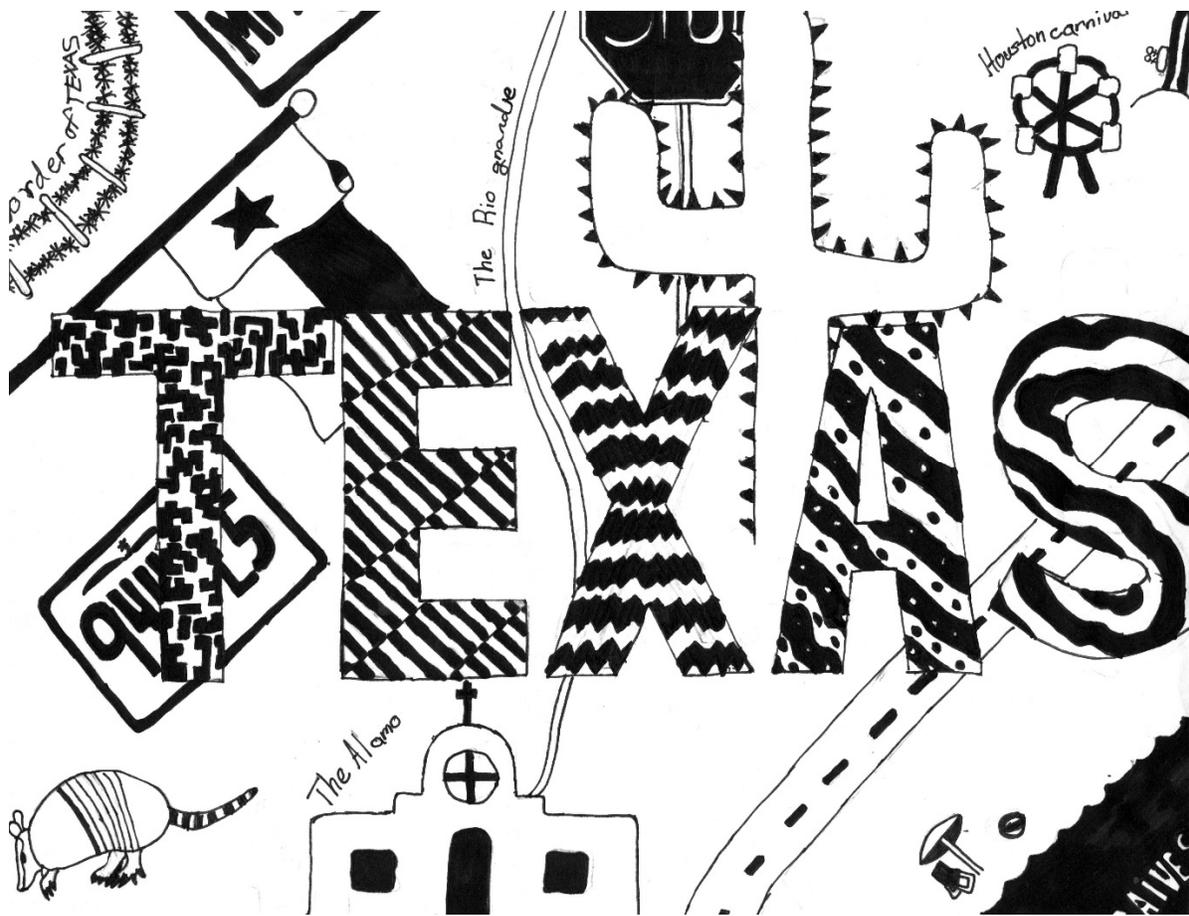

TEXAS REGISTER

Volume 44 Number 19

May 10, 2019

Pages 2323 - 2422



School children's artwork is used to decorate the front cover and blank filler pages of the *Texas Register*. Teachers throughout the state submit the drawings for students in grades K-12. The drawings dress up the otherwise gray pages of the *Texas Register* and introduce students to this obscure but important facet of state government.

The artwork featured on the front cover is chosen at random. Inside each issue, the artwork is published on what would otherwise be blank pages in the *Texas Register*. These blank pages are caused by the production process used to print the *Texas Register*.

***Texas Register*, (ISSN 0362-4781, USPS 12-0090)**, is published weekly (52 times per year) for \$340.00 (\$502.00 for first class mail delivery) by Matthew Bender & Co., Inc., 3 Lear Jet Lane Suite 104, P O Box 1710, Latham, NY 12110.

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The *Texas Register* is published under the Government Code, Title 10, Chapter 2002. Periodicals Postage Paid at Easton, MD and at additional mailing offices.

POSTMASTER: Send address changes to the *Texas Register*, 4810 Williamsburg Road, Unit 2, Hurlock, MD 21643.

TEXAS REGISTER

a section of the
Office of the Secretary of State
P.O. Box 12887
Austin, TX 78711
(512) 463-5561
FAX (512) 463-5569

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THE GOVERNOR

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

Appointments

Appointments for February 13, 2019

Appointed to the Texas Board of Physical Therapy Examiners, for a term to expire January 31, 2023, Manuel A. Domenech, Ed.D., D.P.T. of Austin, Texas (replacing Robert Gray of Midland whose term expired).

Appointed to the Texas Board of Physical Therapy Examiners, for a term to expire January 31, 2023, Donivan J. Hodge of Spicewood, Texas (replacing Daniel Reyna of Waco whose term expired).

Appointed to the Texas Board of Physical Therapy Examiners, for a term to expire January 31, 2023, Barbara L. Sanders, Ph.D. of Austin, Texas (Dr. Sanders is being reappointed).

Appointed to the Texas Board of Physical Therapy Examiners, for a term to expire January 31, 2025, Melissa A. Skillern, D.P.T. of Manvel, Texas (replacing Shari C. Waldie of Austin whose term expired).

Appointments for March 1, 2019

Appointed to the Texas Physician Assistant Board, for a term to expire February 1, 2023, Jennifer L. Clamer of Dripping Springs, Texas (Ms. Clamer is being reappointed).

Appointed to the Texas Physician Assistant Board, for a term to expire February 1, 2023, Cameron J. McElhany of Austin, Texas (replacing Anna Arredondo Chapman of Del Rio whose term expired).

Appointed to the Texas Physician Assistant Board, for a term to expire February 1, 2023, Janith K. Mills of Irving, Texas (replacing Jason Paul Cooper of Midland whose term expired).

Appointed to the Texas Physician Assistant Board, for a term to expire February 1, 2023, John S. Scott, Jr., D.O. of Keller, Texas (replacing Felix Chong Wah Koo, M.D., Ph.D. of McAllen whose term expired).

Appointed to the Texas Physician Assistant Board, for a term to expire February 1, 2025, Lawrence G. Hughes, Ed.D. of Frisco, Texas (replacing Raymond Rush of Frisco who resigned).

Appointed to the Texas Juvenile Justice Board, for a term to expire February 1, 2025, Melissa C. Martin of Deer Park, Texas (replacing Mary Lou Mendoza of San Antonio whose term expired).

Appointed to the Texas Juvenile Justice Board, for a term to expire February 1, 2025, Vincent M. Morales, Jr. of Richmond, Texas (Commissioner Morales is being reappointed).

Appointments for March 6, 2019

Appointed to the Texas Tech University System Board of Regents, for a term to expire January 31, 2025, Marcus R. Griffin of Lubbock, Texas (replacing Ivan Lancaster of Lubbock whose term expired).

Appointed to the Texas Tech University System Board of Regents, for a term to expire January 31, 2025, Dustin R. Womble of Lubbock, Texas (replacing Lawrence F. Francis of El Paso whose term expired).

Appointments for March 7, 2019

Appointed to the University of Texas System Board of Regents, for a term to expire February 1, 2025, Christina Melton Crain of Dallas, Texas (replacing Paul L. Foster of El Paso whose term expired).

Appointed to the University of Texas System Board of Regents, for a term to expire February 1, 2025, Jodie Lee Jiles of Houston, Texas (replacing Ernest Aliseda of McAllen whose term expired).

Appointed to the University of Texas System Board of Regents, for a term to expire February 1, 2025, Kelcy L. Warren of Dallas, Texas (replacing Jeffery D. Hildebrand of Houston whose term expired).

Appointments for March 8, 2019

Appointed to the Texas A&M University System Board of Regents, for a term to expire February 1, 2025, Jay C. Graham of Houston, Texas (replacing Anthony G. Buzbee of Friendswood whose term expired).

Appointed to the Texas A&M University System Board of Regents, for a term to expire February 1, 2025, Michael A. Hernandez, III of Fort Worth, Texas (replacing Charles W. Schwartz of Houston whose term expired).

Appointed to the Texas A&M University System Board of Regents, for a term to expire February 1, 2025, Michael J. Plank of Houston, Texas (replacing Morris Edwin Foster of Austin whose term expired).

Appointments for March 12, 2019

Appointed to the Texas Real Estate Commission, for a term to expire January 31, 2025, Jason E. Hartgraves of Frisco, Texas (replacing Chart H. Westcott of Dallas whose term expired).

Appointed to the Texas Real Estate Commission, for a term to expire January 31, 2025, Russel S. Kesner of El Paso, Texas (replacing Avis Geer Wukasch of Georgetown whose term expired).

Appointed to the Texas Real Estate Commission, for a term to expire January 31, 2025, Barbara A. Russell of Denton, Texas (replacing Adrian A. Arriaga, Sr. of McAllen whose term expired).

Appointed to the State Soil and Water Conservation Board, for a term to expire February 1, 2021, Carl Ray Polk, Jr. of Lufkin, Texas (Mr. Polk is being reappointed).

Appointments for March 13, 2019

Appointed to the Manufactured Housing Board, for a term to expire January 31, 2025, Sylvia L. Acuff Guzman of Little Elm, Texas (Ms. Acuff Guzman is being reappointed).

Appointments for March 14, 2019

Appointed to the Texas State University System Board of Regents, for a term to expire February 1, 2023, Earl C. Austin, Jr. of Houston, Texas (replacing Maria Isabel Salazar of Austin whose term expired).

Appointed to the Texas State University System Board of Regents, for a term to expire February 1, 2023, Veronica R. Harle of Baird, Texas (replacing Jaime R. Garza, M.D., D.D.S. of San Antonio whose term expired).

Appointed to the Texas State University System Board of Regents, for a term to expire February 1, 2025, Charles E. Amato of San Antonio, Texas (Mr. Amato is being reappointed).

Appointed to the Texas State University System Board of Regents, for a term to expire February 1, 2025, Dionicio Flores of El Paso, Texas (replacing Vernon N. Reaser, III of El Paso whose term expired).

Appointed to the Texas State University System Board of Regents, for a term to expire February 1, 2025, William F. Scott of Nederland, Texas (Mr. Scott is being reappointed).

Appointments for March 15, 2019

Appointed to the Texas Facilities Commission, for a term to expire February 1, 2025, Carl P. Wagner of Dallas, Texas (Mr. Wagner is being reappointed).

Appointments for March 19, 2019

Appointed to the Texas State Board of Acupuncture Examiners, for a term to expire January 31, 2023, Grant E. Weidler of Spring, Texas (replacing Jingyu Gu, Ph.D. of Austin whose term expired).

Appointed to the Texas State Board of Acupuncture Examiners, for a term to expire January 31, 2025, Mary E. Hebert, M.D. of Nacogdoches, Texas (replacing Claudia E. Harsh, M.D. of Dallas whose term expired).

Appointments for March 20, 2019

Appointed to the Governing Board of the Texas Indigent Defense Commission, for a term to expire February 1, 2021, Alexander Bunin of Houston, Texas (Mr. Bunin is being reappointed).

Appointed to the Governing Board of the Texas Indigent Defense Commission, for a term to expire February 1, 2021, Gonzalo P. Rios, Jr. of San Angelo, Texas (replacing Don T. Hase of Arlington whose term expired).

Appointed to the Texas Judicial Council, for a term to expire June 30, 2023, George M. Bryant of Dallas, Texas (replacing Ashley E. Johnson of Dallas whose term expired).

Appointed to the Texas Judicial Council, for a term to expire June 30, 2023, Rachel A. Racz of Houston, Texas (replacing Carlos Z. Amaral of Plano whose term expired).

Appointed to the One-Call Board of Texas, for a term to expire August 31, 2020, Christopher S. Nowak of Cypress, Texas (replacing Joseph F. Berry of Pearland who resigned).

Appointed to the One-Call Board of Texas, for a term to expire August 31, 2021, Richard D. Tesson of Houston, Texas (replacing James R. Schneider of Austin whose term expired).

Appointed to the Lower Colorado River Authority, for a term to expire February 1, 2025, Michael L. Allen of Ingram, Texas (replacing Pamela Jo Ellison of Brenham whose term expired).

Appointed to the Lower Colorado River Authority, for a term to expire February 1, 2025, Robert D. Lewis, D.V.M. of Bastrop, Texas (Dr. Lewis is being reappointed).

Appointed to the Lower Colorado River Authority, for a term to expire February 1, 2025, Thomas M. Martine of Cypress Mill, Texas (Mr. Martine is being reappointed).

Appointed to the Lower Colorado River Authority, for a term to expire February 1, 2025, Timothy T. Timmerman of Austin, Texas (Mr. Timmerman is being reappointed).

Appointed to the Lower Colorado River Authority, for a term to expire February 1, 2025, Margaret D. Voelter of Austin, Texas (replacing Franklin Scott Spears, Jr. of Austin whose term expired).

Appointments for March 22, 2019

Appointed to be the Chief Administrative Law Judge, for a term to expire May 15, 2020, Kristofer S. Monson of Driftwood, Texas (replacing Lesli G. Ginn of Austin whose term expired).

Appointed to be the Chief Executive and Public Counsel of the Office of Public Utility Counsel, for a term to expire February 1, 2021, Lori A. Cobos of Austin, Texas (replacing Tonya R. Baer of Austin whose term expired).

Appointed to the Texas Industrialized Building Code Council, for a term to expire February 1, 2020, Janet M. Hoffman of Galveston, Texas (replacing Brian L. Eisenrich of Plano whose term expired).

Appointed to the Texas Industrialized Building Code Council, for a term to expire February 1, 2021, Roland L. Brown of Midlothian, Texas (Mr. Brown is being reappointed).

Appointed to the Texas Industrialized Building Code Council, for a term to expire February 1, 2021, Edward E. Martin of Austin, Texas (Mr. Martin is being reappointed).

Appointed to the Texas Industrialized Building Code Council, for a term to expire February 1, 2021, Scott A. McDonald of Keller, Texas (Mr. McDonald is being reappointed).

Appointed to the Texas Industrialized Building Code Council, for a term to expire February 1, 2021, Stephen C. Shang of Austin, Texas (Mr. Shang is being reappointed).

Appointed to the Commission on Jail Standards, for a term to expire January 31, 2025, Patricia M. Anthony of Garland, Texas (replacing Jerry E. Lowry, Sr. of Porter whose term expired).

Appointed to the Commission on Jail Standards, for a term to expire January 31, 2025, Monica H. McBride of Alpine, Texas (replacing Larry S. May of Sweetwater whose term expired).

Appointed to the Commission on Jail Standards, for a term to expire January 31, 2025, William K. Stoudt of Longview, Texas (Judge Stoudt is being reappointed).

Appointments for March 26, 2019

Appointed to the Board of the Texas Department of Motor Vehicles, for a term to expire February 1, 2021, Shelley P. Washburn of Houston, Texas (replacing Catherine W. Hardy of Trophy Club who resigned).

Appointed to the Board of the Texas Department of Motor Vehicles, for a term to expire February 1, 2025, Charles E. Bacarisse of Houston, Texas (replacing Robert S. Barnwell, III of Magnolia whose term expired).

Appointed to the Board of the Texas Department of Motor Vehicles, for a term to expire February 1, 2025, Tammy M. McRae of Conroe, Texas (replacing Luanne Caraway of Kyle whose term expired).

Appointed to the Board of the Texas Department of Motor Vehicles, for a term to expire February 1, 2025, Laura Gillman Wimbish of Houston, Texas (replacing Raymond Palacios, Jr. of El Paso whose term expired).

Appointments for March 28, 2019

Appointed to the Texas County and District Retirement System Board of Trustees, for a term to expire December 31, 2023, Susan H. Fletcher of Frisco, Texas (replacing Herman C. Cazalas of Corpus Christi whose term expired).

Appointed to the Texas County and District Retirement System Board of Trustees, for a term to expire December 31, 2023, Mary Louise Nicholson of Fort Worth, Texas (Ms. Nicholson is being reappointed).

Appointed to the Texas County and District Retirement System Board of Trustees, for a term to expire December 31, 2023, Kara Sands of Corpus Christi, Texas (replacing Dorye Kristeen Roe of Bryan whose term expired).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2021, John W. Galloway of Beeville, Texas (replacing Gary W. Moore, Sr. of Portland who resigned).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2021, Karin E. Knolle of Sandia, Texas (replacing Lindsey Alfred Koenig of Orange Grove whose term expired).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2023, Will Beinhorn of Catarina, Texas (Mr. Beinhorn is being reappointed).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2023, Marshall E. Davidson of Ingleside, Texas (replacing Roxana Proctor Tom of Campbellton whose term expired).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2023, Chad H. Foster, Jr. of Uvalde, Texas (replacing Gary A. Jones of Beeville whose term expired).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2023, Annelise V. Gonzalez of San Antonio, Texas (replacing Laura Orman Clader of Pleasanton whose term expired).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2023, Debra Y. Hatch of Corpus Christi, Texas (replacing Mary E. Delano of Corpus Christi whose term expired).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2023, William J. Schuchman (replacing John W. Galloway of Beeville whose term expired).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2023, Howard A. Wood of Sandia, Texas (replacing Fidel R. Rul, Jr. of Alice whose term expired).

Greg Abbott, Governor

TRD-201901285





THE ATTORNEY GENERAL

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

An index to the full text of these documents is available from
the Attorney General's Internet site <http://www.oag.state.tx.us>.

Telephone: 512-936-1730. For information about pending requests for opinions, telephone 512-463-2110.

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

Requests for Opinions

RQ-0285-KP

Requestor:

Mr. Mike Morath

Commissioner of Education

Texas Education Agency

1701 North Congress Avenue

Austin, Texas 78701-1494

Re: Availability of civil remedies for violations of the Open Meetings Act (RQ-0285-KP)

Briefs requested by May 17, 2019

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

TRD-201901266

Ryan L. Bangert

Deputy Attorney General for Legal Counsel

Office of the Attorney General

Filed: April 30, 2019



Opinions

Opinion No. KP-0248

The Honorable Jaime Esparza

District Attorney

34th Judicial District

El Paso County Courthouse, 2nd Floor

500 East San Antonio Street

El Paso, Texas 79901-2420

Re: Whether repeal of 40 U.S.C. 318 affects the authority the Legislature granted to Federal Protective Service officers under article 2.122(b) of the Texas Code of Criminal Procedure (RQ-0254-KP)

S U M M A R Y

A court would likely conclude that the law enforcement authority granted by article 2.122(b) of the Texas Code of Criminal Procedure applies to officers and agents of the Federal Protective Service appointed under 40 U.S.C. § 1315.

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

TRD-201901265

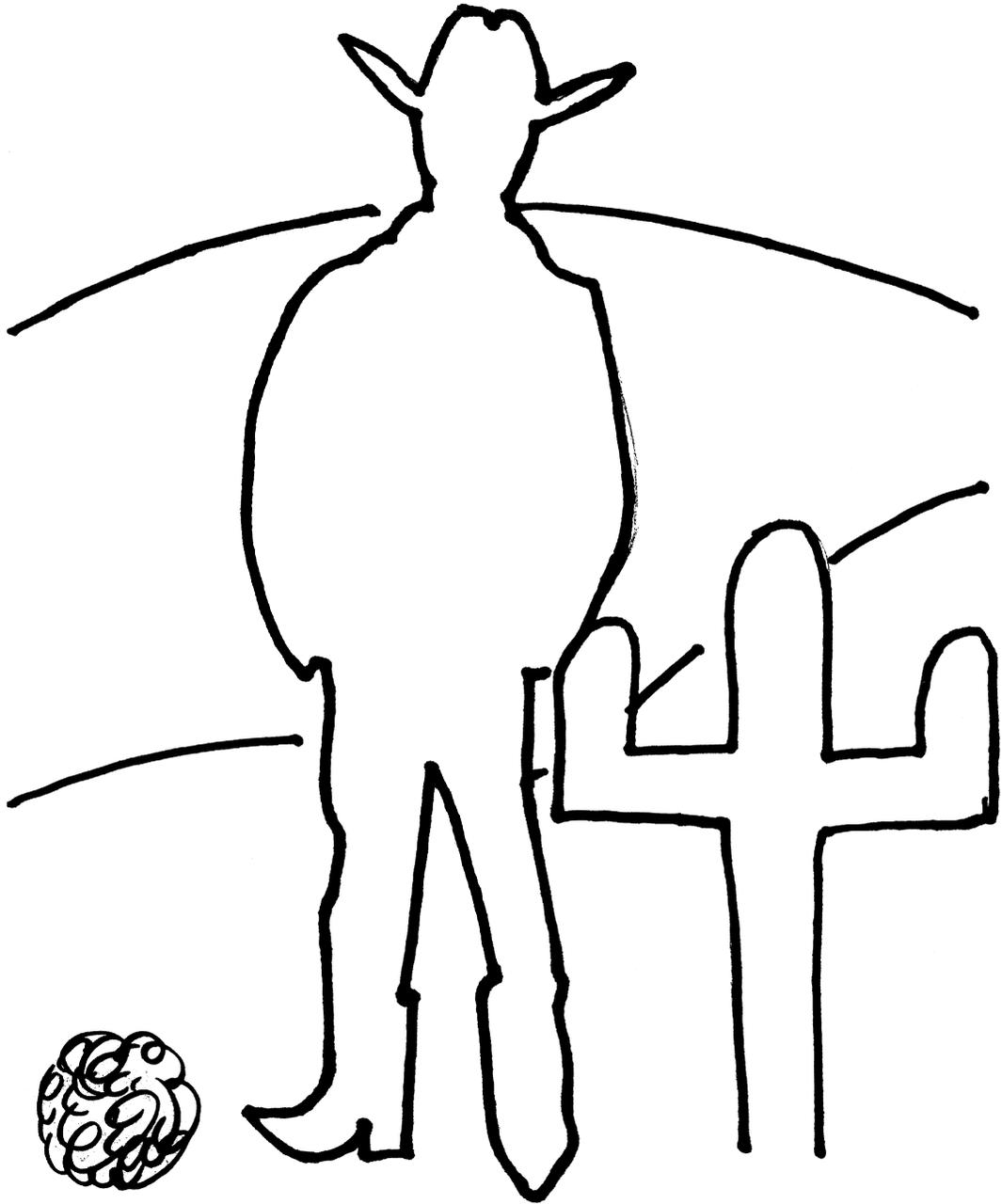
Ryan L. Bangert

Deputy Attorney General for Legal Counsel

Office of the Attorney General

Filed: April 30, 2019





PROPOSED RULES

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

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

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 355. REIMBURSEMENT RATES

SUBCHAPTER J. PURCHASED HEALTH SERVICES

DIVISION 4. MEDICAID HOSPITAL SERVICES

1 TAC §355.8058

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §355.8058, concerning Inpatient Direct Graduate Medical Education (GME) Reimbursement.

BACKGROUND AND PURPOSE

Currently, HHSC makes Medicaid GME supplemental payments to two classes of hospitals: state-owned hospitals and non-state government-owned and operated hospitals. First, five state-owned teaching hospitals are eligible: University of Texas (UT) Medical Branch at Galveston, UT Health Science Center at Tyler, UT MD Anderson, UT Southwestern - Zale Lipshy, and UT Southwestern - Clements. The non-federal share for these GME payments comes from appropriations or patient revenues belonging to the state-owned teaching hospitals that are transferred to HHSC. HHSC draws down the federal match and makes quarterly interim Medicaid GME payments directly to the hospitals based on resident full-time equivalents (FTEs) and inpatient days reported by the hospital. Second, effective October 1, 2018, HHSC also makes Medicaid GME supplemental payments to nine non-state government-owned and operated teaching hospitals. The source of the non-federal share of these GME payments are intergovernmental transfers (IGTs) from the local governmental entities that own and operate the hospitals.

The proposed amendment will allow teaching hospitals owned or operated by non-governmental entities to receive Medicaid GME supplemental payments, provided that the non-federal share is provided by a local governmental entity. This amendment will allow for the remaining teaching hospitals in the state to participate in this program. As is the case for the non-state government-owned and operated teaching hospitals, the payment will be based on the number of full-time equivalent medical residents and the Medicare per resident amount (PRA) reported on CMS Form 2552-10 and the Medicaid inpatient utilization percentage.

An annual Medicaid GME supplemental payment amount will be calculated for each eligible hospital using data from the hospi-

tal cost report most recently submitted to HHSC on October 1 of each year. HHSC proposes to split the annual amount into two payments. HHSC does not propose cost settlement of Medicaid GME supplemental payments for the new class of hospitals covered by this expansion.

SECTION-BY-SECTION SUMMARY

Proposed new subsection §355.8058(c) specifies that the language in this subsection is limited to Medicaid GME supplemental payments made to teaching hospitals not described in subsections (a) or (b).

Proposed new paragraph §355.8058(c)(1) establishes an effective date of April 1, 2019, for Medicaid GME supplemental payments made under this subsection.

Proposed new paragraph §355.8058(c)(2) provides definitions related to the Medicaid GME supplemental payments made under this subsection.

Proposed new paragraph §355.8058(c)(3) provides the methodology for calculating the total annual GME payment under this subsection.

Proposed new paragraph §355.8058(c)(4) specifies which hospital cost report will be used for the calculation of the annual GME payment under this subsection.

Proposed new paragraph §355.8058(c)(5) specifies that a hospital under this subsection must be enrolled as a Medicaid provider with HHSC. In addition, the hospital must designate a single local governmental entity from which HHSC will receive an intergovernmental transfer to fund the non-federal share of the GME payment.

Proposed new paragraph §355.8058(b)(6) states that payments under this subsection will be made semiannually.

FISCAL NOTE

Greta Rymal, Deputy Executive Commissioner for Financial Services, has determined that for each year of the first five years that the rule will be in effect, there will be a fiscal impact on state government as a result of enforcing and administering the amendments. The non-federal share of the Medicaid GME payments will be provided by local governmental entities using a method approved by HHSC and the Centers for Medicare and Medicaid Services (CMS). HHSC will then draw down federal matching funds to issue the Medicaid GME payments. No general revenue will be used for Medicaid GME supplemental payments made to non-government owned or operated teaching hospitals.

There is a possibility of fiscal implications to local governmental entities, but participation in the Medicaid GME supplemental payment program is voluntary. A fiscal impact to these local governmental entities may occur only if the local governmental

entities choose to provide the IGT to support GME payments to eligible hospitals. However, such participation may yield a positive total fiscal impact to the local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the amendment will be in effect:

- (1) the proposed amendment will not create or eliminate a government program;
 - (2) implementation of the proposed amendment will not affect the number of employee positions;
 - (3) implementation of the proposed amendment will not require an increase or decrease in future legislative appropriations to the agency;
 - (4) the proposed amendment will not require an increase or decrease in fees paid to the agency;
 - (5) the proposed amendment will not create a new rule;
 - (6) the proposed amendment will expand an existing rule; and
 - (7) the proposed amendment will not change the number of individuals subject to the rule.
- (8) HHSC has insufficient information to determine the effect of the proposed amendment's effects on the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Greta Rymal, Deputy Executive Commissioner for Financial Services, has also determined that there is no adverse economic impact on small businesses, micro-businesses, and rural communities required to comply with the rule as proposed. Participation in the Inpatient Direct GME program is voluntary and places no burden on small businesses, micro-businesses, or rural communities.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COST TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to receive a source of federal funds.

PUBLIC BENEFIT AND COSTS

Victoria Grady, Director of Rate Analysis, has determined that for each year of the first five years the rule is in effect, the public will benefit from adoption of the rule. The public benefit anticipated as a result of enforcing or administering the rule will be that the additional revenue to participating hospitals will help them maintain and expand residency programs.

For the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because participation in the Inpatient Direct GME program is voluntary.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Questions about the content of this proposal may be directed to Kevin Niemeyer in HHSC Rate Analysis at (512) 730-7445.

Written comments on the proposal may be submitted to the HHSC Rate Analysis Department, 4900 North Lamar Blvd., Austin, Texas 78714-9030 (Mail Code H-400); by fax to (512) 730-7475; or by email to RateAnalysisDept@hhsc.state.tx.us.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. The last day to submit comments falls on a Sunday; therefore, comments must be: (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) faxed or emailed by midnight on the last day of the comment period. When faxing or emailing comments, please indicate "Comments on Proposed Rule 355.8058" in the subject line.

STATUTORY AUTHORITY

The amendment is proposed under Texas Government Code §531.033, which authorizes the Executive Commissioner of HHSC to adopt rules necessary to carry out HHSC's duties; Texas Human Resources Code §32.021 and Texas Government Code §531.021(a), which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; Texas Government Code §531.021(b), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for medical assistance payments under the Texas Human Resources Code, Chapter 32.

The amendment affects Texas Government Code Chapter 531 and Texas Human Resources Code Chapter 32. No other statutes, articles, or codes are affected by this proposal.

§355.8058. *Inpatient Direct Graduate Medical Education (GME) Reimbursement.*

(a) The Texas Health and Human Services Commission (HHSC) uses the methodology in this subsection to calculate Inpatient Direct Graduate Medical Education (GME) cost reimbursement for state-owned or state-operated teaching hospitals.

(1) Effective September 1, 2008, HHSC or its designee may reimburse a state-owned or state-operated teaching hospital with an approved medical residency program the hospital's inpatient direct GME cost for hospital cost reports beginning with state fiscal year 2009.

(2) Reimbursement of inpatient direct GME cost for state-owned or state-operated teaching hospitals:

(A) Inpatient direct GME cost₂ as specified under methods and procedures set out in the Social Security Act, Title XVIII, as amended, effective October 1, 1982, by Public Law 97-248, is [are] calculated under similar methods for each hospital having inpatient direct GME costs on its tentative or final audited cost report.

(B) Definitions.

(i) Base year average per resident amount--the hospital's Medicaid allowable inpatient direct GME cost as reported on CMS Form 2552-96, Hospital Cost Report ending in state fiscal year 2007; Worksheet B; Part I; Column 26; Line 95, divided by the un-weighted FTE residents from Worksheet S-3; Part I; Line 25.

(ii) Current FTE residents--the hospital's number of full time equivalent (FTE) interns, residents, or fellows who participate in a program that is determined by HHSC to be a properly approved medical residency program including a program in osteopathy,

dentistry, or podiatry, as required in order to become certified by the appropriate specialty board, as reported on CMS Form 2552-96, Hospital Cost Report; Worksheet S-3; Part I; Line 25.

(iii) GME Medicaid inpatient utilization percentage--the hospital's proportion of paid Medicaid inpatient days, including managed care days, as reported on CMS Form 2552-96, Hospital Cost Report adjusted to Medicaid Claim Summary Report; Worksheet S-3; Part I; Line 12; Column 5, divided by the hospital's total inpatient days, as reported on Worksheet S-3; Part I; Column 6, Lines 12, 14 (subprovider days), and 26 (observation days). Medicaid inpatient days and total inpatient days will include inpatient nursery days.

(C) HHSC calculates the total GME payments for each hospital as follows:

(i) multiplies the base year average per resident amount by the applicable Centers for Medicare and Medicaid Services (CMS) Prospective Payment System Hospital Market Basket index;

(ii) multiplies the results in clause (i) of this subparagraph by the number of current full-time equivalent (FTE) residents; and

(iii) multiplies the results in clause (ii) of this subparagraph by the GME Medicaid inpatient utilization percentage, which results in the total GME payments.

(D) Inpatient direct GME costs are removed from the reimbursement methodology and not used in the calculation of the provider's inpatient cost settlement.

(E) The GME interim payments will be reimbursed on a quarterly basis only after hospital services have been rendered. The interim payments are payable within 90 days of the receipt of the hospital's quarterly resident FTE data. Each hospital's quarterly resident FTE data will be divided by 4 to determine the average resident FTEs for each quarter. The interim payments will be reconciled and settled based on audited final cost report data.

