2019	Wednesday, June 12, 2019
26	June 28, 2019	Monday, June 17, 2019	Wednesday, June 19, 2019
27	July 5, 2019	Monday, June 24, 2019	Wednesday, June 26, 2019
28	July 12, 2019	Monday, July 1, 2019	Wednesday, July 3, 2019
29	July 19, 2019	Monday, July 8, 2019	Wednesday, July 10, 2019
30	July 26, 2019	Monday, July 15, 2019	Wednesday, July 17, 2019
31	August 2, 2019	Monday, July 22, 2019	Wednesday, July 24, 2019
32	August 9, 2019	Monday, July 29, 2019	Wednesday, July 31, 2019
33	August 16, 2019	Monday, August 5, 2019	Wednesday, August 7, 2019
34	August 23, 2019	Monday, August 12, 2019	Wednesday, August 14, 2019
35	August 30, 2019	Monday, August 19, 2019	Wednesday, August 21, 2019
36	September 6, 2019	Monday, August 26, 2019	Wednesday, August 28, 2019
37	September 13, 2019	<i>Friday, August 30, 2019 *</i>	Wednesday, September 4, 2019
38	September 20, 2019	Monday, September 9, 2019	Wednesday, September 11, 2019
39	September 27, 2019	Monday, September 16, 2019	Wednesday, September 18, 2019
40	October 4, 2019	Monday, September 23, 2019	Wednesday, September 25, 2019
41	October 11, 2019	Monday, September 30, 2019	Wednesday, October 2, 2019
42	October 18, 2019	Monday, October 7, 2019	Wednesday, October 9, 2019
43	October 25, 2019	Monday, October 14, 2019	Wednesday, October 16, 2019
44	November 1, 2019	Monday, October 21, 2019	Wednesday, October 23, 2019
45	November 8, 2019	Monday, October 28, 2019	Wednesday, October 30, 2019
46	November 15, 2019	Monday, November 4, 2019	Wednesday, November 6, 2019

47	November 22, 2019	<i>Friday, November 8, 2019 *</i>	Wednesday, November 13, 2019
48	November 29, 2019	Monday, November 18, 2019	Wednesday, November 20, 2019
49	December 6, 2019	<i>Friday, November 22, 2019 *</i>	<i>Friday, November 22, 2019 *</i>
50	December 13, 2019	Monday, December 2, 2019	Wednesday, December 4, 2019
51	December 20, 2019	Monday, December 9, 2019	Wednesday, December 11, 2019
52	December 27, 2019	Monday, December 16, 2019	Wednesday, December 18, 2019

Trey Pardue



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How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 43 (2018) is cited as follows: 43 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 “43 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 43 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: <http://www.sos.state.tx.us>. 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
26. Health and Human 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 §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 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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