(F) To receive GME payments from HHSC, a state-owned or state-operated teaching hospital must be enrolled as a Medicaid provider with HHSC and provide intergovernmental transfers to HHSC to fund the non-federal portion of reimbursement for GME costs.

(b) HHSC uses the methodology in this subsection to calculate reimbursement for GME cost reimbursement for non-state government-owned and operated teaching hospitals.

(1) Effective October 1, 2018, HHSC or its designee may reimburse a non-state government-owned and operated teaching hospital with an approved medical residency program the hospital's estimated inpatient direct GME cost.

(2) Definitions.

(A) Non-state government-owned and operated teaching hospital--a hospital with a properly approved medical residency program that is owned and operated by a local government entity, including but not limited to, a city, county, or hospital district.

(B) FTE residents--the hospital's number of unweighted full time equivalent (FTE) interns, residents, or fellows who participate in a program that is determined by HHSC to be a properly approved medical residency program including a program in osteopathy, dentistry, or podiatry, as required in order to become certified by the appropriate specialty board, as reported on the Hospital Cost Report; CMS Form 2552-10; Worksheet S-3; Part 1; Column 9; Line 27.

(C) Medicare per resident amount (PRA)--average direct cost per medical resident, as reported on the Hospital Cost Report; CMS Form 2552-10; Worksheet E-4; Line 18.

(D) GME Medicaid inpatient utilization percentage--the hospital's proportion of paid Medicaid inpatient days, including managed care days, divided by the hospital's total inpatient days, as reported on Hospital Cost Report; CMS Form 2552-10; Worksheet S-3; Part 1; columns 7 and 8.

(3) HHSC calculates the total annual GME payment for each hospital as follows:

(A) multiplies the FTE residents by the Medicare per resident amount;

(B) multiplies the results in subparagraph (A) of this paragraph by the GME Medicaid inpatient utilization percentage.

(4) On October 1 of each year, the cost report most recently submitted to HHSC or its designee, will be used for the annual GME payment calculation.

(5) To receive GME payments from HHSC, a non-state government-owned and operated teaching hospital must be enrolled as a Medicaid provider with HHSC and provide intergovernmental transfers to HHSC to fund the non-federal portion of reimbursement for GME costs.

(6) Payments under this subchapter will be made on a semi-annual basis.

(c) HHSC uses the methodology in this subsection to calculate reimbursement for GME cost reimbursement for teaching hospitals not described in subsections (a) or (b) of this section.

(1) Effective April 1, 2019, HHSC or its designee may reimburse a non-government owned or operated teaching hospital with an approved medical residency program the hospital's estimated inpatient direct GME cost.

(2) Definitions.

(A) Teaching hospital--a hospital with a properly approved medical residency program.

(B) FTE residents--the hospital's number of unweighted full time equivalent (FTE) interns, residents, or fellows who participate in a program that is determined by HHSC to be a properly approved medical residency program including a program in osteopathy, dentistry, or podiatry, as required in order to become certified by the appropriate specialty board, as reported on the Hospital Cost Report; CMS Form 2552-10; Worksheet S-3; Part 1; Column 9; Line 27.

(C) Medicare per resident amount (PRA)--average direct cost per medical resident, as reported on the Hospital Cost Report; CMS Form 2552-10; Worksheet E-4; Line 18.

(D) GME Medicaid inpatient utilization percentage--the hospital's proportion of paid Medicaid inpatient days, including managed care days, divided by the hospital's total inpatient days, as reported on Hospital Cost Report; CMS Form 2552-10; Worksheet S-3; Part 1; columns 7 and 8.

(3) HHSC calculates the total annual GME payment for each hospital as follows:

(A) multiplies the FTE residents by the Medicare per resident amount;

(B) multiplies the results in subparagraph (A) of this paragraph by the GME Medicaid inpatient utilization percentage.

(4) On October 1 of each year, the cost report most recently submitted to HHSC or its designee, will be used for the annual GME payment calculation.

(5) To receive GME payments from HHSC:

(A) a hospital under this subsection must be enrolled as a Medicaid provider with HHSC;

(B) HHSC must receive the non-federal portion of reimbursement for GME costs through a method approved by HHSC and CMS for reimbursement through this program; and

(C) a hospital under this subsection must designate a single local governmental entity to provide the non-federal share of the payment through a method determined by HHSC.

(6) Payments under this subchapter will be made on a semi-annual basis.

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

Filed with the Office of the Secretary of State on April 24, 2019.

TRD-201901190

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: June 9, 2019

For further information, please call: (512) 730-7445



TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

10 TAC §1.24

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.24, Protected Health Information. The purpose of the proposed repeal is to eliminate an outdated rule while adopting a new updated rule under separate action.

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

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

1. David Cervantes, Acting Director, has determined that, for the first five years the proposed repeal would be in effect, the proposed repeal does not create or eliminate a government program, but relates to the repeal, and simultaneous adoption making changes to the rule governing the security of personal information.

2. The proposed repeal does not require a change in work that would require the creation of new employee positions, nor would

the repeal reduce work load to a degree that any existing employee positions are eliminated.

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

4. The proposed repeal does not result in an increase in fees paid to the Department or in a decrease in fees paid to the Department.

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

6. The proposed repeal will repeal an existing regulation, but is associated with the simultaneous readoption making changes to the existing rule for the security of personal information.

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

8. The proposed repeal will not negatively affect this state's economy.

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

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

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The proposed repeal does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

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

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

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

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

REQUEST FOR PUBLIC COMMENT. The public comment period will be held May 10, 2019, to June 10, 2019, to receive input on the proposed repeal. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, June 10, 2019.

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

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

§1.24. Protected Health Information.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901228

David Cervantes
Acting Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: June 9, 2019

For further information, please call: (512) 475-1762



10 TAC §1.24

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.24, Information Security and Privacy Requirements. The purpose of the proposed rule is to expand the rule beyond only protected health information to other non-health protected information, and to provide a more detailed definition of the duties and responsibilities of contractors who handle that protected information on behalf of the Department. The proposed rule will be newly titled Information Security and Privacy Requirements, and will address all types of protected information that the Department encounters and set forth specific requirements of contractors for the protection of such information.

Tex. Gov't Code §2001.0045(b) does not apply to the rule being proposed under exception item (6) which provides for an exception when necessary to protect the health, safety, and welfare of the residents of this state. Through safeguarding protected information, the welfare of residents is protected. No costs are associated with this proposed rule.

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

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

David Cervantes, Acting Director, has determined that, for the first five years the proposed rule will be in effect:

1. The new rule does not create or eliminate a government program, but relates to the readoption of this rule which makes changes to the rule governing the security of personal information.
2. The new rule does not require a change in work that would require the creation of new employee positions, nor will it reduce work load to a degree that eliminates any existing employee positions.
3. The new rule changes do not require additional future legislative appropriations.
4. The new rule will not result in an increase in fees paid to the Department or in a decrease in fees paid to the Department.

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

6. The rule does not limit, expand, or repeal an existing regulation but merely revises a rule.

7. The new rule does technically increase the number of individuals to whom this rule applies, as several new provisions are being specified; however, those Contractors subject to those provisions of the rule are already required to satisfy the state and federal regulations specified. This rule merely formalizes these requirements in one place, under rule, and provides the specific detail on the agreement required of Contractors reflecting their adherence to the requirements.

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

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

1. The Department has evaluated this rule and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This rule provides specific detail on the handling by Department Contractors of personal information. Contractors subject to those provisions of the rule are already required to satisfy the state and federal regulations specified. This rule merely formalizes these requirements in one place, under rule; and provides the specific detail on the agreement required of Contractors reflecting their adherence to the requirements. Other than in the case of a small or micro-business that participates as a Contractor in one of these programs, no small or micro-businesses are subject to the rule. If a small or micro-business does participate as a Contractor in a program, the requirements of the rule - already provided for in other state and federal regulations - will not require an onerous burden.

3. The Department has determined that because this rule relates only to a revision to a rule, and the rule changes do not specifically relate to geographic location or business size, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new rule does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

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

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the new rule has no economic effect on local employment because this rule relates only to requirements of existing and future Department Contractors and echoes state and federal regulations already in effect.

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that the rule is applicable to all properties statewide, there are no "probable" effects of the new rule on employment in particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Cervantes has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the proposed new rule will be a clearer rule for Contractors and improved assurance of the safety and security of personal information. There will be limited economic cost to any individuals required to comply with the proposed new rule because the activities described by the rule are already applicable under other state and federal regulations.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the new section is in effect, enforcing or administering the new section does not have any foreseeable implications related to costs or revenues of the state or local governments as the implementation of this rule generates no fees, nor requires any cost.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held May 10, 2019, to June 10, 2019, to receive input on the proposed new rule. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, June 10, 2019.

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

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

§1.24. Information Security and Privacy Requirements.

(a) Purpose. The purpose of this rule is to provide the mechanism by which the Department will ensure the security and privacy of Protected Information belonging to persons who do business with the Department and those they serve.

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

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

(2) Computing Device--Any computer, laptop, server, smart phone, or any other data processing device that is used to connect to the Department's network.

(3) Contractor--A third party, including, but not limited to, outside auditors and legal counsel, funding agencies, Vendors or Subrecipients, including any and of its Representatives that may gain access to Protected Information on account of a contract with the Department.

(4) Criminal History Records Information--For the purposes of Tex. Gov't Code Chapter 411, Subchapter F, information collected about a person by a Criminal Justice Agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. The term does not include:

(A) Identification information, including fingerprint records, to the extent that the identification information does not indicate involvement of the person in the criminal justice system; or

(B) Driving record information under Subchapter C, Chapter 521 Transportation Code.

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

(6) Financial Statements of a Tax Credit Applicant--For purposes of Tex. Gov't Code §2306.6717(d)(Public Information and Hearings), a formal statement of the financial activities of a Low Income Housing Tax Credit Applicant, submitted to the Department as part of a Low Income Housing Tax Credit Application, including but not limited to, the balance sheet, income statement, cash flow statement or changes in equity.

(7) Information Resources--The procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors.

(8) Information Security and Privacy Agreement (ISPA)--An agreement between the Department and a Contractor implementing information security and privacy requirements of the Department.

(9) Non-Public Personal Information--For purposes of the Graham-Leach-Bliley Act (15 USC §§6801-6809 and 6821-6827), and implementing regulations, personally identifiable financial information provided to the Department or any of its Contractors, resulting from any transaction with, or any service performed for a client or consumer, or otherwise obtained by the Department or its Contractors, unless the information is otherwise publicly available.

(10) Personal Identifying Information--For purposes of Tex. Bus. & Com. Code Chapter 521 (Unauthorized Use of Identifying Information), and any implementing regulations, information that alone or in conjunction with other information identifies an individual, including an individual's name, Social Security number, date of birth, or government-issued identification number, mother's maiden name, unique biometric data including fingerprint, voice print, retina or iris image, unique electronic identification number, address, or routing code, and telecommunication access devices as defined by Tex. Penal Code §32.51.

(11) Personal or Business Financial Information--For purposes of Tex. Gov't Code §2306.039 (Open Meetings and Open Records), any personal or business financial information including, but not limited to, Social Security numbers, tax payer identification numbers, or bank account numbers submitted to the Department to receive a loan, grant, or other housing assistance by a housing sponsor, individual or family.

(12) Protected Health Information--For purposes of Tex. Health & Safety Code Chap. 181 (adopting definitions in 45 CFR §160.103), any information that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual, and that identifies the individual, or can be used to identify the individual.

(13) Protected Information--Protected Health Information, Personal Identifying Information, Sensitive Personal Information, Personal or Business Financial Information, Non-Public Personal Information, Financial Statement of a Tax Credit Applicant, WAP Applications and Participation Information, Criminal History Records Information, and Victims of Violence Information.

(14) Representative--Any officer, employee, contractor, subcontractor, member, director, advisor, partner, or agent of Vendor/Subrecipient, or any person serving in such a role, however titled or designated.

(15) Sensitive Personal Information--For purposes of Tex. Bus. & Com. Code Chapter 521 (Unauthorized Use of Identifying Information), an individual's first name or first initial and last name in combination with any one or more of the following items if the name and items are not encrypted:

(A) Social Security number;

(B) Driver's license or government-issued identification number;

(C) Account or credit/debit card number in combination with any required security code, access code, or password that would permit access; or

(D) Information that identifies or reveals an individual and the physical or mental health or condition of the individual, the provision of health care to the individual, or payment for the provision of health care to the individual.

(E) The term does not include publicly available information that is lawfully made publicly available.

(16) Subrecipient--An organization with whom the Department contracts, and entrusts to administer federal or state programs or funds, including but not limited to, units of local government, non-profit and for-profit corporations, administrators, community action agencies, collaborative applications, sub-grantees, developers, owners, land banks, participating mortgage lenders, and non-profit owner-builder housing providers. This also includes an Affiliate of a Subrecipient.

(17) Vendor--A person or organization that supplies goods or services, properly procured under relevant laws, to the Department.

(18) Victims of Violence Information--Any information submitted to a covered housing provider, including the Department and its Contractors pursuant to 24 CFR §5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking. Also included pursuant to Tex. Gov't Code §552.138 is information regarding the location or physical layout, an employee, volunteer, former or current client, or the provision of services to a former or current client, a private donor, or a member of a board of directors or board of trustees of a family violence shelter center, victims of trafficking shelter center, or sexual assault program.

(19) WAP Applications and Participation Information--For purposes of Weatherization Program Notice 10-08, U.S. Department of Energy, issued February 1, 2010, regarding the Department of Energy Weatherization Assistance Program (WAP), any specifically identifying information related to an individual's eligibility application for WAP or the individual's participation in WAP, such as name, address, or income information.

(c) Applicability and Implementation.

(1) This rule applies to Contractors as defined in subsection (b)(3) of this section. This rule is not applicable to third parties that contract with the Department but have no access to Department Protected Information.

(2) Contractors with Department contracts that are active on the effective date of this rule shall have 180 calendar days from the effective date of this rule to enter into an ISPA with the Department. Contractors that execute new Department contracts or contract renewals on or after the effective date of this rule shall enter into an ISPA with the Department no later than the date of contract execution, if an ISPA with the Department is not already in place. The ISPA shall be in a form provided by the Department on its website. A Contractor must download, execute and return the contract according to instruc-

tions on the website. A Contractor need only execute one ISPA, even if they participate with the Department in multiple programs or activities.

(3) The ISPA shall be effective with respect to all current and future contracts that Contractor has or will have with the Department for as long as the Contractor has access to Protected Information. Contractors receiving awards or contracts after the effective date of this rule must have an executed ISP Agreement on file with the Department or enter into an ISP Agreement before work can begin on the new award or contract.

(4) Contractor and Department may agree to eliminate or reduce access to, or the generation of, any class of Protected Information related to Contractor's obligations to the Department, provided it does not impair Contractor's ability to fulfill its obligations to the Department.

(5) Contractor shall accept responsibility for all Representatives and ensure the safeguarding of Protected Information in accordance with applicable federal and state laws, and the terms and conditions set forth in the ISPA.

(6) The Department may, in its sole discretion, require Contractor to amend an ISPA in order to conform to state and/or federal law.

(d) ISPA Security Measures. The ISPA shall include, among other requirements:

(1) Security measures for devices that connect to the Department network; and

(2) Security measures for maintenance of Department information external to the Department network, including, but not limited to:

(A) Maintaining an inventory of all information technology (IT) assets;

(B) Implementing and maintaining a risk management program;

(C) Ensuring information is recoverable in accordance with risk management decisions;

(D) Adhering to monitoring techniques for detecting, reporting, and investigating security incidents;

(E) Providing IT security training to employees;

(F) Conducting criminal background checks on employees with access to department information;

(G) Separating development and production environments;

(H) Following a software change control process;

(I) Maintaining and following an IT security policy that has been approved by the department; and

(J) Implementing other requirements reasonably necessary to ensure the security and privacy of Protected Information in the Contractor's possession or control.

(e) Breach. In the event of an actual or suspected breach involving Department Protected Information stored by the Contractor, Contractor shall promptly notify the Department no later than twenty-four hours after discovery of the incident. The Contractor will coordinate and cooperate fully with the Department in making all breach notifications and taking all actions required by law to effect the required notifications.

(f) Texas Public Information Act. If Contractor receives a request pursuant to the Texas Public Information Act for information maintained by Contractor on account of a contract with TDHCA, Contractor shall notify the Department within three calendar days of the receipt of the request by forwarding the request to open.records@tdhca.state.tx.us

(g) Department Review. Contractor and Representatives shall permit Department to conduct periodic IT general controls audits, Internet security scans, and internal network vulnerability assessments, and contract monitoring audits at reasonable times, and upon reasonable notice. Such reviews may be conducted by the Department, the Texas State Auditor's Office, the Texas Department of Information Resources, an applicable federal oversight agency, or any third parties under contract with one of these agencies.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901227

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: June 9, 2019

For further information, please call: (512) 475-1762



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

10 TAC §1.410

The Texas Department of Housing and Community Affairs (the Department) proposes to amend 10 TAC Chapter 1, Administration, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.410, Determination of Alien Status for Program Beneficiaries. The purpose of the proposed amendment is to clarify that acceptable documentation for establishing United States citizenship and identity may only be those documents determined as acceptable, and published by, the Department. The Department has released such a list, but the rule does not require that the list is the only acceptable documentation to be utilized.

Tex. Gov't Code §2001.0045(b) does not apply to the new rule because it is exempt under §2001.0045(c)(4), which exempts rule changes necessary to receive a source of federal funds or to comply with federal law. Compliance with the new rule is intended to ensure adherence to federal law, Tex. Gov't Code Chapter 2306, Subchapter E, and provide for the implementation of this activity.

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

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

Mr. David Cervantes, Acting Director, has determined that, for the first five years the proposed amendment will be in effect:

1. The amendment does not create or eliminate a government program, but provides clarification that the only acceptable documentation for establishing legal status is the documentation determined acceptable by the Department.

2. The amendment does not reduce work load such that any existing employee positions can be eliminated nor does it increase work load such that any new employee positions are required.

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

4. The amendment does not result in an increase in fees paid to the Department, or in a decrease in fees paid to the Department.

5. The amendment does not create a new regulation.

6. The amendment will not expand or repeal an existing regulation, but formalizes the methods for establishing legal status as those determined as acceptable by the Department.

7. The amendment will neither increase or decrease the number of individuals subject to the rule.

8. The new rule will not negatively or positively affect this state's economy.

ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002. The Department, in drafting this rule, has attempted to reduce any adverse economic effect on small or micro-businesses or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code Chapter 2306, Subchapter E.

The Department has evaluated this rule and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

There are no small or micro-businesses subject to the rule for which the economic impact of the rule is projected to impact. There are no rural communities subject to the rule for which the economic impact of the rule is projected to impact.

The Department has determined that because this rule is only applicable to nonprofits and local governments that are designated as community action agencies, there will be no economic effect on small or micro-businesses or rural communities.

TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new rule does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

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

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

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that this rule merely provides guidance on the acceptable documentation that existing subrecipients of the Department can use in verification of household eligibility, and that the rule is applied statewide, and the rule does not change issues affecting employment, there are no "probable" effects of the new rule on particular geographic regions.

PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Cervantes has also determined that, for each year of the first five years the new section is in

effect, the public benefit anticipated as a result of the new section will be to clarify what the Department will accept in verification.

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

REQUEST FOR PUBLIC COMMENT. The public comment period will be held May 10, 2019, to June 10, 2019, to receive input on the proposed new section. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or email brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, JUNE 10, 2019.

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

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

§1.410. Determination of Alien Status for Program Beneficiaries.

(a) Purpose. The purpose of this section is to provide uniform Department guidance on Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1986 (PRWORA), which provides that an alien who is not a Qualified Alien is not eligible for any federal or state public benefit.

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

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

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

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

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

(5) Subrecipient--An entity that receives federal or state funds passed through the Department.

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

(c) Applicability for Federal Funds.

(1) The determination of whether a federal program, or activity type under a federal program, is a federal public benefit for purposes of PRWORA is made by the federal agency with administration of a program or activity, not by the Department. Only in cases in which the federal agency has given clear interpretation that it requires PRWORA to be applicable to a program or activity will this rule be applied by the Department.

(2) The requirements of this section are applicable to Subrecipients of federal funds passed through the Department for which the federal program has made a determination that the activity performed by the Subrecipient requires compliance with PRWORA. However, certain exemptions under PRWORA may exist on a case specific, or activity specific basis as further described in this rule.

(d) Applicability for State Funds. The Department has determined that State Housing Trust Funds that are provided to a Subrecipient that is a Public Organization to be distributed directly to individuals, are a state public benefit.

(e) No Applicable Exemptions under PRWORA. If no exemptions under PRWORA are applicable to the Subrecipient or to the activity type, as further detailed in this section, then the Subrecipient must verify U.S. Citizen, U.S. National, or Qualified Alien status ("legal status") using SAVE and evaluate eligibility using the rules for the applicable program under this Title.

(f) Exemptions Under PRWORA.

(1) In accordance with 8 U.S.C. §1642(d), a Subrecipient that is a Nonprofit Charitable Organization receiving funds from the Department for which the federal program or activity requirement is that a household be verified for eligibility status, is not required to verify that an individual is a U.S. Citizen, U.S. National, or Qualified Alien.

(2) For activities in the Low Income Home [Housing] Energy Assistance Program and the Department of Energy Weatherization Program performed by a Nonprofit Charitable Organization (identified as a Private Nonprofit Organization in the Subrecipient's Contract with the Department), where the Department must ensure that an individual is a U.S. Citizen, U.S. National, or Qualified Alien, a Subrecipient must ensure compliance with the verification requirement through electing to proceed under subparagraph (A), (B), or (C) of this paragraph. Subrecipients will submit in writing to the Director of Community Affairs or his/her designee no later than six months prior to the beginning of a Contract Term its election under one of the subparagraphs in this subsection. If no such election is made by the deadline, the Subrecipient will no longer be eligible to perform as a Subrecipient in the program as further provided for in paragraph (3) of this subsection. Failure by the Subrecipient to select an option by the deadline is good cause for nonrenewal of a Contract.

(A) Subject to affirmation by U.S. Health and Human Services, the Subrecipient may voluntarily elect to request from the household and transmit to the Department, or a party contracted by the Department, sufficient information or documentation so that the Department is able to ensure an individual is a U.S. Citizen, U.S. National, or Qualified Alien.

(i) The Nonprofit Charitable Organization must provide and maintain a sufficient method of electronic transmittal system that allows for such information to be provided to the Department or its contractor, and ensures the secure safekeeping of such paper and/or electronic files, and receipt of subsequent response back from the Department or its contracted party.

(ii) Upon receipt of the results of the verification performed by the Department, or its contracted party, the Nonprofit Charitable Organization must utilize those results in determining household eligibility, benefits, income, or other programmatic designations as required by applicable federal program guidance or as determined by other program rules under this Title.

(B) The Subrecipient may voluntarily elect to perform verifications through the SAVE system, as authorized through the Department's access to such system.

(C) The Subrecipient may voluntarily elect to procure an eligible qualified organization to perform such verifications on their behalf, subject to Department approval.

(i) The Nonprofit Charitable Organization and/or its procured provider must maintain sufficient evidence and documentation that verification has taken place so that such verification can be confirmed by the Department, and must ensure the secure safekeeping of such paper and/or electronic files.

(ii) Upon receipt of the results of the verification performed by the procured provider, the Nonprofit Charitable Organization must utilize those results in determining household eligibility, benefits, income, or other programmatic designations as required by applicable federal program guidance or as determined by other program rules under this Title.

(D) If no election is made by the deadline in paragraph (2) of this subsection, the Subrecipient will be provided notification under Tex. Gov't Code Chapter 2105 that the Department does not intend to renew the Contract with the Subrecipient at the end of the current Contract Term. The Subrecipient may have a right to request a hearing under Tex. Gov't Code Chapter 2105.

(3) Other activities that do not require verification by Public Organizations or Nonprofit Charitable Organizations are described in the August 5, 2016, HUD, HHS, and DOJ Joint Letter Regarding Immigrant Access to Housing and Services.

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

(h) A Subrecipient must establish that an individual is a U.S. Citizen, U.S. National, or Qualified Alien using the documents deemed acceptable by the Department, and which have been published on the Department's website. This information may be updated by the Department from time to 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.

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901226

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: June 9, 2019

For further information, please call: (512) 475-1762



SUBCHAPTER H. INCOME AND RENT LIMITS

10 TAC §§10.1001 - 10.1005

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC, Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, §§10.1001 - 10.1005. The purpose of the proposed repeal is to eliminate outdated rules while adopting new updated rules under separate action.

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

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

1. David Cervantes, Acting Director, has determined that, for the first five years the proposed repeal would be in effect, the proposed repeal does not create or eliminate a government program, but relates to the repeal and simultaneous adoption making changes to the rules governing Income and Rent Limits.

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

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

4. The proposed repeal does not result in an increase in fees paid to the Department or in a decrease in fees paid to the Department.

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

6. The proposed repeal will repeal an existing regulation, but is associated with the simultaneous readoption making changes to the existing rule for Income and Rent Limits.

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

8. The proposed repeal will not negatively affect this state's economy.

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

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

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The proposed repeal does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

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

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

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

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

REQUEST FOR PUBLIC COMMENT. The public comment period will be held from May 10, 2019, to June 10, 2019, to receive input on the proposed repeal. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or patricia.murphy@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, JUNE 10, 2019.

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

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

§10.1001. Purpose.

§10.1002. Definitions.

§10.1003. Tax Exempt Bond Developments.

§10.1004. Housing Tax Credit Properties, TCAP, Exchange and HTF.

§10.1005. HOME and NSP.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901225

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: June 9, 2019

For further information, please call: (512) 475-1762



10 TAC §§10.1001 - 10.1006

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC, Chapter 10, Uniform Multi-family Rules, Subchapter H, Income and Rent Limits, §§10.1001 - 10.1006. The purpose of the proposed rule is to make changes to add two new programs--the Tax Credit Assistance Program Repayment Funds (TCAP RF) and National Housing Trust Fund (NHTF)--and to address changes in IRC §42, to provide income and rent limits at 20%, 30%, 40%, 50%, 60%, 70% and 80% of Area Median Gross Income for the Housing Tax Credit program, as well as make other non-substantive administrative corrections.

Tex. Gov't Code §2001.0045(b) does not apply to the rule being adopted under items (4) of that section because these changes are necessary to comply with federal law. In spite of the exception, it should be noted that no costs are associated with this action that would have prompted a need to be offset.

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

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

David Cervantes, Acting Director, has determined that, for the first five years the proposed rule will be in effect:

1. The new rule does not create or eliminate a government program, but relates to the readoption of this rule which makes changes to ensure all applicable federal requirements relating to income and rent limits are specified.

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

3. The new rule changes do not require additional future legislative appropriations.

4. The new rule will not result in an increase in fees paid to the Department or in a decrease in fees paid to the Department.

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

6. The rule will not limit, expand, or repeal an existing regulation but merely revises a rule.

7. The new rule does technically increase the number of individuals to whom this rule applies, as several new programs are being added; however, those Developments are already required to satisfy specific rent and income limits through Land Use Restriction Agreements, and this rule merely provides the specific detail on how that will be handled.

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

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

1. The Department has evaluated this rule and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This rule provides specific detail on how income and rent limits will be applied for a variety of federal programs. Other than in the case of a small or micro-business that participates in one of these programs, no small or micro-businesses are subject to the rule. If a small or micro-business does participate in a program, the rule provides a clear set of regulations for the handling of income and rent limits.

3. The Department has determined that because this rule relates only to a revision to a rule, and the rule changes do not specifically relate to geographic location or business size, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new rule does not contemplate nor authorize a taking by the Department, therefore no Takings Impact Assessment is required.

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

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the new rule has no economic effect on local employment because this rule relates only to the establishment of income and rent limits in existing or proposed multifamily properties; therefore no local employment impact statement is required to be prepared for the rule.

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that the rule is applicable to all properties statewide, there are no "probable" effects of the new rule on employment in particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Cervantes has determined that, for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the proposed new rule will be a clearer rule for properties and assurance that the rules include income and rent limits for all applicable federal programs. There will be no economic cost to any individuals required to comply with the proposed new rule because the activities described by the rule has already been in existence.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the new sections are in effect, enforcing or administering the new sections does not have any foreseeable implications related to costs or revenues of the state or local governments as this rule relates to a process that already exists and is not being significantly revised.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held from May 10, 2019, to June 10, 2019, to receive input on the proposed new rule. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or patricia.murphy@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, JUNE 10, 2019.

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

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

§10.1001. Purpose.

The purpose of this subchapter is to codify the income and rent limits applicable to the multifamily programs administered by the Texas Department of Housing and Community Affairs (the Department). The Department may, but is not required to, calculate and provide income and rent limits for programs administered by the Department. Income and rent limits will be derived from data released by Federal agencies including the U.S. Department of Housing and Urban Development (HUD).

§10.1002. Definitions.

(a) Unless otherwise defined here, terms have the meaning in §11.1 of this title (relating to Definitions), or federal or state law.

(b) Multifamily Tax Subsidy Program Imputed Income Limit--Using the income limits provided by HUD pursuant to §142(d), the imputed income limit is the income limitation which would apply to individuals occupying the unit if the number of individuals occupying the unit were as described in paragraphs (1) and (2) of this subsection:

(1) in the case of a unit which does not have a separate bedroom, 1 individual; or

(2) in the case of a unit which has 1 or more separate bedrooms, 1.5 individuals for each separate bedroom.

(c) Tax Credit Assistance Program (TCAP)--Funds awarded as part of the American Recovery and Reinvestment Act to assist Low Income Housing Tax Credit projects funded during 2007, 2008, and 2009.

(d) Tax Credit Assistance Program Repayment Funds (TCAP RF)--Multifamily Direct Loan funds made available through income generated from loan repayments from the Tax Credit Assistance Program.

§10.1003. Tax Exempt Bond Developments.

(a) Tax Exempt Bond Developments must use the Multifamily Tax Subsidy Program (MTSP) income limits released by HUD, generally, on an annual basis. The MTSP limit tables include:

(1) The 50% and 60% Area Median Gross Income (AMGI) by household size.

(2) In areas where the income limits did not decrease in 2007 and 2008 because of HUD's hold harmless policy, a HERA Special 50% and HERA Special 60% income limit by household size. These higher limits can only be used if at least one building in the Project was placed in service on or before December 31, 2008.

(b) If HUD releases a 20%, 30%, 40%, 60%, 70% or 80% income limit in the MTSP charts the Department will make that data available without any calculations. Otherwise, the following methodology will be used, without rounding, to determine additional income limits:

(1) To calculate the 20% AMGI, the 50% AMGI limit will be multiplied by .40 or 40%.

(2) To calculate the 30% AMGI, the 50% AMGI limit will be multiplied by .60 or 60%.

(3) To calculate the 40% AMGI, the 50% AMGI limit will be multiplied by .80 or 80%.

(4) To calculate the 60% AMGI, the 50% AMGI limit will be multiplied by 1.2 or 120%.

(5) To calculate the 70% AMGI, the 50% AMGI limit will be multiplied by 1.4 or 140%.

(6) To calculate the 80% AMGI, the 50% AMGI limit will be multiplied by 1.6 or 160%.

(c) The Land Use Restriction Agreement (LURA) for some, but not all, Tax Exempt Bond properties restricts the amount of rent the Development Owner is permitted to charge. If the LURA restricts rents, rent limits will be calculated in accordance with §10.1004(d) of this subchapter (relating to Housing Tax Credit Properties, TCAP, Exchange and HTF).

(d) Tax Exempt Bond LURAs are hereby amended to be consistent with this section.

(e) The Department will make available a memorandum in a recordable form reflecting the applicable rent limits in accordance with this section and the legal description of the affected property. The owner of the property will bear any costs associated with recording such memorandum in the real property records for the county in which the property is located.

(f) Nothing in this section prevents a Development Owner from pursuing a Material Amendment to their LURA in accordance

with the procedures found in §10.405 of this chapter (relating to Amendments and Extensions).

§10.1004. Housing Tax Credit Properties, TCAP, Exchange and SHTF.

(a) Except for certain rural properties, Housing Tax Credit, TCAP, Exchange, and SHTF Developments must use the Multifamily Tax Subsidy Program (MTSP) income limits released by HUD, generally, on an annual basis. The MTSP limit tables include:

(1) The 50% and 60% Area Median Gross Income (AMGI) by household size.

(2) In areas where the income limits did not decrease in 2007 and 2008 because of HUD's hold harmless policy, a HERA Special 50% and HERA Special 60% income limit by household size. These higher limits can only be used if at least one building in the Project (as defined on line 8b on Form 8609) was placed in service on or before December 31, 2008.

(b) If HUD releases a 20%, 30%, 40%, 60%, 70% or 80% income limit in the MTSP charts, the Department will use that data. Otherwise, the following calculation will be used, without rounding, to determine additional income limits:

(1) To calculate the 20% AMGI, the 50% AMGI limit will be multiplied by .40 or 40%.

(2) To calculate the 30% AMGI, the 50% AMGI limit will be multiplied by .60 or 60%.

(3) To calculate the 40% AMGI, the 50% AMGI limit will be multiplied by .80 or 80%.

(4) To calculate the 60% AMGI, the 50% AMGI limit will be multiplied by 1.2 or 120%.

(5) To calculate the 70% AMGI, the 50% AMGI limit will be multiplied by 1.4 or 140%.

(6) To calculate the 80% AMGI, the 50% AMGI limit will be multiplied by 1.6 or 160%.

(c) Treatment of Rural Properties. Section 42(i)(8) of the Code permits certain Housing Tax Credit, Exchange, and Tax Credit Assistance properties to use the national non-metropolitan median income limit when the area median gross income limit for a place is less than the national non-metropolitan median income.

(1) The Department will identify rural eligible places in accordance with:

(A) Section 520 of the Housing Act of 1949, as amended from time to time; and

(B) Chapter 2306 of the Texas Government Code, as amended from time to time.

(2) The Department allows the use of rural income limits for SHTF multifamily rental Developments that are considered rural using the process described in this subsection.

(d) Rent limits are a calculation of income limits and cannot exceed 30% of the applicable Imputed Income Limit. Rent limits are published by number of bedrooms and will be rounded down to the nearest dollar.

(1) Example 1004(1): To calculate the 30% 1 bedroom rent limit:

(A) Determine the imputed income limited by multiplying the number of bedrooms by 1.5: 1 bedroom x 1.5 persons = 1.5.

(B) To calculate the 1.5 person income limit, average the 1 person and 2 person income limits: If the 1 person 30% income limit is \$12,000 and the 2 person 30% income limit is \$19,000, the imputed income limit would be \$15,500 ($\$12,000 + \$19,000 = \$31,000/2 = \$15,500$).

(C) To calculate the 30% 1 bedroom rent limit, multiply the imputed income limit of \$15,500 by 30%, then divide by 12 months and round down. In this example, the 30% 1 bedroom limit is \$387 ($\$15,500 \text{ times } 30\% \text{ divided by } 12 = \$387.50 \text{ per month. Rounded down the limit is } \387).

(2) Example 1004(2): to calculate the 50% 2 bedroom rent limit:

(A) Determine the imputed income limited to be calculated by multiplying the number of bedrooms by 1.5: 2 bedrooms x 1.5 persons = 3.

(B) The 3 person income limit is already published; for this example the applicable 3 person 50% income limit is \$27,000.

(C) To calculate the 50% 2 bedroom rent limit, multiply \$27,000 by 30%, then divide by 12. In this example, the 50% 2 bedroom limit is \$675 ($\$27,000 \text{ times } 30\% \text{ divided by } 12 = \675 . No rounding is needed since the calculation yields a whole number).

(e) The Department releases rent limits assuming that the gross rent floor is set by the date the Housing Tax Credits were allocated.

(1) For a 9% Housing Tax Credit, the allocation date is the date the Carryover Agreement is signed by the Department.

(2) For a 4% Housing Tax Credit, the allocation date is the date of the Determination Notice.

(3) For TCAP, the allocation date is the date the accompanied credit was allocated.

(4) For Exchange, the allocation date is the effective date of the Subaward agreement.

(f) Revenue Procedure 94-57 permits, but does not require, owners to set the gross rent floor to the limits that are in effect at the time the Project (as defined on line 8b on Form 8609) places in service. However, this election must be made prior to the Placed in Service Date. A Gross Rent Floor Election form is available on the Department's website. Unless otherwise elected, the initial date of allocation described in subsection (e) of this section will be used.

(1) In the event an owner elects to set the gross rent floor based on the income limits that are in effect at the time the Project places in service and wishes to revoke such election, prior approval from the Department is required. The request will be treated as non-material amendment, subject to the fee described in §11.901 of this title (relating to Fee Schedule) and the process described in §10.405 of this chapter (relating to Amendments and Extensions).

(2) An owner may request to change the election only once during the Compliance Period.

(g) For the SHTF program, the date the LURA is executed is the date that sets the gross rent floor.

(h) Held Harmless Policy.

(1) In accordance with Section 3009 of the Housing and Economic Recovery Act of 2008, once a Project (as defined on line 8b on Form 8609) places in service, the income limits shall not be less than those in effect in the preceding year.

(2) Unless other guidance is received from the U.S. Treasury Department, in the event that a place no longer qualifies as rural,

a Project that was placed in service prior to loss of rural designation can continue to use the rural income limits that were in effect before the place lost such designation for the purposes of determining the applicable income and rent limit. However, if in any subsequent year the rural income limits increase, the existing project cannot use the increased rural limits. Example 1004(3): Project A was placed in service in 2010. At that time, the place was classified as Rural. In 2012 that place lost its rural designation. The rural income limits increased in 2013. Project A can continue to use the rural income limits in effect in 2012 but cannot use the higher 2013 rural income limits. For owners that execute a carryover for a Project located in a rural place that loses such designation prior to the placed in service date, unless other guidance is received from the U.S. Treasury Department, the Department will monitor using the rent limits calculated from the rural limits that were in effect at the time of the carryover. However, for the purposes of determining household eligibility, such Project must use the applicable MTSP income limits published by HUD.

§10.1005. HOME, TCAP RF, and NSP.

(a) HOME and TCAP RF Developments must use the HOME Program Income and Rent Limits that are calculated annually by HUD's Office of Policy Development and Research (PDR). The limits are made available for each Metropolitan Statistical Areas (MSA), Primary Metropolitan Statistical Areas (PMSA) and Area, District or County by State.

(1) Upon publication, the Department will determine which counties are in each MSA, PMSA, Area or District.

(2) Generally, PDR publishes income limits in tables identifying the following Area Median Gross Income (AMGI) by household size:

(A) Extremely Low-Income Limits which are generally 30% of median income, which will be shown as the 30% limit in the Department's income limits;

(B) Very Low-Income Limits which are generally 50% of median income, which will be shown as the 50% limit in the Department's income limits;

(C) 60% Limits;

(D) Low-Income Limits which are generally 80% of the median income, but capped at the national median income with some exceptions which will be shown as the 80% limits in the Department's income limits.

(3) If not published, the Department will use the following methodology to calculate, without rounding, additional income limits from the HOME Program income limits released by PDR:

(A) To calculate the 30% AMGI, the 50% AMGI limit will be multiplied by .60 or 60%.

(B) To calculate the 40% AMGI, the 50% AMGI limit will be multiplied by .80 or 80%.

(C) To calculate the 60% AMGI, the 50% AMGI limit will be multiplied by 1.2 or 120%.

(b) PDR publishes High and Low HOME rent limits by bedroom size.

(c) PDR does not publish a 30% or 40% rent limits that certain HOME and TCAP RF Developments are required to use. These limits will be calculated using the same formulas described in §10.1004 of this subchapter (relating to Housing Tax Credit Properties, TCAP, Exchange and SHTF).

(d) In the event that PDR publishes rent limits after the HOME program income limits, the Department permits HOME and TCAP RF Developments to delay the implementation of the 30% and 40% rent limits until the High and Low HOME rent limits must be used.

(e) NSP income limits are published annually by HUD for each county with tables identifying the 50% AMGI and 120% AMGI for household size. If not published, the Department will use the following methodology to calculate, without rounding, additional income limits from the HOME Program income limits released by HUD:

(1) To calculate the 30% AMGI, the 50% AMGI limit will be multiplied by .60 or 60%.

(2) To calculate the 40% AMGI, the 50% AMGI limit will be multiplied by .80 or 80%.

(3) To calculate the 60% AMGI, the 50% AMGI limit will be multiplied by 1.2 or 120%.

(4) To calculate the 80% AMGI, the 50% AMGI limit will be multiplied by 1.6 or 160%.

(f) If the LURA for an NSP Development restricts rents, the amount of rent the Development Owner is permitted to charge will be the High or Low HOME rent published by PDR or calculated in the same manner described in §10.1004 of this subchapter using the HOME income limits.

§10.1006. National Housing Trust Fund (NHTF).

(a) The 30% National Housing Trust Fund Income and Rent Limits are calculated annually by HUD's Office of Policy Development and Research (PDR). The limits are made available for each Metropolitan Statistical Areas (MSA), Primary Metropolitan Statistical Areas (PMSA) and Area, District or County by State. Generally, PDR publishes income limits in tables identifying the Area Median Gross Income (AMGI) by household size. The 30% NHTF income limit is the greater of the 30% limit and the federal poverty line. The 15% NHTF income limit will be half of the 30% NHTF income limit.

(b) PDR publishes 30% NHTF Rent Limits by bedroom size. The 30% NHTF rent limit is calculated based on the greater of the 30% AMGI or the federal poverty line. The 15% NHTF rent limit will be half of the 30% NHTF rent limit.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901224

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Texas Department of Housing and Community Affairs

Earliest possible date of adoption: June 9, 2019

For further information, please call: (512) 475-1762



TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 1. GENERAL ADMINISTRATION SUBCHAPTER E. NOTICE OF TOLL-FREE TELEPHONE NUMBERS AND PROCEDURES

FOR OBTAINING INFORMATION AND FILING COMPLAINTS

28 TAC §1.601, §1.602

The Texas Department of Insurance proposes to amend 28 TAC §1.601, relating to notice of toll-free numbers and information and complaint procedures. The amendments to §1.601 implement Insurance Code §§521.005(b), 521.056, and 521.103(b), concerning the appropriate wording and appearance of the notice. TDI also proposes to amend 28 TAC §1.602, relating to notice of an internet website. The amendments to §1.602 implement Insurance Code §32.104(b), concerning the form and content of the notice.

EXPLANATION. Amending §1.601 and §1.602 will improve the readability of the rules and make it easier for consumers to know where and how to get help with an insurance or Health Maintenance Organization (HMO) question or complaint. It will also provide better contact information for consumers with workers' compensation problems.

Insurance Code §521.005(a) requires each insurance policy delivered or issued for delivery in Texas to provide a brief written notice with the policy that includes: (1) a suggested procedure to be followed by a policyholder with a dispute concerning a claim or premium; (2) TDI's name and address; and (3) TDI's toll-free telephone number for information and complaints. Insurance Code §521.005(b) requires the Commissioner to adopt appropriate wording for these notices.

Insurance Code §521.056 requires each insurer that delivers, issues for delivery, or renews an insurance policy in this state to include an information bulletin with the policy that includes TDI's toll-free telephone number and a description of the services available through TDI's toll-free telephone number.

Under Insurance Code §521.103(a), each HMO or insurer that delivers, issues for delivery, or renews an evidence of coverage or insurance policy in Texas must print the HMO's or insurer's toll-free number on the evidence of coverage or policy. Insurance Code §521.103(b) provides that the Commissioner may adopt rules about how the toll-free telephone number appears on the evidence of coverage or insurance policy.

In addition, under Insurance Code §32.102(a), TDI, with the Office of Public Insurance Council, must establish and maintain a website that provides information about the purchase of residential property insurance and personal automobile insurance, so consumers can make informed decisions. Under Insurance Code §32.104(b), insurers must give notice of the website and the Commissioner must determine the form and content of the notice.

Section §1.601(a). Proposed amendments to §1.601(a)(1) insert the titles of Insurance Code sections cited in the paragraph. Proposed amendments to §1.601(a)(2) remove references to "health care plans" and "subscriber contracts" because they are included in the meaning of "all policies," and include text that is proposed to be deleted from §1.601(f), which relates to insurers adding a certificate holder, annuitant, or enrollee to a group policy or group plan.

Proposed amendments to §1.601 add subsection (a)(2)(A) to clarify that the notice form must prominently appear on the first, second, or third page of any package of documents.

Proposed amendments to §1.601 add subsection (a)(2)(B) to clearly provide that insurers and HMOs are not required to file

the notice form with TDI. The proposed amendments continue to specify that the notice form must follow the form and content requirements in the rule, now reflected in proposed Figure: 28 TAC §1.601(a)(2)(B) and the proposed amendments to §1.601(b).

Proposed amendments to §1.601 remove the notice form under Figure: 28 TAC §1.601(a)(3) and replace it with an amended notice form under proposed Figure: 28 TAC §1.601(a)(2)(B). The amended notice form more clearly describes where and how to get help with an insurance question or complaint. The proposed form does not include item numbers 1-8 of the removed form, and it clarifies who a consumer should contact about a complaint on a claim or premium. Proposed Figure: 28 TAC §1.601(a)(2)(B) informs the consumer to also file a complaint through the insurer's or HMO's complaint or appeal process, even if the consumer files a complaint with TDI. This proposed language is necessary so that consumers are aware that they should pursue appeal rights in a timely manner.

Proposed amendments to §1.601 adds subsection (a)(2)(B) to clearly provide that insurers and HMOs are not required to file the notice form with TDI. The proposed amendments continue to specify that the notice form must follow the form and content requirements in the rule, now reflected in proposed Figure: 28 TAC §1.601(a)(2)(B) and the proposed amendments to §1.601(b). The proposed amendments also provide more accurate contact information to workers' compensation policyholders about where and how to get help with an insurance question or complaint in proposed Figure: 28 TAC §1.601(a)(2)(C). The proposed amendments and figure include contact information for the National Council on Compensation Insurance, Dispute Resolution Service, for unresolved problems with a premium payment. They also add contact information for the Division of Workers' Compensation for problems with a claim.

Section §1.601(b). Proposed amendments to §1.601(b) change the content of the notice to make it easier for consumers to read and know who they should contact to file a complaint or request other assistance, and how to contact that person. The proposed amendments remove the numbering in the notice and the use of the heading "Important Notice." The proposed amendments to §1.601(b) require a title and telephone number for the insurer and HMO. The title and telephone number can still be the name and telephone number of an agent, third-party administrator, managing general agent, or employee benefits coordinator that provides policyholder services on behalf of the insurer or HMO.

Proposed amendments to §1.601(b)(2) require the notice to include a mailing address and email address for the insurer or HMO.

Proposed amendments to §1.601(b)(3) clarifies that the notice must appear in a font size no smaller than 10 point.

Proposed amendments to §1.601(b) also delete §1.601(b)(3)(D), which provides an exception allowing an insurer or HMO to not provide a toll-free telephone number for group policies it does not administer and for group policies issued to employers and labor unions. The exception is deleted to conform the rule text to Insurance Code §521.102 and §521.103, which require insurers and HMOs to include those numbers on each evidence of coverage or policy issued. Insurance Code §521.101(b) does not provide an exception for those group policies.

Proposed amendments to §1.601(b) also delete §1.601(b)(8), removing a requirement that the notice form must contain language about attaching the notice to the policy because proposed

§1.601(a)(2)(B) clarifies that insurers and HMOs are not required to file the notice form with TDI.

Section §1.601(c). Proposed amendments to §1.601(c) simplify the process for insurers or HMOs to claim an exception to the toll-free number requirement. Under Insurance Code §521.101(b)(1), insurers or HMOs with gross initial premium receipts collected in Texas of less than \$2 million each year are not required to maintain a toll-free number for information and complaints.

The proposed amendments remove the requirement for an insurer or HMO to file a statement with TDI providing the statutory basis for the exception. The proposed amendments also simplify the description of what information and documents the insurer or HMO must retain for the exception.

Section §1.601(d). Proposed amendments to §1.601(d) clarify that insurers and HMOs will not need to refile previously approved policies, bonds, annuity contracts, certificates, or evidences of coverage, but they must provide the notice in the required manner. The proposed amendments delete language about providing the notice for renewed policies because the proposed amendments to §1.601(a)(2) describe the way to provide notice for those renewals.

Section §1.601(e). Proposed amendments to §1.601(e) state when insurers and HMOs must begin using the new notice form. To reduce disruption and facilitate the transition, the proposed amendments allow insurers and HMOs to continue using the previous version of the notice form for up to six months after the effective date of the proposed rule.

The proposed amendments delete the provisions that do not require companies to refile certain policies, bonds, annuity contracts, and certificates. The substance of the deleted provisions is effectively transferred to the proposed amendments to §1.601(d).

Section §1.601(f). Proposed amendments to §1.601 delete the text of subsection (f), which is about additions to a group policy or group plan. This provision is incorporated into the proposed amendments to §1.601(a)(2).

Section §1.602(a). Proposed amendments to §1.602(a)(1) insert the heading for Insurance Code §32.104 where that section is cited in the text.

Section §1.602(b). Proposed amendments to §1.602(b) will make the notice easier for consumers to read and know where they can compare prices and coverages on home and auto insurance policies. Proposed amendments to the notice form in §1.602(b)(1) correspond with proposed Figure: 28 TAC §1.601(a)(2)(B) and proposed amendments to notice form requirements in §1.601(b). The proposed amendments in §1.601(b) also reference the renumbered text under proposed amendments to §1.601(a)(2), providing formatting instructions on certain text in the notice, and making editorial changes to the language in the notice to make it easier for consumers to read.

Proposed amendments to §1.602(b) add §1.602(b)(1)(C) to state when insurers must begin using the new notice form. To reduce disruption and facilitate the transition, the proposed amendments allow insurers and HMOs to continue using the previous version of the notice form for up to six months after the effective date of the proposed rule.

Proposed amendments to §1.602 add Figure: 28 TAC §1.602(b)(1)(C) to replace the notice of internet website form

under current Figure: 28 TAC §1.602(b)(1)(B). Proposed amendments to the notice of website form will make it easier for consumers to read and know where they can compare prices and coverages on home and auto insurance policies.

Proposed amendments to §1.602(b)(2) and Figure: 28 TAC §1.602(b)(2) will make the notice easier for consumers to read and know where they can compare prices and coverages on home and auto insurance policies. The proposed amendments to §1.602(b)(2) also state when insurers must begin using the new notice. To reduce disruption and facilitate the transition, the proposed amendments allow insurers to continue using the previous version of the notice for up to six months after the effective date of the proposed rule.

In addition, throughout the proposed amendments, nonsubstantive editorial and formatting changes are made to conform to TDI's current style, improve the rule's clarity, and reletter and renumber rule text. TDI is also proposing revisions to the notice forms in §1.601 and §1.602 to conform to TDI's current style and to generally improve the forms' clarity.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. David Muckerheide, manager, Property and Casualty Lines Office of the Regulatory Policy Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the sections, other than that imposed by the statute. This determination was made because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Mr. Muckerheide does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Mr. Muckerheide expects that administering and enforcing the proposed amendments will have the public benefit of ensuring that TDI's rules conform to Insurance Code §§32.104, 521.005, 521.056, and 521.103. The proposed amendments will make it easier for consumers to understand where and how to get help with an insurance question or make a complaint. The proposed amendments will also provide better contact information for consumers with workers' compensation problems.

Mr. Muckerheide expects that the proposed amendments will impose an economic cost on persons required to comply with the amendments. The cost of compliance results from notice and complaint procedures under Insurance Code §§32.104, 521.005, 521.056, and 521.103. The costs required to comply with the proposal may include administrative and computer programming costs. Staff costs may vary depending on the skill level required, the number of staff required, and the geographic location where the work is done. The 2015 median hourly wages for workers in Texas are reported by the Texas Wages and Employment Projections database and developed and maintained by the Labor Market and Career Information Development Department of the Texas Workforce Commission. TDI used this information to estimate labor costs. This information can be found at www.texaswages.com/WDAWages.

Insurers and HMOs may calculate the total cost of labor for each category by multiplying the number of estimated hours for each component by the median hourly wage for each category of la-

bor. The median hourly wage for a computer programmer is \$39.72. The median hourly wage for an administrative assistant is \$16.08.

Administrative expenditures could also include postage and the cost of updating and printing new notices to reflect changes to the required notice forms. It is not feasible for TDI to estimate the total increased printing, copying, mailing, and transmitting costs related to compliance with this proposal because there are many factors involved that are not quantifiable by TDI. But according to the United States Postal Service business price calculator, available at dbcalc.usps.gov, the current cost to mail a machinable letter in a single standard business mail envelope with a weight of 3.5 ounces to a standard five-digit ZIP code in the United States is \$1.13. TDI estimates that a standard business envelope costs 1.6 cents. TDI further estimates that printing or copying costs between six to eight cents per page. TDI believes that mailing costs can be avoided by providing the new contact information with the policy or certificate at the time of issuance or renewal.

TDI estimates that preparing changes to the notice forms will likely require a one-time cost for approximately two to 10 hours of administrative staff time. The cost will vary depending on whether an administrative assistant, a computer programmer, or a combination of both positions, perform this function.

TDI believes there could be some minimal cost to companies that previously did not provide their own toll-free numbers. However, TDI staff do not know of any company that is currently relying on the exceptions that the proposed amendments will delete. Companies can still delegate administration of a policy to a third party, including having the third party provide its toll-free number on the company's behalf.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments may have an adverse economic effect or a disproportionate economic impact on small or micro businesses. The cost analysis in the Public Benefit and Cost Note section of this proposal also applies to these small and micro businesses. TDI estimates that the proposed amendments may affect 40 to 60 small or micro businesses. The primary objective of this proposal is to make it easier for consumers to understand where and how to get help with an insurance question or make a complaint. In addition, the proposal will provide better contact information for consumers seeking resolution of workers' compensation problems.

TDI has determined that the proposed amendments will not have an adverse economic effect or a disproportionate economic impact on rural communities because the amendments do not apply to rural communities.

TDI considered the following alternatives to minimize any adverse impact on small and micro businesses while accomplishing the proposal's objectives:

- (1) not proposing amendments;
- (2) proposing a different requirement for small and micro businesses; and
- (3) not requiring companies to file the notice of toll-free telephone numbers form.

Not proposing amendments. As previously noted, the purpose of this rule proposal is to make it easier for consumers to understand where and how to get help with an insurance question

or make a complaint. If TDI did not propose this rule, policyholders and other consumers would continue to not have clear notices. For some workers' compensation issues, policyholders would continue to not have correct contact information. For these reasons, TDI has rejected this option.

Proposing a different requirement for small and micro businesses. TDI believes that proposing different standards than those included in this proposal would not provide a better option for small or micro businesses. Policyholders and other consumers would not know the different regulations that a small or micro business would follow. Further, policyholders and other consumers would not receive information that makes it easier to understand where and how to get help with an insurance question or make a complaint, possibly causing confusion and potential harm. For these reasons, TDI has rejected this option.

Not requiring companies to file the notice of toll-free telephone numbers form. This proposal reduces cost impact because it amends §1.601 to not require insurers and HMOs to file the notice of toll-free telephone numbers form with TDI. TDI considered and proposed this alternative to minimize any adverse impact on small or micro businesses while accomplishing the proposal's objectives.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does impose a possible cost on regulated persons. However, no additional rule amendments are required under Government Code §2001.0045 because the proposed amendments to §1.601 and §1.602 reduce the overall regulatory burden of the rule imposed on regulated persons and to comply with Insurance Code §§32.104, 521.005, 521.056, and 521.103.

Under 28 TAC §3.4(k)(1) (relating to general submission requirements), a company must file the toll-free notice form unless the company meets an exemption or has a current toll-free notice form on file. Under proposed amendments to §1.601(a)(2), the cost and regulatory burden of filing the toll-free notice form is reduced, because the proposed amendment to §1.601(a)(2) establishes that a company does not have to file the toll-free notice form with TDI.

TDI also expects the proposed amendments to reduce regulatory burden on companies by reducing consumer confusion about where and how to get help with an insurance question or make a complaint. Less consumer confusion should result in more efficient and timely handling of questions and complaints. It should also increase the opportunity for companies to informally resolve more questions or concerns before a complaint is filed with TDI and necessitates a formal response.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments are in effect the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will not positively or adversely affect the Texas economy;

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

- will expand and limit an existing regulation.

TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. The department will consider any written comments on the proposal received by the department no later than 5:00 p.m., central time, on June 10, 2019. Send your comments to ChiefClerk@tdi.texas.gov; or to the Office of the Chief Clerk, MC 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. To request a public hearing on the proposal, submit a request before the end of the comment period, and separate from any comments, to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on June 10, 2019. If TDI holds a public hearing, TDI will consider written and oral comments presented at the hearing.

STATUTORY AUTHORITY. TDI proposes amendments to §1.601 and §1.602 under Insurance Code §§32.104(b), 521.005(b), 521.103(b), and 36.001.

Insurance Code §32.104(b) provides that the Commissioner must determine the form and content of the notice of the internet website required by Texas Insurance Code Chapter 32, Subchapter C.

Insurance Code §521.005(b) provides that the Commissioner must adopt appropriate wording for the notice required by the section.

Insurance Code §521.103(b) provides that the Commissioner may adopt rules governing the way an insurer or health maintenance organization's toll-free telephone number appears on an evidence of coverage or insurance policy.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. Amendments to §1.601 implement Insurance Code §§521.005, 521.056, and 521.103. Amendments to §1.602 implement Insurance Code §32.104.

§1.601. Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures.

(a) Purpose and applicability.

(1) The purpose of this section is to provide the means for [by which] insurers and health maintenance organizations (HMOs) to [may] comply with the notice requirements of Insurance Code §§521.103, concerning Information Included in Evidence of Coverage or Policy; 521.005, concerning Notice to Accompany Policy; and, concerning Information Bulletin to Accompany Policy. [~~§521.103, and the means by which insurers may comply with the notice requirements of Insurance Code §§521.005 and §521.056.~~] Compliance with this section is deemed compliance with these notice requirements.

(2) The notice must be provided at the time of delivery with all policies, bonds, annuity contracts, certificates, or evidences of coverage that are delivered, issued for delivery, or renewed in Texas by insurers or HMOs. When insurers add a certificate holder, annuitant, or enrollee to a group policy or group plan, insurers must also provide the notice when the certificate, annuity contract, or evidence of coverage is delivered.

(A) The notice must appear on a full, separate page with no text other than that provided in this section. The notice must be prominently placed in any package of documents it is delivered with, and it must be the first, second, or third page of the set of documents.

(B) The form of the notice must be consistent with Figure: 28 TAC §1.601(a)(2)(B) and the requirements of subsection (b) of this section. The form of notice is not required to be filed with the department.

Figure: 28 TAC §1.601(a)(2)(B)

(C) The form of the notice for workers' compensation must be consistent with Figure: 28 TAC §1.601(a)(2)(C) and the requirements of subsection (b) of this section. The form of notice is not required to be filed with the department.

Figure: 28 TAC §1.601(a)(2)(C)

[(2) Except as provided by subsection (b)(3), this section applies to any new or renewal insurance policy, bond, annuity contract, subscriber contract, health care plan, certificate, and evidence of coverage issued for delivery in this state on or after May 1, 1992.]

[(3) All policies, certificates, or evidences of coverage that are delivered, issued for delivery, or renewed in the State of Texas on or after May 1, 1992, by insurers or HMOs must have the notice included as the first, second, or third page of the policy, certificate, evidence of coverage, or first written communication indicating renewal of coverage, under the provisions of subsection (b) of this section. The notice must appear on a full, separate page with no text other than that provided in this section. The form of the notice must be as provided by subsection (b) of this section. The item numbers 1 - 8 in the left-hand column of this form correspond to the respective paragraphs of subsection (b) of this section, and the item numbers may be omitted from the notice.]

[Figure: 28 TAC §1.601(a)(3)]

(b) Notice requirements. The text may be single spaced, but it must include at least one blank line between each paragraph. The Spanish portion of the notice is required for personal automobile, homeowners, life, accident, and health policies, certificates, and evidences of coverage. The notice may include the letterhead of the insurer or HMO and any automated form identification numbers.

(1) The notice must include a title and telephone number for the insurer or HMO. At its option, the insurer or HMO may provide the name and telephone number of an agent, third-party administrator, managing general agent, or employee benefits coordinator. The telephone number must be in bold type and be preceded and followed by one blank line. The insurer or HMO must provide a toll-free telephone number unless one of the exemptions in subparagraphs (A) - (C) of this paragraph applies. For purposes of this section, a toll-free telephone number is one that any covered person can use to get information or make a complaint without incurring long-distance calling expenses. An insurer or HMO is exempt from providing a toll-free number:

(A) when the insurer's or HMO's gross initial premium receipts collected in Texas are less than \$2 million a year;

(B) with respect to fidelity, surety, or guaranty bonds;

or

(C) if it is a surplus lines insurer.

(2) The notice must include a mailing address and email address for the insurer or HMO.

(3) The notice must be in a font size no smaller than 10 point.

(c) Exceptions to maintenance of toll-free number. Any exception claimed under subsection (b)(1)(A) of this section must be based on gross initial premium receipts collected in Texas during the previous calendar year. This information and any other data that the company relied on to determine if it was entitled to an exception is subject to examination by the department. Failure by any insurer or HMO to maintain the information required in this paragraph, or failure to provide information to the department on request, constitutes grounds for enforcement action that may result in the cancellation, revocation, or suspension of the insurer's or HMO's certificate of authority. Any insurer or HMO claiming an exception must retain and provide to the department on request the following information:

(1) the statutory basis for the exception; and

(2) the amount of gross initial premium receipts collected in Texas for the calendar year immediately preceding the year for which an exception is claimed. The gross initial premium receipts collected may be documented either by:

(A) the annual statement submitted by the insurer or HMO; or

(B) records maintained for each new policy written during a calendar year that include the policy number, the effective date of the policy, and the amount of initial premium received, including any membership fees, assessments, dues, and any other considerations for that insurance.

(d) Providing notice. Insurers and HMOs will not need to refile previously approved policies, bonds, annuity contracts, certificates, or evidences of coverage, but they must provide the notice in the manner required by this section.

(e) Implementation date. Insurers and HMOs must begin using the notice form described in paragraph (a)(2) of this section no later than six months after the effective date of this section. Insurers and HMOs may continue using the previous notice form until that time.

(b) Notice requirements. Each respectively numbered item in the notice provided in subsection (a)(3) of this section must be set out as provided in this subsection. There must be at least one blank line between each item, but the text within each item may be single-spaced. The Spanish portion of each item included in a company's notice is required only for personal automobile, homeowners, life, accident, and health policies, certificates, and evidences of coverage. Text must be in at least 10-point type. The letterhead of the insurer or HMO and any automated form identification numbers may be included on the notice.}]

{(1) Item 1 must be included in all notices. "Important Notice" and "Aviso Importante" must be in all capital letters and in at least 10-point bold type. There must be at least one blank line below "Important Notice" and "Aviso Importante."}]

{(2) Item 2 is optional. The title for the English portion may be either "agent," "third party administrator," "managing general agent," or "employee benefits coordinator." The title for the Spanish portion may be either "agente," "administrador tercero," "agente general," or "administrador de beneficios para empleados." Instead of a specific telephone number, the insurer or HMO may refer to the applicable telephone number and where it can be found.}]

{(3) Item 3 is required unless one of the exemptions provided in this subsection applies. For purposes of this section a toll-free telephone number is one that can be used by any covered person to obtain information or make a complaint without incurring long-distance calling expenses. The insurer's or HMO's toll-free number must appear in at least 10-point bold type and must be preceded and followed by one blank line. Item 3 is not required for an insurer or HMO:}]

{(A) whose gross initial premium receipts collected in this state are less than \$2 million a year;}]

{(B) with respect to fidelity, surety, or guaranty bonds;}]

{(C) that is a surplus lines insurer; or}]

{(D) with respect to certificates of insurance issued under a group policy:}]

{(i) if the insurer does not administer the group policy or determine questions of coverage; or}]

{(ii) if the policyholder to whom the policy is issued is an employer or a labor union.}]

{(4) Item 4 is optional. If used, the insurer's or HMO's name and address must be inserted.}]

{(5) Item 5 is required on all notices. The toll-free number must be in at least 10-point bold type and must be preceded and followed by one blank line.}]

{(6) Item 6 is required on all notices.}]

{(7) Item 7 is required on all notices except those notices provided by HMOs with evidences of coverage. "Premium or claim disputes" and "Disputas sobre primas o reclamos" must be in all capital letters and 10-point bold type. The insurer may insert either "agent," "company," or "agent or company" and may insert either "el agente," "la compañía," or "el agente o la compañía."}]

{(8) Item 8 is required on all notices. "Attach this notice to your policy" and "Adjunte este aviso a su póliza" must be in all capital letters and 10-point bold type.}]

{(e) Exceptions to notice requirements for insurer's toll-free number.}]

{(1) Requirements. Any exception claimed under subsection (b)(3)(A) of this section for a policy, certificate, or evidence of coverage delivered, issued for delivery, or renewed in a given year must be based on gross initial premium receipts collected in Texas during the previous calendar year. Any insurer or HMO claiming an exception must provide to TDI, at a minimum, the following information:}]

{(A) a statement reciting the statutory basis for the exception;}]

{(B) a statement detailing the amount of gross initial premium receipts collected in this state for the calendar year immediately preceding the calendar year for which an exception is claimed; and}]

{(C) an affirmation by the chief executive officer or chief financial officer of the insurer or HMO certifying that he or she has reviewed the information and that the filed information is true, accurate, and complete, based on that person's best knowledge, information, and belief.}]

{(2) Procedure. This statement must be filed separately from all other forms and exception statements filed with respect to other matters pending before TDI. Claims for exception must be addressed to the appropriate regulatory division within TDI.}]

[(A) Mail codes for the respective divisions are as follows:]

[(i) Rate and Form Review Office (Life, Accident, and Health, including HMO) 106-1A;]

[(ii) Property and Casualty (including Workers' Compensation) 104-3B;]

[(iii) Title 106-2T;]

[(iv) Risk Retention Groups 305-2C.]

[(B) Exception statements should be filed with the Texas Department of Insurance, (Name of Division), (Mail Code #), P.O. Box 149104, Austin, Texas 78714-9104.]

[(3) Duration of exception. Exceptions remain in effect for one year. The information required by paragraph (1) of this subsection must be provided to TDI no later than May 1, 1992; for calendar year 1992; and no later than March 15 of any subsequent year for which an exception is claimed.]

[(4) Policy and form filings. When an insurer or HMO files a policy form or evidence of coverage with TDI for information or review, any exception to the requirements of this section about the insurer's toll-free telephone number must be noted in the filing. If a prior exception has not been granted, the documentation required by paragraph (1) of this subsection must be filed.]

[(5) Records maintenance. Except as specifically provided in subparagraphs (A) and (B) of this paragraph, beginning with calendar year 1993, any insurer or HMO claiming an exception must maintain a system by which information about receipt of initial premiums is tracked on a calendar-year basis. This information must include for each new policy written during a calendar year the following: the policy number; the effective date of the policy; and the amount of initial premium received, including any membership fees, assessments, dues, and any other considerations for that insurance. This information and any other data on which the company relied in making the determination that it was entitled to the exception must be made available to TDI on request and is subject to examination by TDI. Failure by any insurer or HMO to maintain the information required in this paragraph or to provide information to TDI on request constitutes grounds for enforcement action that may result in the cancellation, revocation, or suspension of the insurer's or HMO's certificate of authority.]

[(A) Any insurer or HMO that is authorized to write business in Texas and that claims an exception to the maintenance of a toll-free telephone number for a calendar year is not required to maintain information about initial premium receipts as set out in this paragraph in order to claim the exception if the exception is based on the criteria set out in any of clauses (i) - (iv) of this subparagraph, as follows:]

[(i) the insurer or HMO claims the exception based on receipt of gross premiums of less than \$2 million for the prior calendar year for business written in this state, as reported on its annual statement;]

[(ii) the insurer or HMO claims the exception based on receipt of gross first-year premiums of less than \$2 million for the prior calendar year for all business, as reported on its annual statement;]

[(iii) the insurer or HMO writes business only in Texas and claims the exception based on receipt of gross first-year premiums of less than \$2 million for the prior calendar year, as reported on its annual statement; or]

[(iv) the insurer or HMO claims the exception based on receipt of gross initial first-year premiums of less than \$2 million for business written in Texas, as reported on its annual statement.]

[(B) Any insurer or HMO that is authorized to write business in Texas, but that does not meet the criteria of subparagraph (A) of this paragraph and that claims an exception based on receipt of gross first-year premiums of less than \$2 million for business written in this state, must maintain a system by which information about receipt of first-year premiums for Texas business is tracked on a calendar-year basis. This information must include the following information for each new policy written during a calendar year: the policy number; effective date of the policy; and amount of the first-year premium received, including any membership fees, assessments, dues, and any other considerations for the insurance.]

[(d) Policies in force prior to May 1, 1992, and renewed on or after May 1, 1992. The notice required to be provided by this section must be provided with the first premium notice, or other communication indicating renewal of the coverage mailed or delivered after May 1, 1992.]

[(1) For all policies, certificates or evidences of coverage in force prior to May 1, 1992, and renewed by any insurer or HMO on or after May 1, 1992, the notice required to be provided by this section must either be mailed or be personally delivered to the policyholder, certificate holder, or enrollee, except as provided by paragraph (2) of this subsection.]

[(2) For all group policies in force prior to May 1, 1992, and renewed by any insurer or HMO on or after May 1, 1992, the notice required to be provided by this section may be provided to the group policyholder for delivery to each certificate holder or enrollee under the group policy, or it may be mailed directly to each certificate holder or enrollee by the insurer or HMO.]

[(e) Policies, bonds, annuity contracts, and certificates. Policies, bonds, annuity contracts, and certificates subject to the provisions of this section that required prior approval and were approved or filed before June 1, 2015, may be delivered or issued for delivery with the notice required by this section without refile for approval.]

[(f) Additions to group coverage. When an individual is added as a certificate holder, annuitant, or enrollee to a policy or plan issued, delivered, or renewed on or after May 1, 1992, the notice required by this section must be included as the first, second, or third page of the certificate, annuity contract, or evidence of coverage.]

§1.602. Notice of Internet Website.

(a) Purpose and applicability [Applicability].

(1) The purpose of this section is to establish the form and content of the notice required under Insurance Code §32.104(b), concerning Duties of Insurer.

(2) This section applies to insurers who comprise the top 25 insurance groups in the national market and who issue residential property insurance or personal automobile insurance policies in this state, including a Lloyd's plan, a reciprocal or interinsurance exchange, a county mutual insurance company, a farm mutual insurance company, the Texas Windstorm Insurance Association, the FAIR Plan Association, and the Texas Automobile Insurance Plan Association.

(3) This section applies to all residential property insurance and personal automobile insurance policies that are delivered, issued for delivery, or renewed in this state on or after January 1, 2008.

(b) Notice requirements [Requirements]. Insurers must comply with either [Each insurer specified in subsection (a)(2) of this sec-

tion must comply with either] subsection (b)(1) or (b)(2) of this section, or may opt to comply with both:

(1) Notwithstanding the requirements in §1.601(a)(2) of this title (relating to Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures) [~~§1.601(a)(3) of this subchapter to the contrary~~], the insurer must include the following text [~~between item 6 and item 7~~] in the notice required under §1.601(a)(2) of this title [~~§1.601(a)(3) of this subchapter~~] with each policy specified [~~in subsection (a)(3) of this section~~]. The text must be in a font size no smaller than 10 point [~~at least 10-point type~~]. The heading "To compare policies and prices" must be in bold type. The [~~and~~] website address "Helpinsure.com" [~~"www.helpinsure.com"~~] must be in bold type and must be preceded by one blank line.

(A) "To compare policies and prices:" Visit HelpInsure.com to compare prices and coverages on home and auto insurance policies. The website is a service of the Texas Department of Insurance and the Office of Public Insurance Counsel" in the English portion; and

(B) "Para comparar pólizas y precios:" Visite HelpInsure.com para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés)" in the Spanish portion.

(C) Insurers must begin using the notice form described in paragraph (b) of this section no later than six months after the effective date of this section. Insurers may continue using the previous notice form until that time.

Figure: 28 TAC §1.602(b)(1)(C)

{(A) "To obtain price and policy form comparisons and other information relating to residential property insurance and personal automobile insurance, you may visit the Texas Department of Insurance/Office of Public Insurance Counsel website: www.helpinsure.com" in the English portion; and}

{(B) "Para obtener formas la comparación de precios y pólizas y para obtener otra información sobre el seguro de propiedad residencial y de seguro de automóvil personal, visite el sitio web del Departamento de Seguros de Texas/Oficina del Asesor Público de Seguros: www.helpinsure.com" in the Spanish portion.} [Figure: 28 TAC §1.602(b)(1)(B)]

(2) The insurer must provide the following notice in a conspicuous manner with each policy [~~specified in subsection (a)(3) of this section~~]. The notice must be printed in font size that is at least as large as the font used for the main body of the policy, and it must be preceded and followed by at least one blank line. "Insurance Website Notice" and "Aviso del Sitio Web de Seguros" must be in all capital letters and bold [~~boldface~~] type and "Helpinsure.com" [~~"www.helpinsure.com"~~] must be in bold type. Insurers must begin using the notice no later than six months after the effective date of this section. Insurers may continue using the previous notice until that time.

Figure: 28 TAC §1.602(b)(2)

[Figure: 28 TAC §1.602(b)(2)]

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901183

Norma Garcia

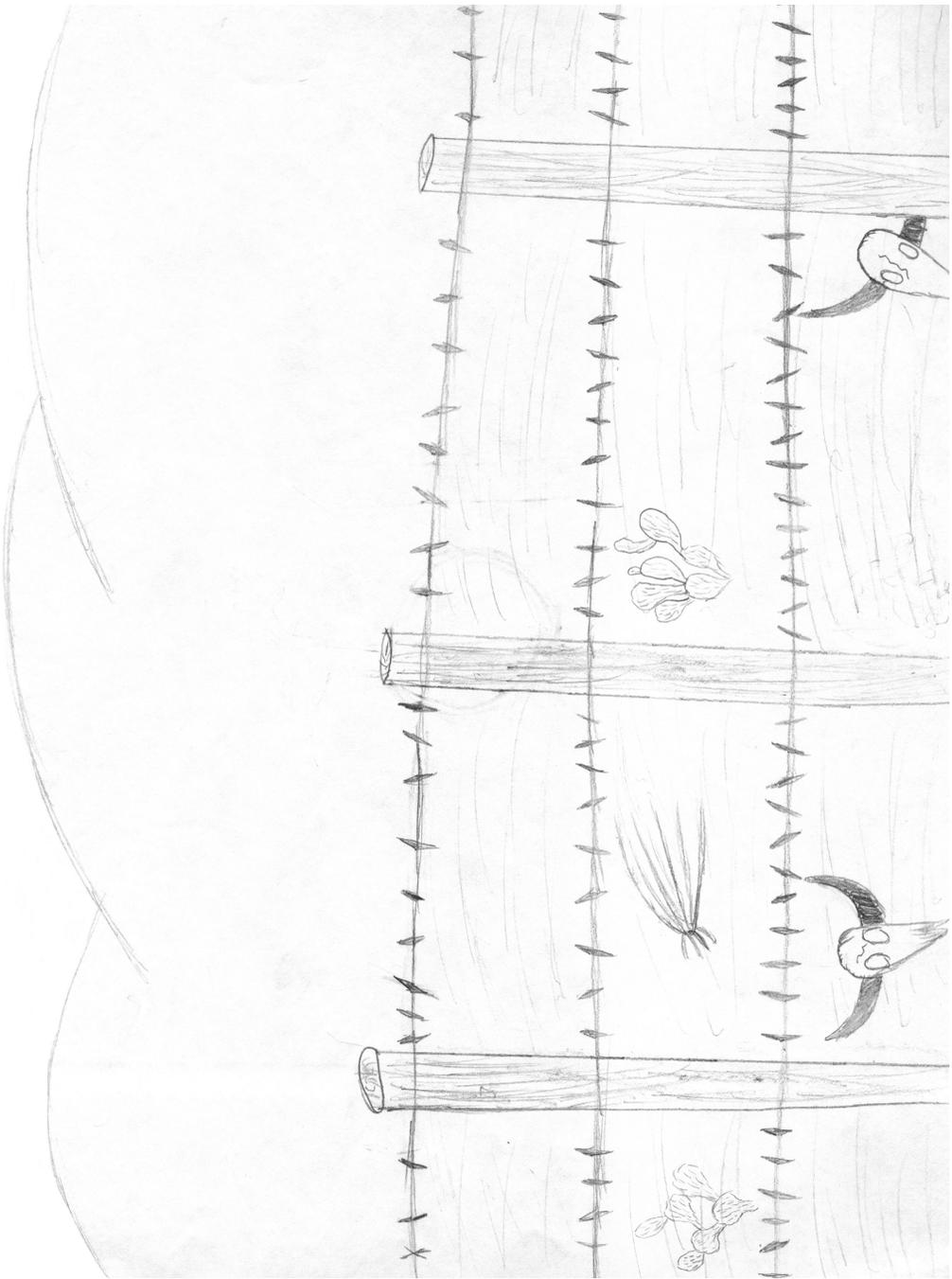
General Counsel

Texas Department of Insurance

Earliest possible date of adoption: June 9, 2019

For further information, please call: (512) 676-6584





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 8. TEXAS RACING COMMISSION

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER D. RUNNING OF THE RACE

DIVISION 1. JOCKEYS

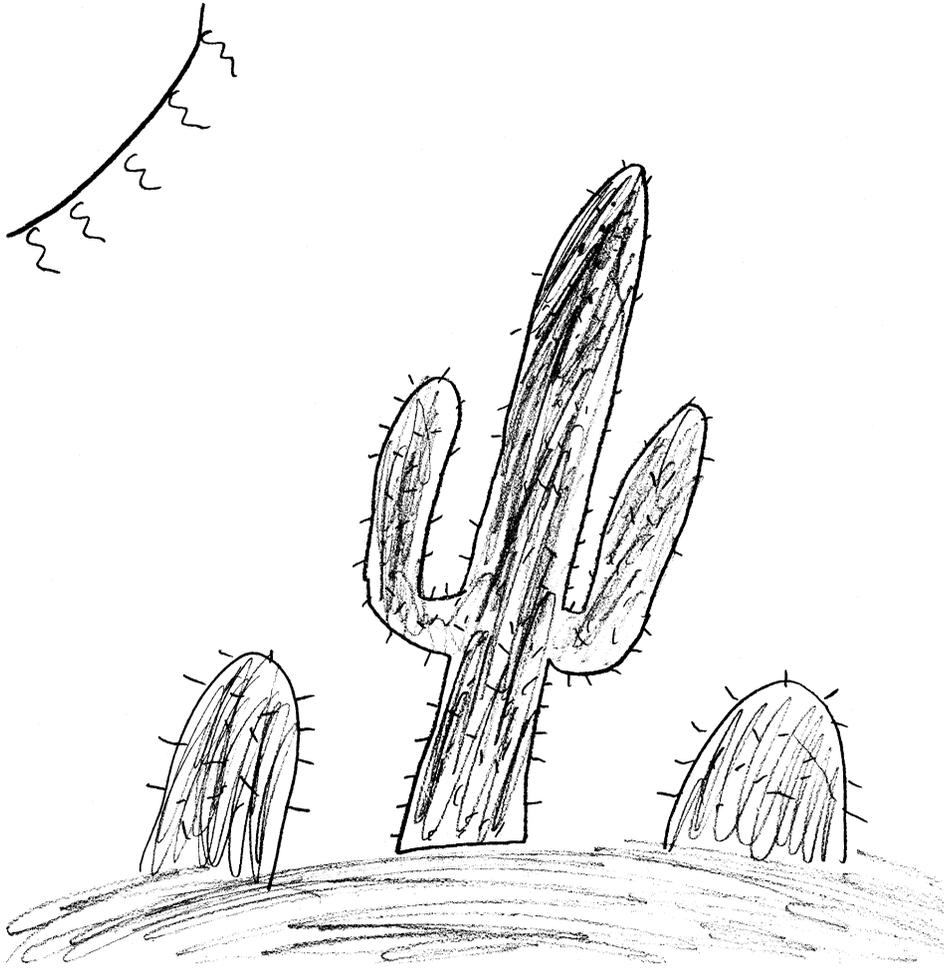
16 TAC §313.405

Proposed amended §313.405, published in the October 26, 2018, issue of the *Texas Register* (43 TexReg 7066), is 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 April 29, 2019.

TRD-201901241





ADOPTED RULES

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

TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

10 TAC §1.15

The Texas Department of Housing and Community Affairs (the Department) adopts an amendment to 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.15, concerning Integrated Housing Rule, with nonsubstantive changes to the proposed text as published in the March 8, 2019, issue of the *Texas Register* (44 TexReg 1221). The rule will be republished. The purpose of the revision is to correct an incorrect citation to a regulation.

Tex. Gov't Code §2001.0045(b) does apply to the rule being adopted and no exceptions are applicable. However, the rule already exists and the correction is only administrative in nature. There are no costs associated with this rule action, therefore no costs or impacts warrant a need to be offset.

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

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

Mr. Cervantes has determined that, for the first five years the amendment will be in effect:

1. The amended rule does not create or eliminate a government program, but relates to the activity of the Department to ensure that Developments voluntarily participating in programs funded by the Department offer an integrated housing opportunity for Households with Disabilities.
2. The amended rule does not require a change in work that will require the creation of new employee positions, nor is the amendment significant enough to reduce work load to a degree that any existing employee positions are eliminated.
3. The amended rule does not require additional future legislative appropriations.
4. The amended rule does not result in an increase in fees paid to the Department nor in a decrease in fees paid to the Department
5. The amended rule is not creating a new regulation.
6. The amended rule makes changes only to clarify a reference.

7. The amended rule neither increases nor decreases the number of individuals subject to the rule's applicability.

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

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002. The Department, in drafting this rule, has attempted to reduce any adverse economic effect on small or micro-businesses or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code, §2306.111(g).

1. The Department has evaluated this rule action and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This rule relates to the Department ensuring that Developments voluntarily participating in programs funded by the Department offer an integrated housing opportunity for Households with Disabilities. Other than in the case of a small or micro-business that is voluntarily participating in one of the Department's multifamily programs, no small or micro-businesses are subject to the rule. However, if a small or micro-business is pursuing a multifamily activity with the Department, this rule action merely clarifies a citation.

3. The Department has determined that because the amendment merely clarifies a citation, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The amended rule does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

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

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the rule has no economic effect on local employment because the rule relates only to a correction to an incorrect citation.

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that this rule merely provides a minor technical change, there are no "probable" effects of the new rule on employment in particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). David Cervantes, Acting Director, has determined that, for each year of the first five years the amendment is in effect, the public benefit anticipated as a result of the

amended section will be a rule with correct references. There will not be any economic cost to any individuals subject to the amended rule as the processes described by the rule have already been in existence.

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

g. PUBLIC COMMENT AND REASONED RESPONSE. The public comment period was held from March 8, 2019, to April 8, 2019, to receive input on the proposed repeal. One comment was received from New Hope Housing.

COMMENT RECEIVED: New Hope Housing commented that they felt the Integrated Housing Rule inherently conflicts with the TDHCA definition for Supportive Housing Developments. They note that prior to 2018 the Integrated Housing Rule provided an explicit exemption for Supportive Housing Developments; the rule currently requires that if such an exemption is desired the Applicant must come before the Department's Board. They believe this is unnecessary and request that the exemption for Supportive Housing be reinstated in the rule.

DEPARTMENT RESPONSE: The exemption for Supportive Housing Developments was intentionally removed from the rule at the encouragement of the Department's Disability Advisory Workgroup when this rule was revised in 2018. While Supportive Housing Developments may generally serve homeless populations, that does not mean they are exclusively disabled populations; moreover the restriction in the Integrated Housing Rule does not relate to occupancy of units but to restrictions on units; so as long as a property does not have LURA restrictions that require that more than the proscribed number of units are reserved specifically for persons with disabilities (not a proscription on the number of homeless), then a waiver to the Board would not even be required. Because the requested revision to this part of the rule was not contemplated at the time of this proposed amendment, and others who would have commented on its removal have not had the opportunity to provide input, the Department is unable to make such a revision at this time. However, the Department will bring this issue up again with the Department's Disability Advisory Workgroup, and may consider bringing the rule out for comment again. No changes to the amendment are being made at this time.

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

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

§1.15. *Integrated Housing Rule.*

(a) Purpose. It is the purpose of this section to provide a standard by which Developments funded by the Department offer an integrated housing opportunity for Households with Disabilities. This rule is authorized by Tex. Gov't Code, §2306.111(g) that promotes projects that provide integrated affordable housing.

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

(1) Capitalized words used herein have the meaning assigned in the specific Chapters and Rules of this Part that govern the

program associated with the funded or awarded Development, or assigned by federal or state law.

(2) Integrated Housing--Living arrangements typical of the general population. Integration is achieved when Households with Disabilities have the option to choose housing units that are located among units that are not reserved or set aside for Households with Disabilities. Integrated Housing is distinctly different from assisted living facilities/arrangements.

(3) Households with Disabilities--A Household composed of one or more persons, at least one of whom is an individual who is determined to have a physical or mental impairment that substantially limits one or more major life activities; or having a record of such an impairment; or being regarded as having such an impairment. Included in this meaning is the term handicap as defined in the Fair Housing Act or disability as defined by other applicable federal or state law.

(c) Applicability. This rule applies to:

(1) All Multifamily Developments subject to Chapter 11 of this title (relating to Qualified Allocation Plan (QAP)), Chapter 12 of this title (relating to Multifamily Housing Revenue Bond Rules), and Chapter 13 of this title (relating to Multifamily Direct Loan Rule), with the exclusion of Transitional Housing Developments;

(2) Single Family Developments subject to Chapter 23, Subchapter G, of this title, relating to HOME Program Single Family Developments, or done with Neighborhood Stabilization Program funds, with the exclusion of Scattered-site developments, meaning one to four family dwellings located on sites that are on non-adjacent lots, with no more than four units on any one site; and

(3) Only the restrictions or set asides placed on Units through a Contract, LURA, or financing source that limits occupancy to Persons with Disabilities. This rule does not prohibit a Development from having a higher percentage of actual occupants who are Persons with Disabilities.

(4) Previously awarded Multifamily Developments that would no longer be compliant with this rule are not considered to be in violation of the percentages described in subsection (d)(2) or subsection (d)(3) of this section if the award is made prior to September 1, 2018, and the restrictions or set asides were already on the Development or proposed in the Application for the Development.

(d) Integrated Housing Standard. Units exclusively set aside or containing a preference for Households with Disabilities must be dispersed throughout a Development.

(1) A Development may not market or restrict occupancy solely to Households with Disabilities unless required by a federal funding source.

(2) Developments with 50 or more Units shall not exclusively set aside more than 25% of the total Units in the Development for Households with Disabilities.

(3) Developments with fewer than 50 Units shall not exclusively set aside more than 36% of the Units in the Development for Households with Disabilities.

(e) Board Waiver. The Board may waive the requirements of this rule if the Board can affirm that the waiver of the rule is necessary to serve a population or subpopulation that would not be adequately served without the waiver, and that the Development, even with the waiver, does not substantially deviate from the principle of Integrated Housing.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901223

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Effective date: May 16, 2019

Proposal publication date: March 8, 2019

For further information, please call: (512) 475-1762



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

10 TAC §1.405

The Texas Department of Housing and Community Affairs (the Department) adopts an amendment to 10 TAC Chapter 1, Administration, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.405, Bonding Requirements with no changes as published in the March 8, 2019, issue of the *Texas Register* (44 TexReg 1222). The rule will not be republished. The purpose of the revision was to add the Homeless Housing and Services Program (HHSP) and Ending Homelessness Fund (EH Fund) to the list of programs which are subject to the requirements of this section. HHSP and EH Fund were not currently listed under this section. However, in accordance with the State of Texas Uniform Grant Management Standards, which govern state fund awards to local governments, HHSP which is funded with state general revenue, and EH Fund are required to adhere to the bonding requirements of this section. This rule amendment added HHSP and EH Fund to the list of applicable programs, as well as made several revisions to statutory citations.

Tex. Gov't Code §2001.0045(b) does not apply to the rule amendment under exception item (9) because it is necessary to implement state legislation, specifically making sure that state funds are appropriately identified as being subject to the Uniform Grant Management Standards. However, even though excepted, there is no cost to this rule action because HHSP subrecipients have already had bonding requirements in place contractually. The correction is only administrative in nature. Because no costs are associated with this adopted rule action, no costs or impacts warrant a need to be offset.

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

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

Mr. Cervantes has determined that, for the first five years the amendment will be in effect:

1. The amended rule does not create or eliminate a government program, but relates to the activity of the Department to ensure that Developments appropriately follow applicable regulations regarding bonding.
2. The amended rule does not require a change in work that will require the creation of new employee positions, nor is the

amendment significant enough to reduce work load to a degree that any existing employee positions are eliminated.

3. The amended rule does not require additional future legislative appropriations.

4. The amended rule does not result in an increase in fees paid to the Department or in a decrease in fees paid to the Department

5. The amended rule is not creating a new regulation, it is merely administratively adding a program to which this section of rule will be applicable. Those program subrecipients are already subject to this requirement contractually.

6. The amended rule is as noted in number 5 above.

7. The amended rule will increase the number of entities subject to the rule's applicability by adding the HHSP subrecipients; however, those subrecipients are contractually already obligated to such requirements. Therefore, while new in rule, it is not in fact a new requirement for those entities.

8. The amended rule will not negatively or positively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002. The Department, in drafting this rule, has attempted to reduce any adverse economic effect on small or micro-businesses or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code, §2306.111(g).

1. The Department has evaluated this action and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This rule relates to the Department ensuring that Developments already participating in Department programs adhere to appropriate bonding requirements and only adds the nine subrecipients that are eligible under the HHSP. As none of those subrecipients would classify as small or micro-businesses, no small or micro-businesses are subject to the rule.

3. The Department has determined that because HHSP subrecipients are not small or micro-businesses, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The amended rule does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

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

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the amended rule has no economic effect on local employment because the rule relates only to formalizing a requirement that was already in contract.

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that this rule is already effectively in practice contractually, there are no "probable" effects of the amended rule on employment in particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). David Cervantes, Acting Director, has determined that, for each year of the first five years the amended

section is in effect, the public benefit anticipated as a result of the amended section will be assurance that programs subject to bonding requirements are reflected as such in rule. There will not be any economic cost to any individuals subject to the amended rule as the processes described by the rule have already been in existence.

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

g. **PUBLIC COMMENT AND REASONED RESPONSE.** The public comment period was held from March 8, 2019, to April 8, 2019, to receive input on the proposed amendment. No public comment was received.

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

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

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901221

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Effective date: May 16, 2019

Proposal publication date: March 8, 2019

For further information, please call: (512) 475-1762



CHAPTER 5. SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

10 TAC §5.802

The Texas Department of Housing and Community Affairs (the Department) adopts the repeal of 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.802, Local Operators for the Section 8 Housing Choice Voucher Program, as published in the March 8, 2019, issue of the *Texas Register* (44 TexReg 1224). The purpose of the repeal is to eliminate a rule that provided for a process no longer in use by the Department.

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

Tex. Gov't Code §2001.0045(b) does apply to the rule being adopted and no exceptions are applicable. However, the rule action is a repeal removing an unused process from rule. There are no costs associated with this proposed rule action, therefore no costs or impacts warrant a need to be offset.

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

1. Mr. David Cervantes, Acting Director, has determined that, for the first five years the repeal will be in effect, the repeal does

not create or eliminate a government program, but relates to the repeal of a process used in the past in the administration of the Section 8 Housing Choice Voucher Program (HCVP). That process is no longer in use by the Department and therefore, there is no purpose for the rule to exist.

2. The repeal does not require a change in work that will require the creation of new employee positions, nor will the repeal reduce work load to a degree that any existing employee positions are eliminated.

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

4. The repeal does not result in an increase in fees paid to the Department or in a decrease in fees paid to the Department.

5. The repeal is not creating a new regulation.

6. The action will repeal an existing regulation that is no longer needed.

7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability, because as of November 2018 no entities were in contracts with the Department that would have been subject to this section.

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

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

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

c. **TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043.** The repeal does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

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

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

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

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

g. **PUBLIC COMMENT AND REASONED RESPONSE.** The public comment period was held from March 8, 2019, to April 8, 2019, to receive input on the proposed repeal. No public comment was received.

STATUTORY AUTHORITY. The repeal is adopted pursuant to Tex. Gov't Code, §2306.053, which authorizes the Department to adopt rules. Except as described herein the repealed section affects no other code, article, or statute.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901222

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Effective date: May 16, 2019

Proposal publication date: March 8, 2019

For further information, please call: (512) 475-1762



TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 5. PROPERTY AND CASUALTY INSURANCE

SUBCHAPTER E. TEXAS WINDSTORM INSURANCE ASSOCIATION

DIVISION 3. LOSS FUNDING, INCLUDING CATASTROPHE RESERVE TRUST FUND, FINANCING ARRANGEMENTS, AND PUBLIC SECURITIES

28 TAC §§5.4111, 5.4113, 5.4114

The Commissioner of Insurance adopts amendments to 28 TAC §§5.4111, 5.4113, and 5.4114, relating to the Texas Windstorm Insurance Association's (association's) catastrophe reserve trust fund (CRTF). The amendments are adopted without changes to the proposed text published in the December 7, 2018, issue of the *Texas Register* (43 TexReg 7875). The amendments will not be republished.

REASONED JUSTIFICATION. Amendments to §§5.4111, 5.4113, and 5.4114 are necessary to implement Senate Bill 900, 84th Legislature, Regular Session (2015).

The CRTF is an account administered by the Texas Comptroller dedicated to the payment of future association catastrophe losses. SB 900 requires the Commissioner to adopt rules for the release of money from the CRTF to pay the association's operating expenses, including reinsurance and alternative risk financing mechanisms, when premium and other revenue is insufficient. It is necessary to amend §§5.4111, 5.4113, and 5.4114 to implement SB 900, so that when the association does not have enough premium and other revenue to pay operating expenses, it can pay them with money from the CRTF.

SUMMARY OF COMMENTS AND AGENCY RESPONSE.

Commenters: The department received one written comment, from the Coastal Windstorm Insurance Coalition. The comment was in support of the proposal with changes.

Comment on §5.4114(c). The commenter requests adding a fourth item to the written request that the association must send to the Commissioner when the association requests a disbursement to pay for operating expenses. The fourth item would apply to a disbursement request "for reinsurance or alternative risk financing mechanisms based upon a hurricane model." The association would have to provide "all user-selected hurricane model input assumptions" and "sufficiently detailed model outputs such that the outputs can be validated against actual Texas historical hurricane experience."

In addition to adding this fourth item to the association's written request, the commenter seeks a requirement that disbursements for reinsurance or alternative risk financing based on a hurricane model be authorized only after a public hearing and public disclosure of "all such hurricane model inputs and outputs no less than 30 days prior to the public hearing."

The commenter states that by providing transparency as to hurricane model inputs and outputs, the requested changes to §5.4114(c) limit the risk that reinsurers will recommend the association buy an inflated amount of reinsurance with CRTF funds. The commenter states that the requested changes also enable the Commissioner to hear from all parties that may be affected by a CRTF disbursement and not only "parties vested in the outcome."

Agency Response to Comment on §5.4114(c). The department declines to make the suggested changes to §5.4114(c) because doing so would not address the commenter's transparency concerns, and fully addressing those concerns would require additional changes outside the scope of these rules.

The association negotiates its reinsurance contracts in the spring and then pays premium in quarterly installments. Requiring notice and hearing could delay the association from making the installment payment. While the association could, with some modification, make available the model inputs and outputs, it would better address the commenter's transparency concerns if the association made the information available before contracting for reinsurance. However, requiring this is outside the scope of these rules.

Though the requested revisions to the rule are outside the scope of this adoption order, the department notes that the association's management has the opportunity to expand its transparency in response to a Sunset Advisory Commission recommendation. The association recently underwent Sunset review, and the Sunset Advisory Commission adopted a recommendation for association management to make public the assumptions used and the results of anticipated loss modeling before considering any rate changes or purchasing reinsurance. Doing this would increase transparency more effectively than disclosing this information only when the association is requesting a CRTF disbursement to pay for operating expenses.

Comment on §5.4114(e). The commenter suggests that subsection (e) of §5.4114 should be removed.

Section 5.4114(e) allows the Commissioner to authorize a disbursement for reinsurance or alternative risk financing that would enable the association to buy more reinsurance than it would have to buy to comply with Insurance Code §2210.453. Section 2210.453 requires the association's total available loss funding

to be not less than the association's probable maximum loss for a year of losses that has a one-in-100 chance of occurring.

The commenter states that implementing SB 900 does not require §5.4114(e). The commenter also states that subsection (e) should be removed because the association has never had a catastrophe year in which its losses were so great that it had to use reinsurance. The commenter adds that each year the association already must spend millions of dollars--which could go into the CRTF--on reinsurance that it has never had to use. The association should not be given the option of using funds from the CRTF to buy more reinsurance than statute requires.

Agency Response to Comment on §5.4114(e). The department declines to make the suggested change. Removing subsection (e) could limit the association's reinsurance choices or add to the cost of reinsurance. The association might find that the best deal for reinsurance would provide more than its minimum funding level, but the association would need CRTF funds to purchase the reinsurance.

STATUTORY AUTHORITY. The Commissioner adopts the amendments to 28 TAC §§5.4111, 5.4113, and 5.4114 under Insurance Code §§2210.008, 2210.452(f), and 36.001.

Insurance Code §2210.008 allows the Commissioner to adopt rules as reasonable and necessary to implement Chapter 2210.

Insurance Code §2210.452(f) directs the Commissioner to adopt rules establishing the procedure for distributing funds from the CRTF to pay for operating expenses.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of this state.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901237

Norma Garcia

General Counsel

Texas Department of Insurance

Effective date: May 16, 2019

Proposal publication date: December 7, 2018

For further information, please call: (512) 676-6584



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 5. FUNDS MANAGEMENT (FISCAL AFFAIRS)

SUBCHAPTER D. CLAIMS PROCESSING--PAYROLL

34 TAC §5.37, §5.41

The Comptroller of Public Accounts adopts new §5.37, concerning deferred compensation contracts, and amendments to §5.41,

concerning payroll requirements, without changes to the proposed text as published in the March 8, 2019, issue of the *Texas Register* (44 TexReg 1267). The amendments will not be republished.

New §5.37 clarifies that a state agency is prohibited from entering into multiple deferred compensation contracts with the same employee when the contracts are in effect at the same time.

The amendments to §5.41 make non-substantive changes to the definition of "state employee" in subsection (a)(13) to make the definition more readable; clarify, in subsection (n)(2)(B) and (3), that a state agency must conform its payroll calculation with the payroll calculation set forth in comptroller policies and procedures; and change the statutory citation in subsection (o)(1) from "Probate Code, §160" to "Estates Code, §453.004" to update the statutory citation.

No comments were received regarding adoption of the new section and amendments.

New §5.37 is adopted under Government Code, §659.263, which allows the comptroller to adopt rules to administer Government Code, Chapter 659, Subchapter K, concerning promotions, reclassifications, and other adjustments to salary. The amendments to §5.41 are adopted under Government Code, §659.004(b), which authorizes the comptroller, in consultation with the state auditor, to adopt rules that prescribe uniform procedures for payroll and personnel reporting. The comptroller has consulted with the state auditor regarding the amendments to §5.41 as required by Government Code, §659.004(b).

New §5.37 implements Government Code, §659.262, concerning additional compensation for certain classified state employees. The amendments to §5.41 implement Government Code, §659.004, concerning payroll and personnel reporting.

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

Filed with the Office of the Secretary of State on April 29, 2019.

TRD-201901240

Victoria North

Chief Counsel, Fiscal and Agency Affairs Legal Services Division

Comptroller of Public Accounts

Effective date: May 19, 2019

Proposal publication date: March 8, 2019

For further information, please call: (512) 475-2220



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 700. CHILD PROTECTIVE SERVICES

SUBCHAPTER W. SERVICE LEVEL SYSTEM DIVISION 6. INTENSIVE PSYCHIATRIC TRANSITION PROGRAM

40 TAC §700.2383, §700.2385

The Department of Family and Protective Services (DFPS) adopts amendments to §700.2383 and §700.2385, in Chapter 700, concerning Child Protective Services.

The amendments are adopted without changes to the proposed text published in the January 18, 2019, issue of the *Texas Register* (44 TexReg 328).

BACKGROUND AND JUSTIFICATION

The amendments to §700.2383 and §700.2385 expand eligibility for the Intensive Psychiatric Transition Program (IPTP) to allow children in DFPS conservatorship to access the IPTP program immediately upon entering DFPS care, if other criteria are met, without having to first be in conservatorship for 90 days.

The rules also correct the title of the Associate Commissioner of Child Protective Services (CPS), and allow the Associate Commissioner to delegate authority to another individual for purposes of granting a one-time, child specific waiver to allow a child to remain in an IPTP for an additional 60 days after the initial 60 days have expired. Allowing the extension could help prevent psychiatric hospitalizations in cases where continuing in the IPTP is the least restrictive setting that can serve the child.

COMMENTS

The 30-day comment period ended February 17, 2019. During this period, DFPS did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The amendments are adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall adopt rules for the operation and provision of services by the department.

Except as described herein the adopted amendments affect no other code, article or statute.

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

Filed with the Office of the Secretary of State on April 25, 2019.

TRD-201901218

Audrey Carmical
General Counsel

Department of Family and Protective Services

Effective date: May 15, 2019

Proposal publication date: January 18, 2019

For further information, please call: (512) 438-4760



CHAPTER 735. INDEPENDENT COURT-ORDERED ADOPTION EVALUATIONS

The Department of Family and Protective Services (DFPS) adopts amendments to §§735.323, 735.325, 735.405 and 735.411, in Chapter 735, concerning Independent Court-Ordered Adoption Evaluations. The amendments are adopted without changes to the proposed text published in the January 18, 2019, issue of the *Texas Register* (44 TexReg 329).

BACKGROUND AND JUSTIFICATION

The amendments are to correct citation references in the rules that are no longer accurate after the rules relating to independent court-ordered evaluations were administratively transferred from Subchapter O of Chapter 745 to Chapter 735 of Title 40, Texas Administrative Code (TAC).

COMMENTS

The 30-day comment period ended February 17, 2019. During this period, DFPS did not receive any comments regarding the proposed rules.

SUBCHAPTER C. MINIMUM REQUIREMENTS FOR THE PRE-PLACEMENT PORTION OF AN ADOPTION EVALUATION AND REPORT 40 TAC §735.323, §735.325

STATUTORY AUTHORITY

The amendments are adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall adopt rules for the operation and provision of services by the department.

The amendments implement Texas Family Code §107.152.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901229

Audrey Carmical
General Counsel

Department of Family and Protective Services

Effective date: May 16, 2019

Proposal publication date: January 18, 2019

For further information, please call: (512) 438-3805



SUBCHAPTER D. MINIMUM REQUIREMENTS FOR THE POST-PLACEMENT PORTION OF AN ADOPTION EVALUATION AND REPORT

40 TAC §735.405, §735.411

The amendments are adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall adopt rules for the operation and provision of services by the department.

The amendments implement Texas Family Code §107.152.

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

Filed with the Office of the Secretary of State on April 26, 2019.

TRD-201901232

Audrey Carmical
General Counsel
Department of Family and Protective Services
Effective date: May 16, 2019
Proposal publication date: January 18, 2019
For further information, please call: (512) 438-3805

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**PART 20. TEXAS WORKFORCE
COMMISSION**

**CHAPTER 850. VOCATIONAL REHABILITA-
TION SERVICES ADMINISTRATIVE RULES
AND PROCEDURES**

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 850, relating to Vocational Rehabilitation Services Administrative Rules and Procedures, without changes, as published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 71):

Subchapter A. Vocational Rehabilitation General Rules, §§850.3 - 850.6

Subchapter C. Councils, Board, and Committees, §§850.32 - 850.35

Subchapter D. Privacy and Confidentiality, §850.50 and §850.51

Subchapter F. Memorandum of Understanding, §850.131 and §850.132

TWC also adopts amendments to §850.11, with change, as published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 71). TWC made a technical correction in §850.11(c). The rule will be republished.

TWC also adopts amendments to §850.130, with change, as published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 71). TWC made a technical correction in §850.130(b). The rule will be republished.

TWC adopts the repeal of the following sections of Chapter 850, relating to Vocational Rehabilitation Services Administrative Rules and Procedures, without changes, as published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 71):

Subchapter A. Vocational Rehabilitation General Rules, §§850.1, §850.2, and §§850.7 - 850.10

Subchapter B. Historically Underutilized Businesses, §§850.20 - 850.23

Subchapter C. Councils, Board, and Committees, §850.30, §850.31, and §§850.40 - 850.43

TWC adopts the repeal of the following subchapter of Chapter 850, relating to Vocational Rehabilitation Services Administrative Rules and Procedures, in its entirety, without changes, as published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 71):

Subchapter E. Vocational Rehabilitation Services Appeals and Hearing Procedures, §§850.60 - 850.84 and §§850.100 - 850.111

TWC adopts the following new subchapter of Chapter 850, relating to Vocational Rehabilitation Services Administrative Rules

and Procedures, without changes, as published in the January 4, 2019, issue of the *Texas Register* (44 TexReg 71):

Subchapter E. Vocational Rehabilitation Services Appeals and Hearing Procedures, §§850.60 - 850.89

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the adopted Chapter 850 rule change is to align the chapter with TWC's operation of the Vocational Rehabilitation (VR) services program. Texas Labor Code §351.002 transferred the administration of VR services from the Texas Department of Assistive and Rehabilitative Services (DARS) to TWC, effective September 1, 2016.

To ensure continuity and avoid any impacts on customers, the administrative rules shared by all DARS programs were duplicated into Chapters 850, 857, and 858 of TWC's rules upon transfer of the programs. Because the rules established DARS' administrative framework and served all DARS programs, they overlap certain existing TWC administrative rules and contain numerous references to programs that were not transferred to TWC.

In order to streamline TWC rules and accurately reflect TWC's program administration, several amendments are necessary to integrate and align overlapping sections and update outdated terms and procedures to align with TWC's current program operation.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. VOCATIONAL REHABILITATION GENERAL RULES

TWC adopts the following amendments to Subchapter A:

§850.1. Purpose

Section 850.1 is repealed to align with current TWC rulemaking practices, in which purpose and legal authority are provided in a rule's preamble text.

§850.2. Legal Authority

Section 850.2 is repealed to align with current TWC rulemaking practices, in which purpose and legal authority are provided in a rule's preamble text.

§850.3. Definitions

Section 850.3 is amended to remove a reference to "DARS", replace with "Agency" and replace a reference to the two former DARS divisions with "Vocational Rehabilitation Division (VRD)."

§850.4. Opportunities for Citizen Participation

Section 850.4 is amended to replace "DARS" with "Agency" and "Commission," as appropriate, and "people" with "individuals."

§850.5. Complaints

Section 850.5 is amended to reflect TWC's operation of the program and to replace "DARS" with "Agency" and "Commission," as appropriate, "consumer" with "customer," and "person" with "individual." Subsections (d) and (e) of this section are repealed as they relate to services which did not transfer to TWC.

§850.6. Cooperation with Other Public Agencies

Section 850.6 is amended to replace "DARS" with "Agency" and "people" with "individuals."

§850.7. Criminal History Information on Applicants for Employment

Section 850.7 is repealed because it concerns internal procedures addressed within TWC's Human Resources procedures and therefore is unnecessary.

§850.8. Use of Criminal History Information in Contracting

Section 850.8 is repealed because it concerns VR contracting, which is addressed in Chapter 858 and is being updated and amended in a separate rulemaking, and therefore is unnecessary.

§850.9. Fees for Department Publications

Section 850.9 is repealed because it is inconsistent with TWC's practice of providing TWC publications for free and therefore is unnecessary.

§850.10. Gifts and Donations to TWC

Section 850.10 is repealed because it overlaps existing TWC rules and therefore is unnecessary.

§850.11. Qualified Vocational Rehabilitation Counselor

Section 850.11 is amended to replace references to the two former DARS divisions with "Vocational Rehabilitation Division (VRD)" and to reflect current TWC job titles.

SUBCHAPTER B. HISTORICALLY UNDERUTILIZED BUSINESSES

TWC adopts the following amendments to Subchapter B:

§850.20. Purpose

Section 850.20 is repealed because it overlaps existing TWC rules that are being updated and amended in a separate rulemaking and therefore is unnecessary.

§850.21. Legal Authority

Section 850.21 is repealed because it overlaps existing TWC rules that are being updated and amended in a separate rulemaking and therefore is unnecessary.

§850.22. Definitions

Section 850.22 is repealed because it overlaps existing TWC rules that are being updated and amended in a separate rulemaking and therefore is unnecessary.

§850.23. Adoption of Rules

Section 850.23 is repealed because it overlaps existing TWC rules that are being updated and amended in a separate rulemaking and therefore is unnecessary.

SUBCHAPTER C. COUNCILS, BOARD, AND COMMITTEES

TWC adopts the following amendments to Subchapter C:

§850.30. Purpose

Section 850.30 is repealed to align with current TWC rulemaking practices, in which purpose and legal authority are provided in a rule's preamble text.

§850.31. Legal Authority

Section 850.31 is repealed to align with current TWC rulemaking practices, in which purpose and legal authority are provided in a rule's preamble text.

§850.32. Definitions

Section 850.32 is amended to replace "DARS" with "Agency."

§850.33. Tasks

Section 850.33 is amended to replace references to the former DARS divisions with "Vocational Rehabilitation Division (VRD)" and to replace "consumer" with "customer" and "people" with "individuals."

§850.34. Reports

Section 850.34 is amended to replace (DARS) "commissioner" with "Commissioner."

§850.35. Funding

Section 850.35 is amended to replace "DARS" with "Agency."

DIVISION 2

BET ELECTED COMMITTEE OF MANAGERS (ECM)

§850.40. Purpose

Section 850.40 is repealed because it overlaps existing TWC rules that are being updated and amended in a separate rulemaking and therefore is unnecessary.

§850.41. Legal Authority

Section 850.41 is repealed because it overlaps existing TWC rules that are being updated and amended in a separate rulemaking and therefore is unnecessary.

§850.42. Definitions

Section 850.42 is repealed because it overlaps existing TWC rules that are being updated and amended in a separate rulemaking and therefore is unnecessary.

§850.43. Substantive Rules

Section 850.43 is repealed because it overlaps existing TWC rules that are being updated and amended in a separate rulemaking and therefore is unnecessary.

SUBCHAPTER D. PRIVACY AND CONFIDENTIALITY

TWC adopts the following amendments to Subchapter D:

§850.50. Privacy Policies

Section 850.50 is amended to replace "DARS" with "Agency" and "person" with "individual;" to update the address for submitting requests for correction of information; to remove a reference to social security disability determination cases which did not transfer to TWC; and to update procedures relating to verifying documentation for submitting requests for correction of information.

§850.51. Confidentiality of Consumer Information in Vocational Rehabilitation Services Program

Section 850.51 is amended to replace "DARS" with "Agency" and "consumer" with "customer."

SUBCHAPTER E. VOCATIONAL REHABILITATION SERVICES APPEALS AND HEARING PROCEDURES

TWC adopts new Subchapter E:

§850.60. Scope

New §850.60 retains the provisions of §850.101, concurrently being repealed, renaming it with modifications to clarify the content and to update cross-references, terminology, and citations.

§850.61. Definitions

New §850.61(1), the definition of "Act," retains the provisions of §850.62(1), concurrently being repealed.

New §850.61(2), the definition of "appellant," retains without modification the provisions of §850.62(2), concurrently being repealed.

New §850.61(3), the definition of "applicant," retains the provisions of §850.62(3), concurrently being repealed, with modifications to align with the federal definitions at 34 CFR Part 361.

New §850.61(4), the definition of "authorized representative," retains the provisions of §850.62(4), concurrently being repealed, with modifications to replace "person" with "individual".

New §850.61(5), the definition of "counselor," retains the provisions of §850.3(2), concurrently being repealed, with modifications to replace "DARS" with "Agency".

New §850.61(6), the definition of "customer," is added to mean an applicant or an individual who is receiving VR services.

New §850.61(7), the definition of "discovery," retains without modification the provisions of §850.62(8), concurrently being repealed.

New §850.61(8), the definition of "eligible individual," retains the provisions of §850.62(9), concurrently being repealed, with modifications to replace "DARS" with "Agency".

New §850.61(9), the definition of "hearing," retains the provisions of §850.62(10), concurrently being repealed, with modifications to update chapter reference.

New §850.61(10), the definition of "impartial hearing officer," retains the provisions of §850.62(11), concurrently being repealed.

New §850.61(11), the definition of "Individualized Plan for Employment," is added to mean a plan developed for each individual determined to be eligible for VR services, in accordance with 34 CFR Part 361.

New §850.61(12), the definition of "parent," retains the provisions of §850.62(12), concurrently being repealed, with modifications to update terminology.

New §850.60(13), the definition of "party," retains the provisions of §850.62(13), concurrently being repealed, with modifications to update terminology.

New §850.61(14), the definition of "record," retains the provisions of §850.62(15), concurrently being repealed, with modifications to update terminology.

New §850.61(15), the definition of "State Plan," retains the provisions of §850.3(3), concurrently being repealed, with modifications to update terminology.

§850.62. Filing a Request for Review

New §850.62, the process for filing a request for review, retains the provisions of §850.103, concurrently being repealed, with modifications to replace "DARS" with "Agency" and to update the location for the hearings coordinator. Additionally, per 34 CFR §361.57(a), wording is clarified to indicate that a request for review may also be filed by an individual's authorized representative.

§850.63. Informal Dispute Resolution

New §850.63 is added to reflect TWC's development of an informal process for resolving a request for review without conducting mediation or a formal hearing, consistent with 34 CFR §361.57(c) and internal Agency practice.

§850.64. Time for Hearing

New §850.64 retains the provisions of §850.64, concurrently being repealed, with modifications to replace "DARS" with "Agency" and to integrate references to the two previous VR divisions.

§850.65. Mediation Procedures

New §850.65 retains the provisions of §850.83, concurrently being repealed, with modifications to replace "DARS" with "Agency," and wording is clarified to provide instructions for filing mediation requests and to indicate that a request for mediation may also be filed by an individual's authorized representative and that parties may present evidence and other information to support their position.

§850.66. Assignment of Impartial Hearing Officer

New §850.66 retains the provisions of §850.65, concurrently being repealed, with modifications to replace "DARS" with "Agency" and to integrate references to the two previous VR divisions. Outdated references to programs no longer at TWC have been removed, and cross-references have been updated.

§850.67. Powers and Duties of Impartial Hearing Officer

New §850.67 retains the provisions of §850.66, concurrently being repealed, with modifications to remove an outdated reference to the DARS commissioner and to update terminology.

§850.68. Substitution of Impartial Hearing Officer

New §850.68 retains the provisions of §850.67, concurrently being repealed, with modifications to update terminology and to clarify options for withdrawal or reassignment.

§850.69. Reasonable Accommodations

New §850.69 retains the provisions of §850.68, concurrently being repealed, with modifications to remove an outdated reference to programs no longer at TWC, replace "DARS" with "Agency," and to update terminology.

§850.70. Appearance of Parties at Hearings; Representation

New §850.70 retains the provisions of §850.69, concurrently being repealed, with modifications to replace "DARS" with "Agency" and to update terminology.

§850.71. Failure to Attend Hearing and Default

New §850.71 retains the provisions of §850.70, concurrently being repealed, with modifications to update terminology.

§850.72. Witness Fees

New §850.72 retains the provisions of §850.71, concurrently being repealed, with modifications to replace "DARS" with "Agency" and to update terminology.

§850.73. Prehearing Conferences

New §850.73 retains the provisions of §850.72, concurrently being repealed, with modifications to update terminology.

§850.74. Dismissal without Hearing

New §850.74 retains the provisions of §850.73, concurrently being repealed, with modifications to update terminology.

§850.75. Conduct of Hearing

New §850.75 retains the provisions of §850.74, concurrently being repealed, with modifications to update terminology.

§850.76. Order of Proceedings

New §850.76 retains the provisions of §850.75, concurrently being repealed, with modifications to replace "DARS" with "Agency," integrate references to the two former DARS VR divisions, and update terminology. Subsection (c) is removed, as it contains outdated references to programs no longer at TWC. Subsections are re-lettered.

§850.77. Rules of Evidence

New §850.77 retains the provisions of §850.76, concurrently being repealed, with modifications to replace "DARS" with "Agency" and to update terminology.

§850.78. Transcription of Proceedings

New §850.78 retains the provisions of §850.77, concurrently being repealed, with modifications to replace "DARS" with "Agency" and to update terminology.

§850.79. Prepared Testimony

New §850.79 retains the provisions of §850.78, concurrently being repealed, with modifications to update terminology.

§850.80. Pleadings

New §850.80 is amended to replace "DARS" with "Agency," incorporate §850.104(a), concurrently being repealed, into subsection (d), replace subsection (g) with subsection (c) of §850.104, relating to Filings and concurrently being repealed, and update terminology.

§850.81. Discovery and Mandatory Disclosures

New §850.81 retains the provisions of §850.105, relating to Discovery and Mandatory Disclosures, and concurrently being repealed, replaces "DARS" with "Agency," and updates terminology. New wording clarifies that the copy to be provided to the appellant of the appellant's record of services is provided to the extent pertinent to the determination that is the subject of the request for review.

§850.82 Documentary Evidence and Official Notice

New §850.82 retains the provisions of §850.106, relating to Documentary Evidence and Official Notice, concurrently being repealed. "DARS" is replaced with "Agency," references to the two previous VR divisions are consolidated, citations are updated to clarify the applicability of the chapter to proceedings related to the Independent Living Services for Older Individuals Who Are Blind program and the Business Enterprises of Texas program. Additionally, terminology is updated.

§850.83. Continuance

New §850.83 retains and re-letters the provisions of §850.80, relating to Continuance, and concurrently being repealed, with modifications to update terminology.

§850.84. Impartial Hearing Officer Decision

New §850.84 retains the provisions of §850.107, relating to Impartial Hearing Officer Decision and concurrently being repealed, replaces "DARS" with "Agency," updates locations and titles, in-

tegrates references to the two previous VR divisions, and updates citations and terminology.

§850.85. Finality of the Hearing Officer's Decision

New §850.85 retains the provisions of §850.108, relating to Finality of the Hearing Officer's Decision, and concurrently being repealed, replacing "DARS" with "Agency" and updating terminology.

§850.86. Implementation of Final Decision

New §850.86 retains the provisions of §850.109, relating to Implementation of Final Decision and concurrently being repealed, with modifications to update terminology.

§850.87. Motion for Reconsideration

New §850.87 retains and re-letters the provisions of §850.81, relating to Motion for Reconsideration, and concurrently being repealed, removes a reference to a program that was not transferred to TWC, replaces "DARS" with "Agency," updates the location for filing the motion for reconsideration with the hearings coordinator, with modifications to update terminology. Additionally, new §850.86 incorporates §850.110, also relating to Motion for Reconsideration, concurrently being repealed.

§850.88. Civil Action

New §850.88 retains and re-letters the provisions of §850.82, relating to Civil Action, and concurrently being repealed, with modifications to update terminology. Additionally, new §850.87 incorporates §850.111, relating to Appeal of Final Decision, concurrently being repealed.

§850.89. Computation of Time

New §850.89 retains and re-letters the provisions of §850.84, relating to Computation of Time, and concurrently being repealed, with modifications to update terminology.

SUBCHAPTER E. VOCATIONAL REHABILITATION SERVICES APPEALS AND HEARING PROCEDURES

TWC adopts the repeal of Subchapter E in its entirety. The relevant portions of this content are consolidated with related content repealed in other subchapters and reorganized as new Subchapter E.

Division 1. General Rules

§850.60 Purpose

§850.61 Legal Authority

§850.62 Definitions

§850.63 Filing a Request for Review

§850.64 Time for Hearing

§850.65 Assignment of Impartial Hearing Officer

§850.66 Powers and Duties of Impartial Hearing Officer

§850.67 Substitution of Impartial Hearing Officer

§850.68 Reasonable Accommodations

§850.69 Appearance of Parties at Hearings; Representation

§850.70 Failure to Attend Hearing and Default

§850.71 Witness Fees

§850.72 Prehearing Conferences

§850.73 Dismissal Without Hearing

§850.74 Conduct of Hearing
 §850.75 Order of Proceedings
 §850.76 Rules of Evidence
 §850.77 Transcription of Proceedings
 §850.78 Prepared Testimony
 §850.79 Pleadings
 §850.80 Continuance
 §850.81 Motion for Reconsideration
 §850.82 Civil Action
 §850.83 Mediation Procedures
 §850.84 Computation of Time
 Division 2. Division for Blind Services and Division for Rehabilitation Services
 §850.100 Purpose
 §850.101 Legal Authority
 §850.102 Definitions
 §850.103 Filing a Request for Review
 §850.104 Filings
 §850.105 Discovery and Mandatory Disclosures
 §850.106 Documentary Evidence and Official Notice
 §850.107 Impartial Hearing Officer Decision
 §850.108 Finality of the Hearing Officer's Decision
 §850.109 Implementation of Final Decision
 §850.110 Motion for Reconsideration
 §850.111 Appeal of Final Decision

SUBCHAPTER F. MEMORANDUM OF UNDERSTANDING

TWC adopts the following amendments to Subchapter F:

§850.130. Memorandum of Understanding Regarding Continuity of Care for Physically Disabled Inmates

Section 850.130 is amended to replace references to "DARS" with "Agency," and update citations and titles.

§850.131. Memorandum of Understanding Regarding the Exchange and Distribution of Public Awareness Information

Section 850.131 is amended to replace references to "DARS" with "Agency," update agency names, and update citations.

§850.132. Memorandum of Understanding Concerning Coordination of Services to Disabled Persons

Section 850.132 is amended to remove references to DARS, update agency names, and update citations and terminology.

No comments were received.

SUBCHAPTER A. VOCATIONAL REHABILITATION GENERAL RULES

40 TAC §§850.1, 850.2, 850.7 - 850.10

The repeals are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363,

367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted repeals affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901172

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



40 TAC §§850.3 - 850.6, 850.11

The rules are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

§850.11. *Qualified Vocational Rehabilitation Counselor:*

(a) The Vocational Rehabilitation Division (VRD) helps counselors to meet the Comprehensive System of Personnel Development (CSPD) standard by making funds available through the Qualified Vocational Rehabilitation Counselor (QVRC) program for the required graduate education except when:

- (1) unforeseen circumstances occur that may restrict or prohibit the funding; or
- (2) management discontinues a counselor's participation in the program in the best interests of the division.

(b) The VRD director or designee must approve QVRC financial assistance. This financial assistance is contingent on:

- (1) funding;
- (2) management approval; and
- (3) compliance with qualifications for participation.

(c) Qualifications for participation in the QVRC program require that vocational rehabilitation counselors and transition vocational rehabilitation counselors applying for assistance must:

- (1) have completed the initial training year;
- (2) be meeting or exceeding job performance expectations;

(3) obtain the appropriate approvals to pursue a graduate degree or prescribed coursework;

(4) apply for Rehabilitation Services Administration (RSA) scholarship and university stipend funding; and

(5) be accepted by the appropriate institution of higher education.

(d) A counselor who meets the CSPD standard is considered a Qualified Vocational Rehabilitation Counselor.

(e) A counselor is expected to meet the CSPD standard within seven years from completion of the initial training year. Divisions must conduct transcript reviews and/or confirm certifications to determine compliance with standards or to outline coursework to be completed by the counselor.

(f) A counselor is expected to pay all costs or expenses:

(1) associated with the college application and admission except one GRE fee;

(2) related to tuition, fees, and books for any coursework that must be repeated because of failure to successfully complete; and

(3) related to completing work necessary to remove any grade of "I" (Incomplete) within three months, unless there are valid reasons (for example, serious illness, or university regulations to the contrary).

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901173

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



SUBCHAPTER B. HISTORICALLY UNDERUTILIZED BUSINESSES

40 TAC §§850.20 - 850.23

The repeals are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted repeals affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901174

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



SUBCHAPTER C. COUNCILS, BOARD, AND COMMITTEES

DIVISION 1. REHABILITATION COUNCIL OF TEXAS

40 TAC §§850.30, §850.31

The repeals are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted repeals affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901175

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



40 TAC §§850.32 - 850.35

The rules are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901176

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



DIVISION 2. BET ELECTED COMMITTEE OF MANAGERS (ECM)

40 TAC §§850.40 - 850.43

The repeals are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted repeals affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901177

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



SUBCHAPTER D. PRIVACY AND CONFIDENTIALITY

40 TAC §§850.50, §850.51

The rules are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901178

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



SUBCHAPTER E. VOCATIONAL REHABILITATION SERVICES APPEALS AND HEARING PROCEDURES

40 TAC §§850.60 - 850.89

The new rules are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901179

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



DIVISION 1. GENERAL RULES

40 TAC §§850.60 - 850.84

The repeals are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The repealed rules affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901180

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



DIVISION 2. DIVISION FOR BLIND SERVICES AND DIVISION FOR REHABILITATION SERVICES

40 TAC §§850.100 - 850.111

The repeals are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The repealed rules affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901181

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855



SUBCHAPTER F. MEMORANDUM OF UNDERSTANDING

40 TAC §§850.130 - 850.132

The rules are adopted under the authority of the Rehabilitation Act of 1973, as amended (29 USC §701 et seq.), and regulations of the U.S. Department of Education, 34 CFR Parts 361, 363, 367, 395, and 397. Texas Labor Code §352.101(b)(5) requires TWC to recommend the adoption of any rules necessary to implement the requirement to integrate the VR programs. Texas Labor Code §301.0015 and §302.002(d) provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules affect Title 4, Texas Labor Code, Chapters, 301, 302, 352, and 355.

§850.130. Memorandum of Understanding Regarding Continuity of Care for Physically Disabled Inmates.

(a) The Agency adopts by reference the memorandum of understanding (MOU) between the Texas Department of Criminal Justice, Texas Department of Aging and Disability Services, and Texas Department of State Health Services. The MOU contains the agreement required by Texas Health and Safety Code §§614.014 - 614.015 to establish the respective responsibilities of these agencies to institute a continuity of care and service program for offenders in the criminal justice system who are physically disabled, terminally ill, or significantly ill.

(b) The text of the MOU is in rule 37 TAC, Part 6, §159.19 (relating to Continuity of Care and Services Program for Offenders who are Elderly, Terminally Ill, Significantly Ill or with a Physical Disability or Having a Mental Illness).

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

Filed with the Office of the Secretary of State on April 23, 2019.

TRD-201901182

Jason Vaden

Director, Workforce Program Policy

Texas Workforce Commission

Effective date: May 13, 2019

Proposal publication date: January 4, 2019

For further information, please call: (512) 689-9855





TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Texas Board of Chiropractic Examiners

Rule Transfer

Under Texas Occupations Code §201.152 and §201.1525, the Texas Board of Chiropractic Examiners (Board) is authorized to promulgate necessary rules to regulate the practice of chiropractic. As part of its ongoing rule review process, the Board has determined that one rule is out of place within its current chapter, and that applicants, licensees,

and the public find it difficult to locate. Therefore, the Board finds that a transfer of this existing rule is needed to make it easier for readers to find the information they seek.

The transfer is effective June 1, 2019.

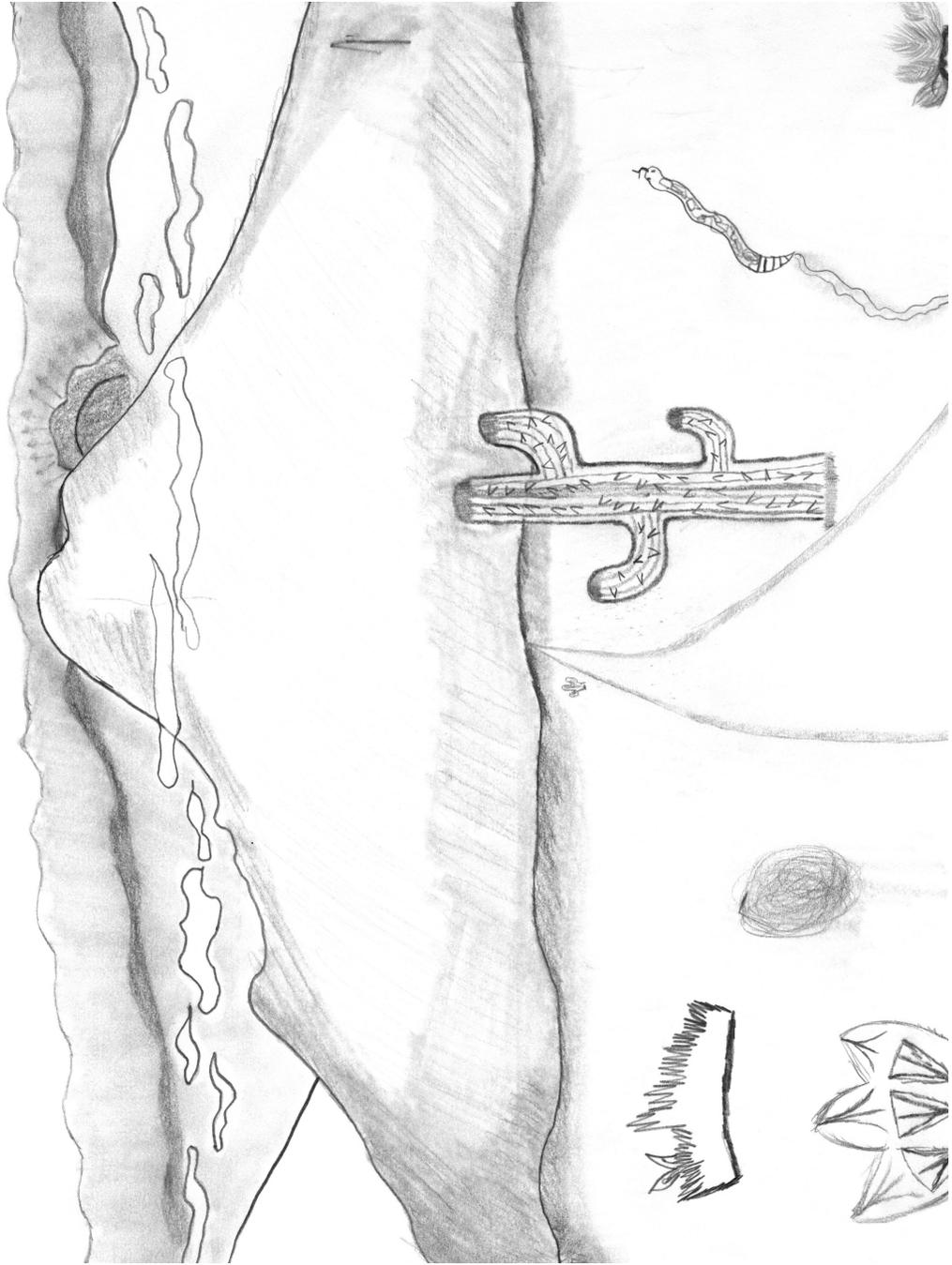
The following conversion chart outlines the rule transfer:

Figure: 22 TAC Chapter 75

<p>Current Rule: Title 22. Examining Boards Part 3. Texas Board of Chiropractic Examiners Chapter 75. Business Practices</p>	<p>Move to: Title 22. Examining Boards Part 3. Texas Board of Chiropractic Examiners Chapter 75. Business Practices</p>
<p>22 TAC §75.4. Code of Ethics.</p>	<p>22 TAC §75.1. Code of Ethics.</p>

TRD-201901220





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

Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 14, Grants.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 14 continue to exist.

Comments regarding suggested changes to the rules in Chapter 14 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rule-making action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 14. Written comments may be submitted to Derek Baxter, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-083-014-AS. Comments must be received by June 11, 2019. For further information, please contact Chris Gobert, Financial Administration Division, at (512) 239-0382.

TRD-201901261

David Timberger

Director, General Law Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 114 continue to exist.

Comments regarding suggested changes to the rules in Chapter 114 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 114. Written comments may be submitted to Derek Baxter, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-071-114-AI. Comments must be received by June 11, 2019. For further information, please contact Javier Galván, Air Quality Division, at (512) 239-1492.

TRD-201901262

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 290, Public Drinking Water.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 290 continue to exist.

Comments regarding suggested changes to the rules in Chapter 290 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 290. Written comments may be submitted to Derek Baxter, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system.

tem. All comments should reference Non-Rule Project Number 2019-068-290-OW. Comments must be received by June 11, 2019. For further information, please contact Gary Chauvin, Water Supply Division, at (512) 239-1687.

TRD-201901263

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 330, Municipal Solid Waste.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for reoption, reoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 330 continue to exist.

Comments regarding suggested changes to the rules in Chapter 330 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 330. Written comments may be submitted to Ms. Kris Hogan, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-066-330-WS. Comments must be received by June 11, 2019. For further information, please contact Ms. Charly Fritz, Waste Permits Division, at (512) 239-2331.

TRD-201901259

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for reoption, reoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 335 continue to exist.

Comments regarding suggested changes to the rules in Chapter 335 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 335. Written comments may be submitted to Mr. Derek Baxter, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-067-335-WS. Comments must be received by June 11, 2019. For further information, please contact Ms. Charly Fritz, Waste Permits Division, (512) 239-2331.

TRD-201901260

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 351, Regionalization.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for reoption, reoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 351 continue to exist.

Comments regarding suggested changes to the rules in Chapter 351 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 351. Written comments may be submitted to Ms. Kris Hogan, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. File size restrictions may apply to comments being submitted via the eComments system. All comments should reference Non-Rule Project Number 2019-029-351-OW. Comments must be received by June 11, 2019. For further information, please contact Laurie Fleet, Water Quality Division, at (512) 239-5445.

TRD-201901258

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



Adopted Rule Reviews

Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 15, Fleet Vehicle Management, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for reoption, reoption with amendments, or repeal each of its rules every four years. The commission published its Notice of

Intent to Review these rules in the November 9, 2018, issue of the *Texas Register* (43 TexReg 7473).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 15 are required because the rules provide the general policies concerning fleet vehicle management at the commission. The rules provide the requirements and exceptions for the assignment and use of vehicles. Additionally, the rules require the commission to adopt a fleet vehicle management policy in accordance with Texas Government Code, Chapter 2171, Travel and Vehicle Fleet Services. The commission developed and implemented Operating Policy and Procedure 3.09, Agency Fleet Vehicle Management, and Guide for Administrative Procedures Chapter 4F, Fleet Operations, to effectively accomplish agency functions and statutory requirements.

Public Comment

The public comment period closed on December 12, 2018. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 15 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201901230

David Timberger

Director, General Law Division

Texas Commission on Environmental Quality

Filed: April 26, 2019



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 19, Electronic Reporting; Electronic Transmission of Information by Commission, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the October 26, 2018, issue of the *Texas Register* (43 TexReg 7223).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 19 are required because the rules implement the United States Environmental Protection Agency's Cross Media Electronic Reporting Rule (CROMERR), 40 Code of Federal Regulations, Part 3. CROMERR established electronic reporting as an acceptable regulatory alternative and established requirements for states who choose to accept electronic reports to assure that electronic documents are as legally enforceable as their paper counterparts. The rules in Chapter 19 also implement Texas Water Code, §5.128, requiring the commission to encourage the use of electronic reporting for submission of reports required by the commission. Additionally, the rules require the commission to utilize electronic transmission of information by the commission; and authorize the commission to adjust fees to encourage electronic reporting and use of the commission's electronic document receiving system.

Public Comment

The public comment period closed on November 28, 2018. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 19 continue to exist and readopts

these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201901231

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 26, 2019



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 21, Water Quality Fees, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the November 9, 2018, issue of the *Texas Register* (43 TexReg 7473).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 21 are required to establish annual fees that are assessed against wastewater permit holders authorized to discharge into or adjacent to water in the state and against each person holding a right to impound, divert, or use state water. The annual fees are necessary to support the following programs and activities conducted by the commission: water quality administration, including, but not limited to, inspection of wastewater treatment facilities and enforcement of Texas Water Code (TWC), Chapter 26, the rules and orders of the commission related to wastewater discharges and wastewater treatment facilities, and the provisions of wastewater discharge permits; the Texas Clean Rivers Program, which monitors and assesses water quality conditions that support water quality management decisions necessary to maintain and improve the quality of the state's water resources; and any other water resource management programs reasonably related to the activities of the persons required to pay a fee under TWC, §26.0291.

Public Comment

The public comment period closed on December 12, 2018. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 21 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201901233

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 26, 2019



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 25, Environmental Testing Laboratory Accreditation and Certification, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the October 26, 2018, issue of the *Texas Register* (43 TexReg 7223).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 25 are required to provide the requirements for accreditation and certification of environmental testing laboratories.

Texas Water Code (TWC), §5.134, requires, with certain exceptions, all environmental testing laboratory data and analyses used in commission decisions regarding any matter under the commission's jurisdiction relating to permits or other authorizations, compliance matters, enforcement action, or remedial action must be from an accredited environmental testing laboratory. The rules are specifically required by TWC, §5.802, which requires the commission to adopt rules for the voluntary environmental testing laboratory accreditation program. The rules are necessary to ensure the data used by the commission in its decisions are of known and documented quality.

Public Comment

The public comment period closed on November 28, 2018. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 25 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201901234

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 26, 2019



The Texas Commission on Environmental Quality (commission or TCEQ) has completed its Rule Review of 30 TAC Chapter 30, Occupational Licenses and Registrations, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the October 26, 2018, issue of the *Texas Register* (43 TexReg 7223).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist. The rules in Chapter 30 are required to ensure that environmental professionals are qualified and competent to operate water, wastewater, and waste facilities in a manner that complies with state and federal requirements to protect human health and the environment. Additionally, the commission's rules in Chapter 30 protect the public from the unqualified practice of an environmental profession. TCEQ staff have the unique training and specialization oversight required for environmental occupational licenses.

Public Comment

The public comment period closed on November 28, 2018. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 30 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201901235

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 26, 2019



The Texas Commission on Environmental Quality (commission) has completed its Rule Review of 30 TAC Chapter 86, Special Provisions for Contested Case Hearings, as required by Texas Government Code, §2001.039. Texas Government Code, §2001.039, requires a state agency to review and consider for readoption, readoption with amendments, or repeal each of its rules every four years. The commission published its Notice of Intent to Review these rules in the November 9, 2018, issue of the *Texas Register* (43 TexReg 7473).

The review assessed whether the initial reasons for adopting the rules continue to exist and the commission has determined that those reasons exist.

The rules in Chapter 86, Subchapter A indicate that the chapter supplements 30 TAC Chapter 80 (Contested Case Hearings) by providing specific procedures for particular types of hearings. In the event of conflicting provisions, Chapter 86 prevails over Chapter 80.

The rules in Chapter 86, Subchapter B provide procedures for the water rights adjudications that were conducted by the commission and predecessor agencies under Texas Water Code (TWC), Chapter 11 starting in 1977. Although the commission has completed this adjudication for the state, there are still some pending claims in court.

The rules in Chapter 86, Subchapter D provide procedures for petitions by affected persons to the commission claiming that a city's rulings, orders, or other acts relating to water pollution control and abatement outside of the corporate limits of such city and adopted under TWC, §26.177, or any statutory authorization, are invalid, arbitrary, unreasonable, inefficient or ineffective in its attempt to control water quality. This action is specifically allowed under TWC, §26.177(d). Because TWC, §26.177(d) still exists, Chapter 86, Subchapter D is still needed.

Public Comment

The public comment period closed on December 12, 2018. The commission did not receive comments on the rules review of this chapter.

As a result of the review the commission finds that the reasons for adopting the rules in 30 TAC Chapter 86 continue to exist and readopts these sections in accordance with the requirements of Texas Government Code, §2001.039.

TRD-201901236

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 26, 2019



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Have a complaint or need help?

If you have a problem with a claim or your premium, call your insurance company or HMO first. If you can't work out the issue, the Texas Department of Insurance may be able to help.

Even if you file a complaint with the Texas Department of Insurance, you should also file a complaint or appeal through your insurance company or HMO. If you don't, you may lose your right to appeal.

[Insert insurance company or HMO name]

To get information or file a complaint with your insurance company or HMO:

Call: [insert title] at [insert phone number]

Toll-free: [insert phone number]

Email: [insert email address]

Mail: [insert mailing address]

The Texas Department of Insurance

To get help with an insurance question or file a complaint with the state:

Call: 1-800-252-3439

Online: www.tdi.texas.gov

Email: ConsumerProtection@tdi.texas.gov

Mail: MC 111-1A, P.O. Box 149091, Austin, TX 78714

¿Tiene una queja o necesita ayuda?

Si tiene un problema con una reclamación o con su prima de seguro, llame primero a su compañía de seguros o HMO. Si no puede resolver el problema, es posible que el Departamento de Seguros de Texas (Texas Department of Insurance, por su nombre en inglés) pueda ayudar.

Aun si usted presenta una queja ante el Departamento de Seguros de Texas, también debe presentar una queja a través del proceso de quejas o de apelaciones de su compañía de seguros o HMO. Si no lo hace, podría perder su derecho para apelar.

[Insert insurance company or HMO name]

Para obtener información o para presentar una queja ante su compañía de seguros o HMO:

Llame a: [insert title] al [insert phone number]

Teléfono gratuito: [insert phone number]

Correo electrónico: [insert email address]

Dirección postal: [insert mailing address]

El Departamento de Seguros de Texas

Para obtener ayuda con una pregunta relacionada con los seguros o para presentar una queja ante el estado:

Llame: 1-800-252-3439

En línea: www.tdi.texas.gov

Correo electrónico: ConsumerProtection@tdi.texas.gov

Dirección postal: MC 111-1A, P.O. Box 149091, Austin, TX 78714

Have a workers' compensation complaint or need help?

Contact your insurance company if you have a question or problem about your premium or a claim:

[Insert Insurance company name]

Call: [insert title] at [insert phone number]

Toll-free: [insert phone number]

Email: [insert email address]

Mail: [insert mailing address]

National Council on Compensation Insurance, Dispute Resolution Services

If your problem with the premium is not resolved, contact the National Council on Compensation Insurance, Dispute Resolution Services.

Mail: 901 Peninsula Corporate Circle, Boca Raton, FL 33487-1362

Fax: 561-893-5043

Email: regulatoryassurance@ncci.com

Phone: 1-800-622-4123

The Texas Department of Insurance

If one of your employees has a problem with a claim, contact the Texas Department of Insurance, Division of Workers' Compensation.

Mail: MS-8, 7551 Metro Center Drive, Suite 100, Austin, TX 78744

Fax: 512-490-1030

Email: DWC-ComplianceReview@tdi.texas.gov

Phone: 1-800-252-7031

¿Tiene una queja de compensación para trabajadores o necesita ayuda?

Comuníquese con su compañía de seguros si tiene una pregunta o problema relacionado con su prima de seguro o con una reclamación:

[Insert Insurance Company Name]

Llame a: [insert title] al [insert phone number]

Teléfono gratuito: [insert phone number]

Correo electrónico: [insert email address]

Dirección postal: [insert mailing address]

Consejo Nacional de Seguros de Compensación (National Council on

Compensation Insurance, por su nombre en inglés), Servicios para la Resolución de Disputas

Si su problema con la prima de seguro no es resuelto, comuníquese con el Consejo Nacional de Seguros de Compensación, **Servicios para la Resolución de Disputas.**

Correo postal: 901 Peninsula Corporate Circle, Boca Raton, FL 33487-1362

Fax: 561-893-5043

Correo electrónico: regulatoryassurance@ncci.com

Teléfono: 1-800-622-4123

El Departamento de Seguros de Texas

Si uno de sus empleados tiene un problema con una reclamación, comuníquese con el Departamento de Seguros de Texas, División de Compensación para Trabajadores (Texas Department of Insurance, Division of Workers' Compensation, por su nombre en inglés).

Correo postal: MS-8, 7551 Metro Center Drive, Suite 100, Austin, TX 78744

Fax: 512-490-1030

Correo electrónico: DWC-ComplianceReview@tdi.texas.gov

Teléfono: 1-800-252-7031

Where you can get information or make a complaint

If you have a question or a problem with a claim or your premium, contact your insurance company first. You can also get information or file a complaint with the Texas Department of Insurance.

[Insert insurance company name]

To get information or file a complaint with your insurance company:

Call: [insert title] at [insert phone number]

Toll-free: [insert phone number]

Email: [insert email address]

Mail: [insert mailing address]

The Texas Department of Insurance

To get help with an insurance question, learn about your rights, or file a complaint with the state:

Call: 1-800-252-3439

Online: www.tdi.texas.gov

Email: ConsumerProtection@tdi.texas.gov

Mail: MC 111-1A, P.O. Box 149091, Austin, TX 78714

To compare policies and prices

Visit **HelpInsure.com** to compare prices and coverages on home and auto insurance policies. The website is a service of the Texas Department of Insurance and the Office of Public Insurance Counsel.

Donde puede obtener información o presentar una queja

Si tiene una pregunta o un problema con una reclamación o con su prima de seguro, comuníquese primero con su compañía de seguros. Usted también puede obtener información o presentar una queja ante el Departamento de Seguros de Texas (Texas Department of Insurance, por su nombre en inglés).

[Insert Insurance Company Name]

Para obtener información o para presentar una queja ante su compañía de seguros:

Llame a: [insert title] al [insert phone number]

Teléfono gratuito: [insert phone number]

Correo electrónico: [insert email address]

Dirección postal: [insert mailing address]

El Departamento de Seguros de Texas

Para obtener ayuda con una pregunta relacionada con los seguros, para conocer sus derechos o para presentar una queja ante el estado:

Llame: 1-800-252-3439

En línea: www.tdi.texas.gov

Correo electrónico: ConsumerProtection@tdi.texas.gov

Dirección postal: MC 111-1A, P.O. Box 149091, Austin, TX 78714

Para comparar pólizas y precios

Visite **HelpInsure.com** para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés).

Figure: 28 TAC §1.602(b)(2)

INSURANCE WEBSITE NOTICE

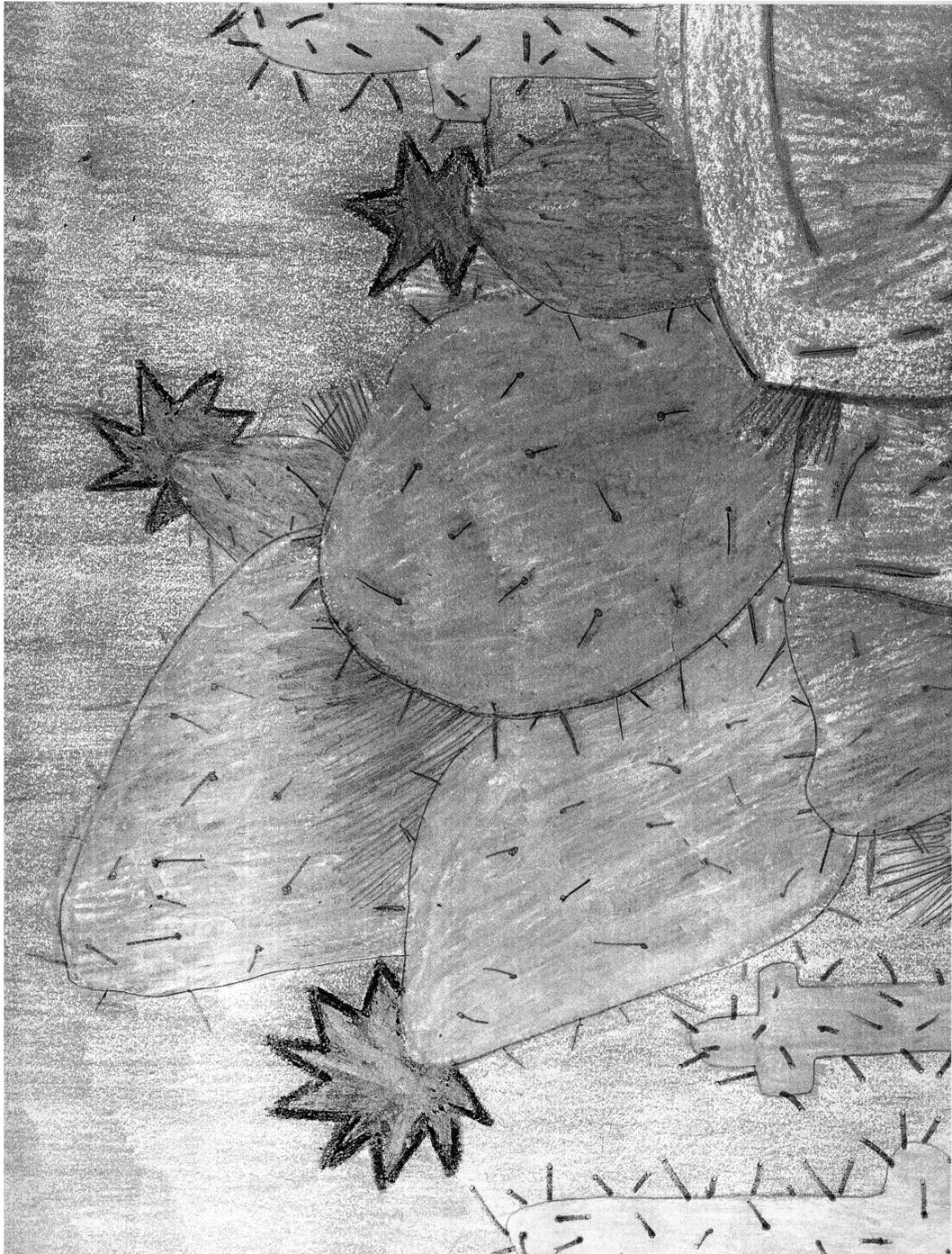
To compare policies and prices

Visit **HelpInsure.com** to compare prices and coverages on home and auto insurance policies. The website is a service of the Texas Department of Insurance and the Office of Public Insurance Counsel.

AVISO DEL SITIO WEB DE SEGUROS

Para comparar pólizas y precios

Visite **HelpInsure.com** para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés).



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.

Ark-Tex Council of Governments

Request for Proposal

The Ark-Tex Council of Governments (ATCOG) is soliciting proposals for a licensed police academy to provide regional law enforcement training in the ATCOG region through a grant provided by the Texas Governor's Office, Criminal Justice Division (if awarded this funding).

Respondent must be able to provide the following training: Basic Peace Officer Course, Basic Jailer Course, Basic Telecommunicator Course, and Advanced/Specialized Law Enforcement Training Courses. The period of performance is October 1, 2019, through September 30, 2021.

The service delivery area includes the following counties in Texas: Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River, and Titus.

Potential respondents may obtain a copy of the request for proposal, scoring guidelines, and project scoring criteria by contacting Patricia Haley by email, phaley@atcog.org, or call (903) 255-3531. Proposals must be completed and received in the ATCOG office, located at 4808 Elizabeth Street, Texarkana, Texas 75503 by May 29, 2019, at 5:00 p.m.

Request for Proposals will be issued on or after Wednesday, May 8, 2019.

TRD-201901286

Chris Brown

Executive Director

Ark-Tex Council of Governments

Filed: May 1, 2019

Office of the Attorney General

Texas Health and Safety Code and Texas Water Code Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to Section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *State of Texas v. Delhi Services, LLC and JML Energy Resources, LLC*, Cause No. D-1-GN-18-001378; in the 200th Judicial District Court, Travis County, Texas.

Background: The State initiated the suit on behalf of the Texas Commission on Environmental Quality ("TCEQ"), alleging that in 2016 Defendant JML Energy Resources, LLC, who leased a portion of the property from Delhi Services, LLC, operated an asphalt shingle recycling

facility in San Antonio, Bexar County, Texas, without authorization from TCEQ.

Proposed Settlement: The parties propose an Agreed Final Judgment and Permanent Injunction which provides for an award of civil penalties of \$15,000 from Delhi Services, LLC and \$34,250 from JML Energy Resources, LLC, plus attorney's fees to the State in the amount of \$9,000. The Agreed Final Judgment and Permanent Injunction also requires Defendants to cease accepting solid waste, repair clay cap and top soils, as well as remove and properly recycle or dispose of solid waste. Defendants will submit documentation to TCEQ demonstrating the removal, disposal, or recycling of waste from the site.

For a complete description of the proposed settlement, the Agreed Final Judgment should be reviewed. The proposed judgment may be examined at the Office of the Attorney General, 300 W. 15th Street, 10th Floor, Austin, Texas 78701, and copies may be obtained in person or by mail for the cost of copying. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Ekaterina DeAngelo, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, MC 066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-201901217

Ryan L. Bangert

Deputy Attorney General for Legal Counsel

Office of the Attorney General

Filed: April 24, 2019

Texas Health and Safety Code and Texas Water Code Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to Section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *State of Texas v. Shell Oil Company and Shell Chemical L.P.*; Cause No. D-1-GN-18-005027; in the 53rd Judicial District Court, Travis County, Texas.

Background: Defendants own and operate an oil refinery and petrochemical plant in Deer Park, Harris County, Texas (the "Facility"). The State initiated the suit on behalf of the Texas Commission on Environmental Quality ("TCEQ") to address six incidents in 2016 and 2017 of unauthorized emissions of air contaminants from the Facility and to enforce TCEQ air permits issued to Defendants under the Texas Clean Air Act.

Proposed Settlement: The parties propose an Agreed Final Judgment and Permanent Injunction, which provides for an award of civil penalties of \$195,000 from Shell Oil Company and \$125,000 from Shell Chemical L.P., plus attorney's fees to the State in the amount of \$10,000. The Agreed Final Judgment and Permanent Injunction also orders Defendants to retain an independent auditor to perform a comprehensive environmental audit of each emissions event and to implement the corrective actions identified in the audit.

For a complete description of the proposed settlement, the Agreed Final Judgment and Permanent Injunction should be reviewed in its entirety. The proposed judgment may be examined at the Office of the Attorney General, 300 W. 15th Street, 10th Floor, Austin, Texas 78701, and copies may be obtained in person or by mail for the cost of copying. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Ekaterina DeAngelo, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, MC 066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-201901267
Ryan L. Bangert
Deputy Attorney General for Legal Counsel
Office of the Attorney General
Filed: April 30, 2019

◆ ◆ ◆
Automobile Burglary and Theft Prevention Authority

Fiscal Year 2020 Request for Applications

Automobile Burglary and Theft Prevention Authority, announces the issuance of the Request for Applications. ABTPA is authorized in statute to provide grants to local law enforcement and other organizations to combat motor vehicle burglary and theft and to inform automobile owners about methods to prevent automobile burglary or theft. Eligible applicants may request funds for program operation by submission of an application consistent with the information, including the requirements and conditions stated in the RFA. The RFA was previously published in the April 19, 2019, issue of the *Texas Register* (44 TexReg 2067). A copy of the RFA as well as the application can be found at <https://abtpa.tamu.edu>. The application deadline is **5:00 p.m., June 7, 2019. New applicants must establish an account and perform account setup steps prior to an application being able to be submitted.** The *required* Resolution and any *optional* supporting documents must be scanned and submitted as attachments to the application at <https://abtpa.tamu.edu> on or before **5:00 p.m., June 7, 2019.**

TRD-201901239
David Richards
General Counsel
Automobile Burglary and Theft Prevention Authority
Filed: April 29, 2019

◆ ◆ ◆
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 05/06/19 - 05/12/19 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 05/06/19 - 05/12/19 is 18% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

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

TRD-201901264
Leslie Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: April 30, 2019

◆ ◆ ◆
Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 11, 2019**. 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 **June 11, 2019**. 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: BOB HARRIS OIL COMPANY dba South Main Texaco; DOCKET NUMBER: 2019-0143-PST-E; IDENTIFIER: RN102823069; LOCATION: Cleburne, Johnson 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 30 days; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Amanda Diaz, (512) 239-2601; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: CHARLIE HILLARD, INCORPORATED dba Charlie Hillard Ford; DOCKET NUMBER: 2019-0307-PST-E; IDENTIFIER: RN100666833; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: fleet refueling facility; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; and 30 TAC §334.50(b)(1)(A) and (d)(1)(B)(ii) and TWC, §26.3475(c)(1), by failing to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days, and failing to conduct reconciliation of detailed inventory control records at least once every 30 days, in a manner sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the 30-day period plus 130 gallons; PENALTY: \$4,425; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: City of Danbury; DOCKET NUMBER: 2019-0328-PWS-E; IDENTIFIER: RN101253607; LOCATION: Danbury, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(f)(2) and (3)(A)(i)(II) and (B)(iii), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director upon request; and 30 TAC §290.46(n)(2), by failing to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; PENALTY: \$120; ENFORCEMENT COORDINATOR: Toni Red, (512) 239-1704; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: City of Haskell; DOCKET NUMBER: 2018-1023-PWS-E; IDENTIFIER: RN101429561; LOCATION: Haskell, Haskell 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 (MCL) of 0.080 milligrams per liter for total trihalomethanes (TTHM) based on the locational running annual average; 30 TAC §290.122(b)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the executive director (ED) regarding the failure to comply with the MCL for TTHM for Disinfection Byproduct (DBP2) at Site 1 during the fourth quarter of 2017; and 30 TAC §290.122(b)(3)(A) and (f), by failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to comply with the MCL for TTHM for Stage 2 DBP2 at Site 1 during the second quarter of 2015; PENALTY: \$1,002; ENFORCEMENT COORDINATOR: Austin Henck, (512) 239-6155; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(5) COMPANY: Craig Rossell dba Lemley RV Park and Marsha Rossell dba Lemley RV Park; DOCKET NUMBER: 2018-1479-PWS-E; IDENTIFIER: RN106255334; LOCATION: Thornton, Limestone County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(1)(F), by failing to obtain a sanitary control easement covering land within 150 feet of the well; 30 TAC §290.41(c)(3)(N), by failing to provide a flow measuring device for each well to measure production yields and provide for the accumulation of water production data; 30 TAC §290.41(c)(3)(K), by failing to ensure that the wellheads and pump bases are sealed by a gasket or sealing compound and properly vented to prevent the possibility of contaminating the well water; 30 TAC §290.42(l), by failing to provide a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.45(b)(1)(E)(ii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a minimum pressure tank capacity of 50 gallons per connection; 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and THSC,

§341.0315(c), by failing to maintain a minimum disinfectant residual of 0.2 milligrams per liter free chlorine throughout the distribution system at all times; 30 TAC §290.46(f)(2) and (3)(A)(i)(III), by failing to properly maintain water works operation and maintenance records and make them available for review to the executive director (ED) during the investigation; 30 TAC §§290.46(f)(4), 290.106(e), and 290.122(c)(2)(A) and (f), by failing to timely provide the results of nitrate sampling for the January 1, 2016 - December 31, 2016, monitoring period to the ED, and failing to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to provide the results of nitrate sampling for the January 1, 2016 - December 31, 2016, monitoring period; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; 30 TAC §290.46(n)(2), by failing to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; 30 TAC §290.46(v), by failing to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code; 30 TAC §290.106(e), by failing to timely provide the results of nitrate sampling for the January 1, 2017 - December 31, 2017, monitoring period to the ED within the first ten days following the end of the required monitoring period; 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days; and 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements; PENALTY: \$2,011; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(6) COMPANY: DCP Operating Company, LP; DOCKET NUMBER: 2019-0091-AIR-E; IDENTIFIER: RN104204193; LOCATION: Panola, Panola County; TYPE OF FACILITY: natural gas pipeline; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and THSC, §382.085(a) and (b), by failing to prevent unauthorized emissions; PENALTY: \$7,725; ENFORCEMENT COORDINATOR: Amanda Diaz, (512) 239-2601; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(7) COMPANY: East Newton Water Supply Corporation; DOCKET NUMBER: 2018-1590-MLM-E; IDENTIFIER: RN101270130; LOCATION: Newton, Newton County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §288.30(5)(B), by failing to adopt a Drought Contingency Plan which includes all elements for a retail public water supplier and make it available for inspection by the executive director (ED) upon request; 30 TAC §290.42(f)(1)(E)(ii), by failing to provide adequate containment facilities for all liquid chemical storage tanks; 30 TAC §290.42(l), by failing to compile and keep up-to-date a thorough plant operations manual for operator review and reference; 30 TAC §290.43(c)(1), by failing to equip the facility's ground storage tank (GST) roof vent with a 16-mesh or finer corrosion-resistant screen to prevent entry of animals, birds, insects, and heavy air contaminants; 30 TAC §290.45(b)(1)(C)(iii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide two or more pumps having a total capacity of 2.0 gallons per minute per connection at each pump station or pressure plane; 30 TAC §290.46(e)(4)(A) and THSC, §341.033(a), by failing to use an

operator who holds a Class D or higher groundwater license; 30 TAC §290.46(f)(2) and (3)(A)(iii) and (iv), (B)(ii), and (E)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the ED upon request; 30 TAC §290.46(i), by failing to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's GST annually; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's pressure tank annually; 30 TAC §290.46(n)(2), by failing to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; 30 TAC §290.46(s)(2)(C)(i), by failing to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations; 30 TAC §290.46(v), by failing to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code; 30 TAC §290.51(a)(6) and TWC, §5.702, by failing to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account Number 91760004 for Fiscal Year 2018; 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days; and 30 TAC §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$2,130; ENFORCEMENT COORDINATOR: Michaelle Garza, (210) 403-4076; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(8) COMPANY: H2O Tech, Incorporated; DOCKET NUMBER: 2019-0076-PWS-E; IDENTIFIER: RN101442333; LOCATION: League City, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(e)(4)(A) and Texas Health and Safety Code, §341.033(a), by failing to operate the water system under the direct supervision of a water works operator who holds a Class D or higher license; and 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; PENALTY: \$272; ENFORCEMENT COORDINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: M&Z Wheelock, LLC; DOCKET NUMBER: 2018-1428-PWS-E; IDENTIFIER: RN101676070; LOCATION: Hearne, Brazos County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's public drinking water well into service; 30 TAC §290.42(j), by failing to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation Standard 60; 30 TAC §290.46(f)(2) and (3)(A)(ii)(III), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director upon request; 30 TAC §290.46(m)(1)(B), by failing to inspect the facility's pressure tank annually; 30 TAC §290.46(n)(2), by failing to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days;

and 30 TAC §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$1,171; ENFORCEMENT COORDINATOR: Julianne Dewar, (512) 239-2527; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(10) COMPANY: MKO TRUCKING, INCORPORATED; DOCKET NUMBER: 2019-0192-MSW-E; IDENTIFIER: RN107290470; LOCATION: Shelbyville, Shelby County; TYPE OF FACILITY: waste disposal transportation business; RULES VIOLATED: 30 TAC §324.15, Texas Health and Safety Code, §371.041, and 40 Code of Federal Regulations §279.22(d)(3), by failing to clean up and properly manage the release of used oil to the environment; PENALTY: \$242; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(11) COMPANY: PANAS INC dba Jakes Convenience Store; DOCKET NUMBER: 2019-0124-PST-E; IDENTIFIER: RN102378783; LOCATION: Whitney, Hill County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; 30 TAC §334.50(b)(1)(A) and (2), and TWC, §26.3475(a) and (c)(1), by failing to monitor the UST for releases at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; 30 TAC §334.51(a)(6) and (b)(2)(B)(ii), and TWC, §26.3475(c)(2), by failing to ensure that spill and overflow prevention devices are maintained in good operating condition; and 30 TAC §334.602(a)(4), by failing to have at least one certified operator (Class A, B, or C) present at the facility at all times during hours of operation; PENALTY: \$5,341; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(12) COMPANY: Sable Homes Incorporated; DOCKET NUMBER: 2019-0553-WQ-E; IDENTIFIER: RN110670924; LOCATION: Shallowater, Lubbock County; TYPE OF FACILITY: residential construction site; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Katelyn Tubbs, (512) 239-2512; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(13) COMPANY: Sunoco Partners Marketing & Terminals L.P.; DOCKET NUMBER: 2018-1184-AIR-E; IDENTIFIER: RN100214626; LOCATION: Nederland, Jefferson County; TYPE OF FACILITY: petroleum storage terminal; RULES VIOLATED: 30 TAC §§101.20(3), 106.6(b), 116.115(c), and 122.143(4), Permit by Rule (PBR) Registration Number 111204, New Source Review (NSR) Permit Numbers 1980 and PSDTX1472, Special Conditions (SC) Numbers 12.H and 12.I, Federal Operating Permit (FOP) Number O1573, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Numbers 10 and 11, and Texas Health and Safety Code (THSC), §382.085(b), by failing to perform a first repair attempt within five days after discovering a leaking component and to either repair the component or place it on the delay of repair list if a unit shutdown is required within 15 days after discovery; 30 TAC §§101.20(3), 116.115(b)(2)(E)(iv) and (c), and 122.143(4), NSR Permit Numbers 56508 and PSDTX1444, General Conditions Number 7 and SC Number 8.D(4), FOP Number O1573, GTC and STC Number 10, and THSC, §382.085(b), by failing to maintain records

of inspections during marine loading operations; 30 TAC §106.6(b) and §122.143(4), PBR Registration Number 111204, FOP Number O1573, GTC and STC Numbers 10 and 11, and THSC, §382.085(b), by failing to comply with the certified emissions rates; 30 TAC §106.6(b) and (c) and §122.143(4), PBR Registration Number 111204, FOP Number O1573, GTC and STC Numbers 10 and 11, and THSC, §382.085(b), by failing to comply with all representations with regard to construction plans, operating procedures, and maximum emissions rates in any certified registration; 30 TAC §106.8(c)(2)(B) and (4) and §122.143(4), PBR Registration Number 111204, FOP Number O1573, GTC and STC Numbers 10 and 11, and THSC, §382.085(b), by failing to maintain records containing sufficient information to demonstrate compliance with applicable PBR conditions; 30 TAC §§106.8(c)(2)(B), 106.492(2)(A), and 122.143(4), PBR Registration Number 111204, FOP O1573, GTC and STC Numbers 10 and 11, and THSC, §382.085(b), by failing to maintain records containing sufficient information to demonstrate compliance with all applicable PBR conditions; 30 TAC §106.492(2)(A) and §122.143(4), PBR Registration Number 111204, FOP O1573, GTC and STC Numbers 10 and 11, and THSC, §382.085(b), by failing to maintain the net heating value of the gas stream to be burned by a flare above 200 British thermal units per standard cubic foot; 30 TAC §117.145(f)(6)(B) and THSC, §382.085(b), by failing to maintain records for hours of operation for emergency engines; 30 TAC §122.143(4), FOP Number O1573, GTC and STC Number 3.A(iv)(1), and THSC, §382.085(b), by failing to conduct quarterly visible emissions observations; 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O1573, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; and 30 TAC §122.210(a) and THSC, §382.085(b), by failing to submit a revision application for a FOP for those activities at a site which change, add, or remove one or more permit terms or conditions; PENALTY: \$115,725; ENFORCEMENT COORDINATOR: Trina Grieco, (210) 403-4006; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(14) COMPANY: Treasure Island Municipal Utility District; DOCKET NUMBER: 2019-0037-PWS-E; IDENTIFIER: RN101450252; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(f)(2) and (3)(E)(iv), by failing to maintain water works operation and maintenance records and make them available for review by the executive director upon request; and 30 TAC §290.46(z), by failing to create a nitrification action plan for systems distributing chloraminated water; PENALTY: \$112; ENFORCEMENT COORDINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(15) COMPANY: Windridge Construction LLC; DOCKET NUMBER: 2019-0550-WQ-E; IDENTIFIER: RN110661436; LOCATION: Shallowater, Lubbock County; TYPE OF FACILITY: residential construction site; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Katelyn Tubbs, (512) 239-2512; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

TRD-201901242

Charmaine Backens

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



Amended Notice of Public Hearing on Assessment of
Administrative Penalties and Requiring Certain Actions of

Mary Regina Hunt: SOAH Docket No. 582-19-4108; TCEQ
Docket No. 2018-0803-MLM-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. - May 30, 2019

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 November 29, 2018, concerning assessing administrative penalties against and requiring certain actions of Mary Regina Hunt, for violations in Jasper County, Texas, of: Texas Health & Safety Code §382.085, 30 Texas Administrative Code §111.201 and §330.15(c), and TCEQ Agreed Order Docket No. 2015-0705-MSW-E, Provision Nos. 2.a. and 2.b.

The hearing will allow Mary Regina Hunt, 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 Mary Regina Hunt, 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 Mary Regina Hunt 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.** Mary Regina Hunt, 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 ch. 7, Texas Health & Safety Code chs. 361 and 382, and 30 Texas Administrative Code chs. 70, 111, and 330; 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 Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 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 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 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

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: April 26, 2019

TRD-201901280

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2019



Amended Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of West Park Business Inc dba Gator Stop 4: SOAH Docket No. 582-19-4107; TCEQ Docket No. 2017-1151-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. - June 20, 2019

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 October 26, 2018, concerning assessing administrative penalties against and requiring certain actions of WEST PARK BUSINESS INC dba Gator Stop 4, for violations in Jefferson County, Texas, of: Tex. Water Code §26.3475(c)(1) and 30 Texas Administrative Code §§334.7(d)(3), 334.50(b)(1)(A) and (d)(9)(A)(v), 334.72, and 334.74.

The hearing will allow WEST PARK BUSINESS INC dba Gator Stop 4, 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 WEST PARK BUSINESS INC dba Gator Stop 4, 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 WEST PARK BUSINESS INC dba Gator Stop 4 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.** WEST PARK BUSINESS INC dba Gator Stop 4, 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 and Tex. Water Code chs. 7 and 26 and 30 Texas Administrative Code chs. 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 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

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

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: April 26, 2019

TRD-201901281

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2019



Notice of Intent to Perform a Removal Action at the Bailey Metal Processors, Inc. Proposed State Superfund Site, near Brady, McCulloch County, Texas

The executive director of the Texas Commission on Environmental Quality (TCEQ) hereby issues public notice of intent to perform a removal action, as provided by Texas Health and Safety Code (THSC), §361.133, for the Bailey Metal Processors, Inc. Proposed State Superfund site (the site). The site, including all land, structures, appurtenances, and other improvements, is located at 509 San Angelo Highway (United States Highway 87), adjacent to and north of the Central Texas and Colorado River Railway (formerly known as the Heart of Texas Railway), on the west side of United States Highway 87, northwest of Brady, in McCulloch County, Texas. The site also includes any areas where hazardous substances have come to be located as a result, either directly or indirectly, of releases of hazardous substances from the site. The site was proposed for listing on the Texas Superfund Registry in the April 1, 2005, issue of the *Texas Register* (30 TexReg 1974).

The approximately five-acre site is a former scrap metal facility where metals, primarily copper and lead, were reclaimed from wire and from

other metallic scrap and waste material. Paper, plastic, and lead wire coatings were removed to reclaim the metals. Two furnaces were used to burn plastic insulation from the wire. After the insulation was removed, the wire was fed through a chipper. These activities resulted in over 40,000 cubic yards of wire and other scrap waste materials, buried waste, and soil contaminated with metals and semi-volatile organic compounds.

The removal action will consist of the removal of waste piles, excavation of buried waste and contaminated soils, and disposal at an authorized off-site disposal facility. The removal action is being taken to protect human health and the environment. The removal action will reduce the potential for direct exposure to contaminants and the potential for contaminants to migrate to groundwater. The removal action can be completed without extensive investigation and planning and will achieve a significant cost reduction for the site.

A portion of the records for the site is available for review during regular business hours at the F.M. Buck Richards Memorial Library (library), located at 1106 S. Blackburn Street, Brady, Texas 76825, (325) 597-2617. The library plans to move to a new location in early June 2019. The library's new location will be 401 E. Commerce, Brady, Texas 76825. The complete public file may be reviewed during regular business hours at the TCEQ's Central File Room, Building E, Room 103, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-2900, or cfrreg@tceq.texas.gov. Photocopying of file information is subject to payment of a fee. Parking for persons with disabilities is available on the east side of Building D, convenient to access ramps between Buildings D and E.

Information about the site is also available at www.tceq.texas.gov/remediation/superfund/state/baileymetal.html.

For further information, please contact Eric White, TCEQ Project Manager, Remediation Division, at (512) 239-2009, or Crystal Taylor, TCEQ Community Relations Liaison, at (800) 633-9363 or (512) 239-3844.

TRD-201901257

Charmaine Backens

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Bin Enterprises Inc: SOAH Docket No. 582-19-4248; TCEQ Docket No. 2017-1007-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. - May 30, 2019

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 January 24, 2019, concerning assessing administrative penalties against and requiring certain actions of BIN ENTERPRISES INC, for violations in Harris County, Texas, of: Texas Water Code §26.3475(d) and 30 Texas Administrative Code

§§334.7(d)(3) and (e)(2), 334.49(a)(1), and 334.54(b)(2), (b)(3), and (e)(2).

The hearing will allow BIN ENTERPRISES INC, 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 BIN ENTERPRISES INC, 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 BIN ENTERPRISES INC 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.** BIN ENTERPRISES INC, 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 chs. 7 and 26 and 30 Texas Administrative Code chs. 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 Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

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

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: April 26, 2019

TRD-201901282

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2019

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Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Garisham Inc. dba Family Mart: SOAH Docket No. 582-19-4106; TCEQ Docket No. 2018-0450-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. - May 23, 2019

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 January 17, 2019, concerning assessing administrative penalties against and requiring certain actions of Garisham Inc dba Family Mart, for violations in Tarrant County, Texas, of: Tex. Water Code §26.3475(c)(1) and 30 Texas Administrative Code §334.50(b)(1)(A).

The hearing will allow Garisham Inc dba Family Mart, 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 Garisham Inc dba Family Mart, 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 Garisham Inc dba Family Mart 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.** Garisham Inc dba Family Mart, 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 Texas Administrative Code chs. 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 Texas Administrative Code §70.108 and §70.109 and ch. 80, and 1 Texas Administrative Code ch. 155.

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

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: April 24, 2019

TRD-201901278

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2019

◆ ◆ ◆
Notice of Withdrawn Application and Public Meeting Cancellation

The Texas Commission on Environmental Quality (TCEQ) submitted a Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls: Proposed Air Quality Registration Number 155901 for publication in the April 19, 2019, issue of the *Texas Register* (44 TexReg 2077). However, the application was withdrawn by request of the applicant on April 26, 2019. Therefore, the public meeting scheduled for May 13, 2019, is cancelled.

Members of the public with questions regarding this application or public meeting may seek further information by calling the TCEQ External Relations Division toll free at (800) 687-4040.

TRD-201901279

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 1, 2019

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Update to the Water Quality Management Plan (WQMP)

The Texas Commission on Environmental Quality (TCEQ or commission) requests comments from the public on the draft April 2019 Update to the WQMP for the State of Texas.

Download the draft April 2019 WQMP Update at https://www.tceq.texas.gov/permitting/wqmp/WQmanagement_updates.html or view a printed copy at the TCEQ Library, Building A, 12100 Park 35 Circle, Austin, Texas 78753.

The WQMP is developed and promulgated in accordance with the requirements of Federal Clean Water Act, §208. The draft update includes projected effluent limits of specific domestic dischargers, which may be useful for planning in future permit actions. The draft update may also contain service area populations for listed wastewater treatment facilities, designated management agency information, and total maximum daily load (TMDL) revisions.

Once the commission certifies a WQMP update, it is submitted to the United States Environmental Protection Agency (EPA) for approval.

For some Texas Pollutant Discharge Elimination System (TPDES) permits, the EPA's approval of a corresponding WQMP update is a necessary precondition to TPDES permit issuance by the commission.

Deadline

All comments must be received at the TCEQ no later than **5:00 p.m. June 10, 2019**.

How to Submit Comments

Comments must be submitted in writing to:

Nancy Vignali, Texas Commission on Environmental Quality Water Quality Division, MC 150, P.O. Box 13087, Austin, Texas 78711-3087

Comments may also be faxed to (512) 239-4420, but must be followed up with written comments by mail within three working days of the fax date or by the comment deadline, whichever is sooner.

For further information, or questions, please contact Ms. Vignali at (512) 239-1303 or by email at Nancy.Vignali@tceq.texas.gov.

TRD-201901243

Robert Martinez

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: April 30, 2019



Texas Ethics Commission

List of Late Filers

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

Deadline: Monthly Report due July 5, 2018, for Committees

Jessy Horton, Alvin Fire Fighters Association PAC, 101 Buckshot Rd., Abilene, Texas 79602

Deadline: Monthly Report due August 6, 2018, for Committees

Jessy Horton, Alvin Fire Fighters Association PAC, 101 Buckshot Rd., Abilene, Texas 79602

Deadline: Monthly Report due September 5, 2018, for Committees

Jessy Horton, Alvin Fire Fighters Association PAC, 101 Buckshot Rd., Abilene, Texas 79602

Deadline: Semiannual Report due January 15, 2019, for Candidates

Kyle A. Frels-Henry, 10926 Jollyville Rd. #715, Austin, Texas 78759

Chris M. Hale, 4630 Deepdale Drive, Corpus Christi, Texas 78413

Teresa J. Hawthorne, P.O. Box 670844, Dallas, Texas 75367

Robin R. Hayter, 3694 Fordtran Rd., Yoakum, Texas 77995

Casey W. Littlejohn, 212 Mesa Dr., Glenn Heights, Texas 75154

Jessica M. Pallett, 1308 Kiowa Dr., Arlington, Texas 76012

Martin S. Schexnayder, 5161 San Felipe, Ste. 320 #D-8, Houston, Texas 77056

Gilberto Velasquez, 1512 Vermont, Houston, Texas 77006-1042

Lawrence Wade Johnson, 2809 13th Ave N., Texas City, Texas 77590

Demetrius Walker, 5719 Vinemont Ln., Houston, Texas 77084

Stephen A. West, 209 West 2nd Street Ste. 213, Fort Worth, Texas 76102

TRD-201901219

Ian M. Steusloff

Interim Executive Director

Texas Ethics Commission

Filed: April 25, 2019



Texas Health and Human Services Commission

Public Notice - Request for Proposal (RFP) HHS0004464 - Consulting Services Supporting Managed Care Procurements

The Texas Health and Human Services Commission (HHSC) announces that it is soliciting proposals for Consulting Services Supporting Managed Care Procurements. Among other things, the Contractor will perform a comprehensive review of HHSC's current managed care procurement evaluation tools and procedures.

A copy of the RFP, with a complete description of the project and all submission requirements, is available on the Texas Comptroller of Public Accounts, Electronic State Business Daily (ESBD), at <http://www.txsmartbuy.com/sp/HHS0004464>.

The deadline for submitting proposals is May 23, 2019, at 2:00 p.m. (CST).

TRD-201901252

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 30, 2019



Texas Department of Housing and Community Affairs

Aviso de Audiencia Pública sobre el Anteproyecto de la Solicitud y los Planes Estatales para el Año Fiscal Federal 2020-2021 del Community Services Block Grant (CSBG) y para el Año Fiscal Federal 2020 del Low Income Home Energy Assistance Program (LIHEAP)

Conforme con los requisitos del Departamento de Salud y Servicios Humanos de los Estados Unidos para la programa federal del Community Services Block Grant (CSBG, por sus siglas en ingles) y la programa federal del Low Income Home Energy Assistance Program (LIHEAP, por sus siglas en ingles) y el Capítulo 2105, Subcapítulo B del Código del Gobierno de Texas, el Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA, por sus siglas en ingles) conducirá varias audiencias públicas. El propósito principal de estas audiencias es para solicitar comentario público sobre los anteproyectos de la Solicitud y el Plan Estatal para los Años Fiscal Federal (FFY, por sus siglas en ingles) 2020-2021 del CSBG (Anteproyecto del Plan Estatal CSBG) y del anteproyecto de la Solicitud y el Plan Estatal LIHEAP para el FFY 2020 (Anteproyecto del Plan Estatal LIHEAP). En otra parte de esta sección intitulado "In Addition" este anuncio esta escrito en inglés.

El Anteproyecto del Plan Estatal CSBG detalla el propuesto uso y distribución de los fondos federales CSBG para los años fiscales federales (FFY) 2020-2021. Según require la ley federal, no más del 90% de los fondos serán distribuidos a las agencias elegibles que reciben fondos de CSBG y no más del 5% se utilizará para la administración estatal del programa, incluyendo actividades para la planificación, seguimiento del progreso o cumplimiento y para proveer entrenamiento y asistencia técnica. El restante 5% se utilizará para proyectos e iniciativas espe-

ciales y de demostración de CSBG y para proveer asistencia en casos de desastres naturales or artificiales.

El Anteproyecto del Plan Estatal LIHEAP detalla el propuesto uso y distribución de los fondos federales LIHEAP para el FFY 2020. El programa de LIHEAP provee fondos para los programas de Comprehensive Energy Assistance Program (CEAP, por sus siglas en ingles) y el Weatherization Assistance Program (WAP, por sus siglas en ingles).

Los Anteproyectos de los Planes Estatales de CSBG y de LIHEAP fueron presentados y aprobados por la junta directiva del TDHCA el 25 de abril del 2019. Como seguimiento a la provision de información pública, asesoramiento y los requisitos de las audiencias públicas para las programas CSBG y LIHEAP, la División de Asuntos Comunitarios del TDHCA publicará los anteproyectos de los planes estatales federales en el sitio web del TDHCA Public Comment Center en <http://www.tdhca.state.tx.us/public-comment.htm>.

Los documentos se pueden obtener comunicandose al TDHCA, P.O. Box 13941, Austin, Texas 78711-3941 o por teléfono al (512) 936-7828.

Las audiencias públicas sobre los Anteproyectos de los Planes Estatales de CSBG y de LIHEAP se han programado de la manera siguiente:

martes, 28 de mayo, 2019, 2:00-3:00 p.m.

el Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA)

221 Calle 11 Este, Sala 116

Austin, Texas 78701

martes, 28 de mayo, 2019, 6:00-7:00 p.m.

Centro de Comunidad del Sur/Southside Community Center

959 E. Rosedale

Fort Worth, Texas 76104

miércoles, 29 de mayo, 2019, 2:00-3:00 p.m.

West Texas Opportunities

1415 E. 2nd

Odessa, Texas 79762

jueves, 30 de mayo, 2019, 6:00-7:00 p.m.

Baker Ripley, Inc.

3838 Aberdeen Way

Houston, Texas 77025

Durante las audiencias los Anteproyectos de los Planes Estatales CSBG y LIHEAP seran presentados para solicitar comentario público. Personas interesadas pueden proveer comentario public sobre los Anteproyectos del Plan Estatal CSBG y/o LIHEAP en forma escrita o testimonio oral. Un representante del TDHCA estará presente para explicar el proceso de planificación y recibir comentario público de personas y grupos interesados respecto a los anteproyectos de los planes estatales.

El periodo de comentario público para aceptar comentarios sobre los anteproyectos de los planes estatales comienza el viernes, 10 de mayo del 2019, hasta el lunes, 10 de junio del 2019, a las 5:00 de la tarde hora local. Comentarios escritos sobre los anteproyectos de los planes estatales tambien pueden ser presentados por correo al Texas Department of Housing and Community Affairs, Atención: Gavin Reid, P.O. Box 13941, Austin, Texas 78711-3941 o pueden enviarse a través de correo electrónico a gavin.reid@tdhca.state.tx.us o por fax al (512) 475-3935.

Comentario público no será aceptado luego de las 5:00 de la tarde hora local el 10 de junio del 2019. Si tiene preguntas sobre este proceso, comuníquese con Gavin Reid, al (512) 936-7828 o envíe un correo electrónico a: gavin.reid@tdhca.state.tx.us.

Personas que necesiten equipos o servicios auxiliares para esta junta deben comunicarse con Terri Roeber, empleada responsable de la ley sobre la Ley de Estadounidenses con Discapacidades (ADA, por sus siglas en ingles), al (512) 475-3959 o al Relay Texas al (800) 662-4954 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

Personas que hablan español y requieren un intérprete, favor de llamar a Rita Gonzales-Garza al siguiente número (512) 475-3905 o enviarle un correo electrónico a rita.garza@tdhca.state.tx.us por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

TRD-201901274

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Filed: May 1, 2019



First Amendment to 2019-1 Multifamily Direct Loan Annual Notice of Funding Availability

I. Sources of Multifamily Direct Loan Funds.

Multifamily Direct Loan funds are made available through program income generated from prior year HOME allocations, de-obligated funds from prior year HOME allocations, the 2018 Grant Year HOME allocation, the 2017 and 2018 Grant Year National Housing Trust Fund (NHTF) allocation, loan repayments from the Tax Credit Assistance Program (TCAP Repayment funds or TCAP RF), and program income generated by Neighborhood Stabilization Program Round 1 (NSP1) loan repayments. The Department may amend this NOFA or the Department may release a new NOFA upon receiving its 2019 HOME or 2019 NHTF allocation from HUD or additional TCAP or NSP1 loan repayments. These funds have been programmed for multifamily activities including acquisition and/or refinancing of affordable housing involving new construction or rehabilitation.

II. Notice of Funding Availability (NOFA).

The Texas Department of Housing and Community Affairs (the Department) announces the availability of up to \$44,241,262 in Multifamily Direct Loan funding for the development of affordable multifamily rental housing for low-income Texans.

Of that amount, at least \$500,000 will be available for eligible Community Housing Development Organizations (CHDO) meeting the requirements of the definition of Community Housing Development Organization found in 24 CFR §92.2 and the requirements of this NOFA; up to \$11,638,041 will be available for applications proposing Supportive Housing in accordance with 10 TAC §11.1(d)(121) and §11.302(g)(3) of the 2019 Qualified Allocation Plan (QAP) or applications that commit to setting aside units for extremely low income households as required by 10 TAC §13.4(a)(1)(A)(ii). Additionally, at least \$2,000,000 will be available in a Preservation set-aside for applications proposing rehabilitation to assist developments at risk of losing their affordability and/or to ensure an extended affordability period with an investment of Direct Loan Funds. The remaining funds will be available for applications proposing eligible activities, including those mentioned in the Preservation set-aside as well as New Construction.

The Multifamily Direct Loan program provides loans to for-profit and nonprofit entities to develop affordable housing for low-income Texans qualified as earning 80 percent or less of the applicable Area Median Family Income. All funding is currently available on a statewide basis within each set-aside until November 26, 2019.

III. Application Deadline and Availability.

Based on the availability of funds, Applications may be accepted until 5:00 p.m. Austin local time on November 26, 2019. The "Amended 2019-1 Multifamily Direct Loan Annual NOFA" is posted on the Department's website: <http://www.tdhca.state.tx.us/multifamily/nofas-rules.htm>. Subscribers to the Department's LISTSERV will receive notification that the First Amendment to the NOFA is posted. Subscription to the Department's LISTSERV is available at <http://maillist.tdhca.state.tx.us/list/subscribe.html?lui=f9mu0g2g&mContainer=2&mOwner=G382s2w2r2p>.

Questions regarding the 2019-1 Multifamily Direct Loan Annual NOFA may be addressed to Andrew Sinnott at (512) 475-0538 or andrew.sinnott@tdhca.state.tx.us.

TRD-201901277

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Filed: May 1, 2019



First Amendment to 2019-2 Multifamily Special Purpose Annual Notice of Funding Availability: Predevelopment

I. Sources of Multifamily Predevelopment Funds.

Multifamily Predevelopment funds are made available through program income generated by loan repayments from the Tax Credit Assistance Program (TCAP Repayment Funds or TCAP RF). The Department may amend this NOFA or the Department may release a new NOFA in the future. These funds have been programmed for multifamily activities including the predevelopment of affordable housing involving new construction or rehabilitation.

II. Special Purpose Notice of Funding Availability (NOFA).

The Texas Department of Housing and Community Affairs (the Department) announces the availability of up to \$200,000 in Multifamily TCAP RF funding for eligible predevelopment activities for applicants to finance affordable multifamily rental housing for low-income Texans through the Department.

The Multifamily Predevelopment fund provides grants to eligible applicants (nonprofit entities, including any staff or Board members of the organization, Affiliate entity, or any individual with control of the Development, that have not received an award of funds from the Department for a multifamily development after January 1, 2009). Eligible applicants may apply for one predevelopment grant up to \$50,000 to finance the predevelopment of affordable housing for low-income Texans qualified as earning 80 percent or less of the applicable Area Median Family Income.

Starting on March 11, 2009, the Department will accept applications on a first-come, first-served basis. All funds will continue to be available on a statewide basis until November 26, 2019.

III. Application Deadline and Availability.

Based on the availability of funds, Applications may be accepted until 5:00 p.m. Austin local time on November 26, 2019. The "2019-2 Multifamily Special Purpose Predevelopment (First Amendment)" is posted on the Department's website: <http://www.tdhca.state.tx.us/multifamily/nofas-rules.htm>.

Subscribers to the Department's LISTSERV will receive notification that the First Amendment to the NOFA is posted. Subscription to the Department's LISTSERV is available at <http://maillist.tdhca.state.tx.us/list/subscribe.html?lui=f9mu0g2g&mContainer=2&mOwner=G382s2w2r2p>.

Questions regarding the 2019-2 Multifamily Special Purpose NOFA may be addressed to Andrew Sinnott at (512) 475-0538 or andrew.sinnott@tdhca.state.tx.us.

TRD-201901276

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Filed: May 1, 2019



Notice of Public Comment Period and Public Hearings on the Draft Federal Fiscal Years 2020-2021 Community Services Block Grant Application and State Plan and the Draft Federal Fiscal Year 2020 Low Income Home Energy Assistance Program Model Plan

In accordance with the U.S. Department of Health and Human Services' requirements for the CSBG and LIHEAP and Texas Government Code, Chapter 2105, Subchapter B, the Texas Department of Housing and Community Affairs (TDHCA) is conducting public hearings. The purpose of the hearings is to solicit comments on the draft Federal Fiscal Year (FFY) 2020-2021 Community Services Block Grant (CSBG) Application and State Plan (CSBG Draft Plan) and the draft FFY 2020 Low Income Home Energy Assistance Program (LIHEAP) Model Plan (LIHEAP Draft Plan). Elsewhere in the "In Addition" section of this issue is the Spanish version of this notice.

The CSBG Draft Plan describes the proposed use and distribution of CSBG funds for FFYs 2020 and 2021. As federal statute requires, not less than ninety percent of the CSBG funds will be distributed to the State's CSBG eligible entities and not more than five percent will be used for state administration, including support for planning, for monitoring, and for the provision of training and technical assistance. The remaining five percent will be utilized to fund state discretionary projects/initiatives and for disaster assistance recovery.

The LIHEAP Draft Plan describes the proposed use and distribution of LIHEAP funds for FFY 2020. LIHEAP provides funding for the Comprehensive Energy Assistance Program (CEAP) and the Weatherization Assistance Program (WAP).

The CSBG Draft Plan and the LIHEAP Draft Plan were presented and approved by the TDHCA Board of Directors on April 25, 2019. As part of the public information, consultation, and public hearing requirements for CSBG and LIHEAP, the Community Affairs Division of TDHCA has posted the proposed plans on the TDHCA website.

Please visit the TDHCA Public Comment Center at <http://www.tdhca.state.tx.us/public-comment.htm> to access the plans.

The documents may be obtained by contacting the Texas Department of Housing and Community Affairs at P.O. Box 13941, Austin, Texas 78711-3941 or by phone at (512) 936-7828.

Public hearings for the CSBG Draft Plan and the LIHEAP Draft Plan will be held as follows:

Austin - Tuesday, May 28, 2019, 2:00 p.m. - 3:00 p.m. in room 116, TDHCA Headquarters, 221 East 11th Street, Austin, Texas 78701

Fort Worth - Tuesday, May 28, 2019, 6:00 p.m. - 7:00 p.m. at Southside Community Center, 959 E. Rosedale, Fort Worth, Texas 76104

Odessa - Wednesday, May 29, 2019, 2:00 p.m. - 3:00 p.m. at West Texas Opportunities, 1415 East 2nd, Odessa, Texas 79762

Houston - Thursday, May 30, 2019, 6:00 p.m. - 7:00 p.m. at Baker Ripley, Inc., 3838 Aberdeen Way, Houston, Texas 77025

At the hearings, the CSBG Draft Plan and LIHEAP Draft Plan will be presented for public comment. Persons may provide public comment on both plans either through oral testimony or written testimony. A representative from TDHCA will be present at the hearings to explain the planning process and receive comments from interested citizens and affected groups regarding the draft plans.

The public comment period to accept comments regarding the draft plans will be open from Friday, May 10, 2019, through Monday, June 10, 2019, at 5:00 p.m., Austin local time. Written comments concerning the draft plans may also be submitted to the Texas Department of Housing and Community Affairs, Community Affairs Division, P.O. Box 13941, Austin, Texas 78711-3941, or by email to gavin.reid@tdhca.state.tx.us, or by fax to (512) 475-3935. Any questions regarding the public comment process may be directed to Gavin Reid, Manager of Planning and Training, in the Community Affairs Division at (512) 936-7828 or gavin.reid@tdhca.state.tx.us.

Individuals who require auxiliary aids, services or sign language interpreters for the hearing should contact Terri Roeber, ADA Responsible Employee, (512) 475-3959 or Relay Texas at 1 (800) 735-2989, at least five days before the hearing so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for the public hearing should contact Rita Gonzales-Garza, (512) 475-3905, at least five days before the hearing so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Rita Gonzales-Garza al siguiente número (512) 475-3905 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

TRD-201901275

David Cervantes

Acting Director

Texas Department of Housing and Community Affairs

Filed: May 1, 2019

Texas Department of Insurance

Company Licensing

Application for Blue Shield of California Promise Health Plan., a foreign Health Maintenance Organization (HMO) **DBA** (doing business as) Care1st AdvantageOptimum. The home office is in Monterey Park, California.

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 Christian Hertzberg, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

TRD-201901283

James Person

Interim General Counsel

Texas Department of Insurance

Filed: May 1, 2019

Texas Lottery Commission

Scratch Ticket Game Number 2060 "Weekly Grand"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2060 is "WEEKLY GRAND". The play style is "multiple games".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2060 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2060.

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: \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, \$300, GRAND SYMBOL, PINEAPPLE SYMBOL, GOLD BAR SYMBOL, BELL SYMBOL, KEY SYMBOL, DIAMOND SYMBOL, PIGGYBANK SYMBOL, MELON SYMBOL, GRAPE SYMBOL, CROWN SYMBOL, HORSESHOE SYMBOL, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14 and 15.

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. 2060 - 1.2D

PLAY SYMBOL	CAPTION
\$2.00	TWO\$
\$4.00	FOR\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$40.00	FRTY\$
\$100	ONHN
\$300	THHN
GRAND SYMBOL	WEEK
PINEAPPLE SYMBOL	PNAP
GOLD BAR SYMBOL	BAR
BELL SYMBOL	BELL
KEY SYMBOL	KEY
DIAMOND SYMBOL	DMD
PIGGYBANK SYMBOL	PBNK
MELON SYMBOL	MELN
GRAPE SYMBOL	GRPE
CROWN SYMBOL	CRN
HORSESHOE SYMBOL	SHOE
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN

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 Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (2060), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2060-000001-001.

H. Pack - A Pack of the "WEEKLY GRAND" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). There will be 2 fanfold configurations for this game. Configuration A will show the front of Ticket 001 and the back of Ticket 125. Configuration B will show the back of Ticket 001 and the front of Ticket 125.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "WEEKLY GRAND" Scratch Ticket Game No. 2060.

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 "WEEKLY GRAND" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 15 (fifteen) Play Symbols. GAME 1: If the player reveals 3 matching prize amounts, the player wins that amount. If the player reveals 3 "GRAND" Play Symbols, the player wins \$1,000 per week for 20 years! GAME 2: If the player reveals 2 matching symbols, the player wins \$20 instantly! GAME 3: If the YOUR NUMBER Play Symbol beats the THEIR NUMBER Play Symbol in either ROW across, the player wins the PRIZE for that ROW. If the PRIZE won is a "GRAND" Play Symbol, the player wins \$1,000 per week for 20 years! 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 15 (fifteen) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

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

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

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

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

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

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

13. The Scratch Ticket must be complete and not miscut, and have exactly 15 (fifteen) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the 15 (fifteen) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 15 (fifteen) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

Programmed Game Parameters.

A. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. GENERAL: The \$300 and "GRAND" Prize Symbols will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

C. GENERAL: The "GRAND" Prize Symbol may only be used in GAME 1 and GAME 3.

D. GAME 1: No four (4) or more matching Prize Symbols on a Ticket.

E. GAME 1: No Ticket will contain two (2) sets of three (3) matching Prize Symbols.

F. GAME 2: There will never be three (3) matching Play Symbols in this game.

G. GAME 3: No ties between the YOUR NUMBER and the THEIR NUMBER Play Symbols in the same ROW.

H. GAME 3: No duplicate non-winning ROWS in the same order on a Ticket.

I. GAME 3: A non-winning Prize Symbol will never match a winning Prize Symbol.

2.3 Procedure for Claiming Prizes.

A. To claim a "WEEKLY GRAND" Scratch Ticket Game prize of \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100 or \$300, 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, \$100 or \$300 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "WEEKLY GRAND" Scratch Ticket Game top level prize of \$1,000.00 per week for 20 years, the claimant must sign the winning Scratch Ticket and present it at Texas Lottery Commission headquarters in Austin, Texas. 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. When claiming a "WEEKLY GRAND" Scratch Ticket Game prize of \$1,000.00 per week for 20 years, the claimant must choose one (1) of five (5) payment options for receiving his prize:

1. Cash Value Option via direct deposit transfer to the claimant/winner's account. For the top prize, a cash value option may be selected at the time of claiming the prize. The value of the prize will be determined at the time of claim and based on the cost of purchasing the annuity.

2. Weekly via direct deposit transfer to the claimant/winner's account. With this plan, a payment of \$1,000.00 less Federal withholding will be made once a week for 20 years. After the initial payment, installment payments will be made every Wednesday.

3. Monthly via direct deposit transfer to the claimant/winner's account. If the claim is made during the month, the claimant/winner will still receive the entire month's payment. This will allow the flow of payments throughout the 20 years to remain the same. With this plan, an initial payment of \$4,413.00 less Federal withholding will be made the month of the claim. Each additional month, a payment of \$4,333.00 less Federal withholding will be made once a month for 20 years. After the initial payment, installment payments will be made on the first business day of each month.

4. Quarterly via direct deposit transfer to the claimant/winner's account. If the claim is made during the quarter, the claimant/winner will still receive the entire quarter's payment. This will allow the flow of payments throughout the 20 years to remain the same. With this plan, a payment of \$13,000.00 less Federal withholding will be made each quarter (four times a year) for 20 years. After the initial payment, installment payments will be made on the first business day of the first month of every quarter (January, April, July, October).

5. Annually via direct deposit transfer to the claimant/winner's account. These payments will be made in a manner similar to how jackpot payments are currently handled. With this plan, a payment of \$52,000.00 less Federal withholding will be made once a year during the anniversary month of the claim for 20 years. After the initial payment, installment payments will be made on the first business day of the anniversary month.

D. As an alternative method of claiming an "WEEKLY GRAND" Scratch Ticket Game prize of \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100 or \$300, 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.

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

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

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

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

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

F. 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 "WEEKLY GRAND" 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 "WEEKLY GRAND" 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 35,280,000 Scratch Tickets in Scratch Ticket Game No. 2060. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2060 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2	4,798,080	7.35
\$4	2,822,400	12.50
\$5	564,480	62.50
\$10	423,360	83.33
\$20	141,120	250.00
\$40	165,000	213.82
\$100	16,317	2,162.16
\$300	9,114	3,870.97
\$825,000	5	7,056,000.00

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

**The overall odds of winning a prize are 1 in 3.95. 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. 2060 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2060, 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-201901248

Bob Biard

General Counsel

Texas Lottery Commission

Filed: April 30, 2019



Scratch Ticket Game Number 2150 "Red Hot Slots"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2150 is "RED HOT SLOTS". The play style is "match 3 of X".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2150 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2150.

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: \$5.00, \$10.00, \$15.00, \$20.00, \$40.00, \$50.00, \$100, \$500, \$1,000, \$100,000, ARMORED CAR SYMBOL, MONEYBAG SYMBOL, BAR SYMBOL, BELL SYMBOL, DOLLAR BILL SYMBOL, CASHIER SYMBOL, CHERRY SYMBOL, CHIP SYMBOL, STAR SYMBOL, CLUB SYMBOL, DIAMOND SYMBOL, FIRECRACKER SYMBOL, RABBIT FOOT SYMBOL, HEART SYMBOL, KEY SYMBOL, LEMON SYMBOL, NECKLACE SYMBOL, ORANGE SYMBOL HORSESHOE SYMBOL, SPADE SYMBOL, SUN SYMBOL, VAULT SYMBOL, WISHBONE SYMBOL and HOT 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. 2150 - 1.2D

PLAY SYMBOL	CAPTION
\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$40.00	FRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN
\$1,000	ONTH
\$100,000	100TH
ARMORED CAR SYMBOL	ARMCAR
MONEYBAG SYMBOL	BAG
BAR SYMBOL	BAR
BELL SYMBOL	BELL
DOLLAR BILL SYMBOL	BILL
CASHIER SYMBOL	CASHIER
CHERRY SYMBOL	CHERRY
CHIP SYMBOL	CHIP
STAR SYMBOL	STAR
CLUB SYMBOL	CLUB
DIAMOND SYMBOL	DIAMOND
FIRECRACKER SYMBOL	FIRECRK
RABBIT FOOT SYMBOL	FOOT
HEART SYMBOL	HEART
KEY SYMBOL	KEY
LEMON SYMBOL	LEMON
NECKLACE SYMBOL	NECKLACE
ORANGE SYMBOL	ORANGE
HORSESHOE SYMBOL	SHOE
SPADE SYMBOL	SPADE
SUN SYMBOL	SUN
VAULT SYMBOL	VAULT
WISHBONE SYMBOL	WISHBONE
HOT SYMBOL	WINX5

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 Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (2150), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2150-0000001-001.

H. Pack - A Pack of the "RED HOT SLOTS" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 075 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 075 will be shown on the back of the Pack.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "RED HOT SLOTS" Scratch Ticket Game No. 2150.

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 "RED HOT SLOTS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 64 (sixty-four) Play Symbols. If a player reveals 3 matching Play Symbols in the same SPIN, the player wins the PRIZE for that SPIN. If a player reveals 2 matching Play Symbols and a "HOT" Play Symbol in the same SPIN, the player wins 5 TIMES the PRIZE for that SPIN. 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 64 (sixty-four) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

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

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

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

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

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

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

13. The Scratch Ticket must be complete and not miscut, and have exactly 64 (sixty-four) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the 64 (sixty-four) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 64 (sixty-four) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. A Ticket can win up to sixteen (16) times in accordance with the approved prize structure.

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

C. The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

D. There will be no matching non-winning SPINS on a Ticket. SPINS are considered matching if they have the same Play Symbols in the same spots.

E. No three (3) or more matching non-winning Play Symbols will appear in adjacent positions diagonally or in a column.

F. The "HOT" (WINX5) Play Symbol will only appear on winning Tickets and will appear on winning SPINS as dictated by the prize structure.

G. No more than two (2) matching non-winning Play Symbols will appear in one (1) SPIN.

H. Non-winning Prize Symbols will never appear more than three (3) times.

I. Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).

J. A winning SPIN using one (1) "HOT" (WINX5) Play Symbol will include a pair of matching Play Symbols in the same SPIN.

K. Vertically adjacent winning SPINS will not have matching Play Symbols.

L. There will be no matching SPINS in any order.

2.3 Procedure for Claiming Prizes.

A. To claim a "RED HOT SLOTS" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "RED HOT SLOTS" Scratch Ticket Game prize of \$1,000 or \$100,000, 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 "RED HOT SLOTS" 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 "RED HOT SLOTS" 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 "RED HOT SLOTS" 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 7,080,000 Scratch Tickets in Scratch Ticket Game No. 2150. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2150 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5	660,800	10.71
\$10	1,038,400	6.82
\$20	188,800	37.50
\$50	88,500	80.00
\$100	11,800	600.00
\$500	708	10,000.00
\$1,000	150	47,200.00
\$100,000	5	1,416,000.00

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

**The overall odds of winning a prize are 1 in 3.56. 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. 2150 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2150, 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-201901250
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: April 30, 2019

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Scratch Ticket Game Number 2157 "5X El Dinero"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2157 is "5X EL DINERO". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2157 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2157.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,

23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 5X SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears

under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2157 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRV
36	TRSX
37	TRSV
38	TRET

39	TRNI
40	FRTY
5X SYMBOL	WINX5
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$25.00	TWV\$
\$50.00	FFTY\$
\$100	ONHN
\$500	FVHN
\$1,000	ONTH
\$100,000	100 TH

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 Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (2157), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2157-0000001-001.

H. Pack - A Pack of "5X EL DINERO" Scratch Ticket Game contains 075 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 075 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 075 will be shown on the back of the Pack.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "5X EL DINERO" Scratch Ticket Game No. 2157.

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 "5X EL DINERO" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 45 (forty-five) Play Symbols. If a player matches any of

the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. Si el jugador iguala cualquier Símbolo de Juego de TUS NÚMEROS con cualquier Símbolo de Juego de los NÚMEROS GANADORES, el jugador gana el premio para ese número. Si el jugador revela un Símbolo de Juego de "5X", el jugador gana 5 VECES el premio para ese símbolo. 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 45 (forty-five) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

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

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

13. The Scratch Ticket must be complete and not miscut, and have exactly 45 (forty-five) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the 45 (forty-five) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 45 (forty-five) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. A Ticket can win up to twenty (20) times in accordance with the approved prize structure.

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

C. The top Prize Symbol will appear on every Ticket unless restricted by other parameters, play action or prize structure.

D. Each ticket will have five (5) different WINNING NUMBERS/NÚMEROS GANADORES Play Symbols.

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

F. Non-winning Prize Symbols will never appear more than three (3) times.

G. The "5X" (WINX5) Play Symbol will never appear in the WINNING NUMBERS/NÚMEROS GANADORES Play Symbol spots.

H. The "5X" (WINX5) Play Symbol will appear as dictated by the prize structure.

I. Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).

J. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS/TUS NÚMEROS Play Symbol (i.e., 20 and \$20).

2.3 Procedure for Claiming Prizes.

A. To claim a "5X EL DINERO" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "5X EL DINERO" Scratch Ticket Game prize of \$1,000 or \$100,000, 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 "5X EL DINERO" 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 the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

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

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

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

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

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

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

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

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

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

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "5X EL DINERO" 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 "5X EL DINERO" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a

prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 7,200,000 Scratch Tickets in Scratch Ticket Game No. 2157. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2157 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5	576,000	12.50
\$10	1,056,000	6.82
\$20	192,000	37.50
\$25	96,000	75.00
\$50	48,000	150.00
\$100	12,000	600.00
\$500	960	7,500.00
\$1,000	120	60,000.00
\$100,000	6	1,200,000.00

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

**The overall odds of winning a prize are 1 in 3.63. 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. 2157 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2157, 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-201901284
Bob Biard
General Counsel
Texas Lottery Commission
Filed: May 1, 2019



Scratch Ticket Game Number 2160 "Weekly Half Grand"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2160 is "WEEKLY HALF GRAND". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2160 shall be \$1.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2160.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, \$250, \$1,000 and HGRND.

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. 2160 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
\$1.00	ONE\$
\$2.00	TWO\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$40.00	FRTY\$
\$100	ONHN
\$250	TOFF
\$1,000	ONTH
HGRND	WIN

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 Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (2160), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start

with 001 and end with 150 within each Pack. The format will be: 2160-0000001-001.

H. Pack - A Pack of the "WEEKLY HALF GRAND" Scratch Ticket Game contains 150 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of five (5). Tickets 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 with backs exposed. Ticket 001 will be folded over so the front of Ticket 001 and 010 will be exposed.

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

rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "WEEKLY HALF GRAND" Scratch Ticket Game No. 2160.

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 "WEEKLY HALF GRAND" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 11 (eleven) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to the WINNING NUMBER Play Symbol, the player wins the prize for that number. If the prize won is "HGRND", the player wins \$500 per week for 20 years! 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 11 (eleven) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly 11 (eleven) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number, and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the 11 (eleven) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 11 (eleven) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. A Ticket can win up to five (5) times in accordance with the approved prize structure.

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

C. The top Prize Symbol will only appear on Tickets winning the top prize.

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

E. Non-winning Prize Symbols will never appear more than two (2) times.

F. Non-winning Prize Symbol(s) will never be the same as the winning Prize Symbol(s).

G. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 5 and \$5).

2.3 Procedure for Claiming Prizes.

A. To claim a "WEEKLY HALF GRAND" Scratch Ticket Game prize of \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100 or \$250, 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, \$100 or \$250 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 "WEEKLY HALF GRAND" Scratch Ticket Game prize of \$1,000, 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. To claim a "WEEKLY HALF GRAND" Scratch Ticket Game top level prize of \$500 per week for 20 years, the claimant must sign the winning Scratch Ticket and present it at Texas Lottery Commission headquarters in Austin, Texas. 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.

D. When claiming a "WEEKLY HALF GRAND" Scratch Ticket Game prize of \$500 per week for 20 years, the claimant must choose one (1) of five (5) payment options for receiving his prize:

1. Cash Value Option via direct deposit transfer to the claimant/winner's account. For the top prize, a cash value option may be selected at the time of claiming the prize. The value of the prize will be determined at the time of claim and based on the cost of purchasing the annuity.
2. Weekly via direct deposit transfer to the claimant/winner's account. With this plan, a payment of \$500 less Federal withholding will be made once a week for 20 years. After the initial payment, installment payments will be made every Wednesday.
3. Monthly via direct deposit transfer to the claimant/winner's account. If the claim is made during the month, the claimant/winner will still receive the entire month's payment. This will allow the flow of payments throughout the 20 years to remain the same. With this plan, an initial payment of \$2,326.00 less Federal withholding will be made the month of the claim. Each additional month, a payment of \$2,166.00 less Federal withholding will be made once a month for 20 years. After the initial payment, installment payments will be made on the first business day of each month.
4. Quarterly via direct deposit transfer to the claimant/winner's account. If the claim is made during the quarter, the claimant/winner will still receive the entire quarter's payment. This will allow the flow of payments throughout the 20 years to remain the same. With this plan, a payment of \$6,500.00 less Federal withholding will be made each quarter (four times a year) for 20 years. After the initial payment, installment payments will be made on the first business day of the first month of every quarter (January, April, July, October).
5. Annually via direct deposit transfer to the claimant/winner's account. These payments will be made in a manner similar to how jackpot payments are currently handled. With this plan, a payment of \$26,000.00

less Federal withholding will be made once a year during the anniversary month of the claim for 20 years. After the initial payment, installment payments will be made on the first business day of the anniversary month.

E. As an alternative method of claiming an "WEEKLY HALF GRAND" Scratch Ticket Game prize of \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, \$250 or \$1,000, 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.

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

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
 2. in default on a loan made under Chapter 52, Education Code;
 3. in default on a loan guaranteed under Chapter 57, Education Code; or
 4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.
- G. 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 "WEEKLY HALF GRAND" 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 "WEEKLY HALF GRAND" 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 30,000,000 Scratch Tickets in Scratch Ticket Game No. 2160. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2160 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$1	3,600,000	8.33
\$2	2,000,000	15.00
\$5	400,000	75.00
\$10	100,000	300.00
\$20	100,000	300.00
\$40	75,000	400.00
\$100	5,125	5,853.66
\$250	500	60,000.00
\$1,000	80	375,000.00
\$500/wk/20 yrs	4	7,500,000.00

* 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 4.78. 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. 2160 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2160, 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-201901249
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: April 30, 2019

Panhandle Regional Planning Commission

Legal Notice

The Panhandle Regional Planning Commission (PRPC) encourages applications from providers of training programs that lead to

employment in the target occupations in the Panhandle Workforce Development Area. A current list of these occupations may be accessed through the Workforce Solutions Panhandle's website at: <https://wspanhandle.com/TargetedOccupations.php>

Applications must be submitted through the online, automated Workforce Innovation and Opportunity Act (WIOA) Eligible Training Provider System (ETPS). For information or instructions about such submissions, please see <http://tpcs.twc.state.tx.us> or contact Leslie Hardin, PRPC's Workforce Development Training Coordinator, at (806) 372-3381 or lhardin@theprpc.org. Submissions will be accepted throughout the year and reviewed for certification by the Texas Workforce Commission (TWC).

TRD-201901238

Leslie Hardin

WFD Contracts Coordinator

Panhandle Regional Planning Commission

Filed: April 26, 2019

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Public Utility Commission of Texas

Request for Comments on Revisions to Notice of Proposed Rate Change to be Provided to Customers Pursuant to Tex. Water Code §13.187 and Notice of Proposed Rate Change to be Provided to Customers Pursuant to Tex. Water Code §13.1871

The Public Utility Commission of Texas (commission) requests comments on its proposed revisions to the forms for notice of proposed rate change to be provided to customers under Texas Water Code §13.187 and §13.1871. The proposed revisions to the forms would clarify that the rates ordered by the commission may be higher or lower than the rates proposed by the utility. The proposed revisions would also update the affidavits of notice to provide more specificity regarding the matters attested to. The proposed forms can be found on the commission's website home page under "Filings," using Control Number 49480. A water or sewer utility applying for a rate change under Texas Water Code §13.187 or §13.1871 would use the forms to provide notice to customers of the requested rate change. Project Number 49480 is assigned to this proceeding.

Comments on the proposed forms may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. Comments must be filed no later than June 10, 2019. Sixteen copies of comments to the proposed forms are required to be filed. Comments should be organized in a manner consistent with the organization of the forms. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, adoption of the proposed forms. The commission will consider the costs and benefits in considering the adoption of the proposed forms. All comments should refer to Project Number 49480.

Questions concerning the project should be directed to Kennedy Meier, Legal Division, at (512) 936-7265. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

TRD-201901273

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: April 30, 2019

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Texas Department of Transportation

Aviation Division - Request for Qualifications (RFQ) for Professional Engineering Services

The City of Munday, through its agent, the Texas Department of Transportation (TxDOT), intends to engage a qualified firm for professional services pursuant to Chapter 2254, Subchapter A, of the Government Code. TxDOT Aviation Division will solicit and receive qualification statements for the current aviation project as described below.

Current Project: City of Munday; TxDOT CSJ No.: 1925MUNDY.

The TxDOT Project Manager is Paul Slusser.

Scope: Provide engineering and design services, including construction administration, to:

1. Rehabilitate and mark Runway 17-35;
2. Rehabilitate and mark connector taxiway and turn arounds;
3. Rehabilitate and mark main apron;
4. Replace windcone;
5. Replace rotating beacon and tower; and
6. Replace low intensity runway lights.

The estimated value of the solicitation or resulting contract is less than \$100,000. Therefore, respondents are not required to complete and submit a "HUB Subcontracting Plan (HSP)" with their qualifications at the time of submission. If subcontractors are used in the delivery of services, TxDOT requests that the awarded contractor(s) make a good faith effort to consider HUBs, and submit monthly, a "Prime Contractor Progress Assessment Report" through the eGrants system.

If the estimated value increases over \$100,000, the contractor will be required to complete and submit an up-to-date "HSP" to verify their intent to subcontract, and show their good faith effort to contract with HUBs. In addition, the contractor will be required to submit monthly a "Prime Contractor Progress Assessment Report" and "HUB Subcontracting Plan (HSP) Progress Compliance Form - 2579" through the eGrants system.

To assist in your qualification statement preparation, the criteria, 5010 drawing, project diagram, and most recent Airport Layout Plan are available online at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> by selecting "Munday Municipal Airport." The qualification statement should address a technical approach for the current scope only. Firms shall use page 4, Recent Airport Experience, to list relevant past projects for current scope.

AVN-550 Preparation Instructions:

Interested firms shall utilize the latest version of Form AVN-550, titled "Qualifications for Aviation Architectural/Engineering Services." The form may be requested from TxDOT, Aviation Division, 125 E. 11th Street, Austin, Texas 78701-2483, phone number, (800) 68-PILOT (74568). The form may be emailed by request or downloaded from the TxDOT website at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html>. The form may not be altered in any way. Firms must carefully follow the instructions provided on each page of the form. Qualifications shall not exceed the number of pages in the AVN-550 template. The AVN-550 consists of eight pages of data plus one optional illustration page. A prime provider may only submit one AVN-550. If a prime provider submits more than one AVN-550, or submits a cover page with the AVN-550, that provider will be disqualified. Responses to this solicitation WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

ATTENTION: To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the Tx-

DOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is a PDF Template.

The completed Form AVN-550 must be received in the TxDOT Aviation eGrants system no later than June 6, 2019, 11:59 p.m. (CDST). Electronic facsimiles or forms sent by email or regular/overnight mail will not be accepted.

Firms that wish to submit a response to this solicitation must be a user in the TxDOT Aviation eGrants system no later than one business day before the solicitation due date. To request access to eGrants, please complete the Contact Us web form located at <http://txdot.gov/government/funding/egrants-2016/aviation.html>.

An instructional video on how to respond to a solicitation in eGrants is available at <http://txdot.gov/government/funding/egrants-2016/aviation.html>.

Step by step instructions on how to respond to a solicitation in eGrants will also be posted in the RFQ packet at <http://www.dot.state.tx.us/avn/avninfo/notice/consult/index.html>.

The consultant selection committee will be composed of local government representatives. The final selection by the committee will generally be made following the completion of review of AVN-550s. The committee will review all AVN-550s and rate and rank each. The Evaluation Criteria for Engineering Qualifications can be found at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> under Information for Consultants. All firms will be notified and the top rated firm will be contacted to begin fee negotiations for the design and bidding phases. The selection committee does, however, reserve the right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

Please contact TxDOT Aviation for any technical or procedural questions at (800) 68-PILOT (74568). For procedural questions, please contact Bobby Hidrogo, Grant Manager. For technical questions, please contact Paul Slusser, Project Manager.

For questions regarding responding to this solicitation in eGrants, please contact the TxDOT Aviation help desk at (800) 687-4568 or avn-egrantshelp@txdot.gov.

TRD-201901256
Joanne Wright
Deputy General Counsel
Texas Department of Transportation
Filed: April 30, 2019



Aviation Division - Request for Qualifications (RFQ) for Professional Services

The City of Alice and Jim Wells County, through their agent, the Texas Department of Transportation (TxDOT), intend to engage a qualified firm for professional services. This solicitation is subject to 49 U.S.C. §47107(a)(17) and will be administered in the same manner as a solicitation conducted under Chapter 2254, Subchapter A, of the Texas Government Code. TxDOT Aviation Division will solicit and receive qualification statements for professional services as described below:

Airport Sponsor: City of Alice and Jim Wells County, Alice International Airport TxDOT CSJ No. 1916ALICE.

The TxDOT Project Manager is Ben Breck.

Scope: Prepare an Airport Layout Plan update with narrative report.

The Agent, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§2000d to 2000d-4) and the Regulations, hereby notifies all respondents that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit in response to this solicitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

The proposed contract is subject to 49 CFR Part 26 concerning the participation of Disadvantaged Business Enterprises (DBE). The DBE goal is set at 0%.

To assist in your qualification statement preparation, the criteria and most recent Airport Layout Plan are available online at <http://www.dot.state.tx.us/avn/avninfo/notice/consult/index.htm> by selecting "Alice International Airport."

AVN-551 Preparation Instructions:

Interested firms shall utilize the latest version of Form AVN-551, titled "Qualifications for Aviation Planning Services." The form may be requested from TxDOT, Aviation Division, 125 E. 11th Street, Austin, Texas 78701-2483, phone number, 1 (800) 68-PILOT (74568). The form may be emailed by request or downloaded from the TxDOT website at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html>. The form may not be altered in any way. Firms must carefully follow the instructions provided on each page of the form. Qualifications shall not exceed the number of pages in the AVN-551 template. The AVN-551 consists of eight pages of data plus one optional illustration page. A prime provider may only submit one AVN-551. If a prime provider submits more than one AVN-551, or submits a cover letter with the AVN-551, that provider will be disqualified. Responses to this solicitation WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

ATTENTION: To ensure utilization of the latest version of Form AVN-551, firms are encouraged to download Form AVN-551 from the TxDOT website as addressed above. Utilization of Form AVN-551 from a previous download may not be the exact same format. Form AVN-551 is a PDF Template.

The completed Form AVN-551 must be received in the TxDOT Aviation eGrants system no later than June 6, 2019, 11:59 p.m. (CDST). Electronic facsimiles or forms sent by email or regular/overnight mail will not be accepted.

Firms wishing to submit a response to this solicitation must be a user in the TxDOT Aviation eGrants system no later than one business day before the solicitation due date. To request access to eGrants, please complete the Contact Us web form located at <http://txdot.gov/government/funding/egrants-2016/aviation.html>.

Instructions on how to respond to a solicitation in eGrants are available at <http://txdot.gov/government/funding/egrants-2016/aviation.html>.

Step by step instructions on how to respond to a solicitation in eGrants will also be posted in the RFQ packet at <http://www.dot.state.tx.us/avn/avninfo/notice/consult/index.htm>.

The consultant selection committee will be composed of Aviation Division staff and one local representative. The final selection by the committee will generally be made following the completion of review of AVN-551s. The committee will review all AVN-551s and rate and rank each. The evaluation criteria for airport planning projects can be found at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> under Information for Consultants. All firms will be notified and the top rated firm will be contacted to begin fee negotiations. The selection committee does, however, reserve the

right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

Please contact TxDOT Aviation for any technical or procedural questions at 1 (800) 68-PILOT (74568). For procedural questions, please contact Bobby Hidrogo, Grant Manager. For technical questions please contact Ben Breck, Project Manager.

For questions regarding responding to this solicitation in eGrants, please contact the TxDOT Aviation help desk at 1 (800) 687-4568 or avn-egrantshelp@txdot.gov

TRD-201901255
Joanne Wright
Deputy General Counsel
Texas Department of Transportation
Filed: April 30, 2019

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Workforce Solutions Deep East Texas

Request for Offers for Internet Services

The Deep East Texas Local Workforce Development Board, Inc. (DE-TWDB), dba Workforce Solutions Deep East Texas, is seeking offers for Internet Services for the DETWDB Board Office at 415 S. First Street, Lufkin, Texas 75901.

Anyone interested in submitting a proposal should obtain a copy of the Request for Offers #19-385 at www.detwork.org or you can request a copy by contacting:

Joshua Laskoskie
415 S. First Street, Suite 110 B
Lufkin, Texas 75901
(936) 639-8898
(936) 633-7491 Fax
Email: jlaskoskie@detwork.org
Web: www.detwork.org

Deadline for submission of proposal: 07/05/2019

TRD-201901245
Joshua Laskoskie
IT Specialist
Workforce Solutions Deep East Texas
Filed: April 30, 2019

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Request for Offers for Internet Services

The Deep East Texas Local Workforce Development Board, Inc. (DE-TWDB), dba Workforce Solutions Deep East Texas, is seeking offers for Internet Services for the DETWDB Board Office at 415 S. First Street, Lufkin, Texas 75901.

Anyone interested in submitting a proposal should obtain a copy of the Request for Offers #19-384 at www.detwork.org or you can request a copy by contacting:

Joshua Laskoskie
415 S. First Street, Suite 110 B
Lufkin, Texas 75901
(936) 639-8898

(936) 633-7491 Fax
Email: jlaskoskie@detwork.org

Web: www.detwork.org

Deadline for submission of proposal: 07/05/2019

TRD-201901247
Joshua Laskoskie
IT Specialist
Workforce Solutions Deep East Texas
Filed: April 30, 2019

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Request for Offers for Internet Services

The Deep East Texas Local Workforce Development Board, Inc., dba Workforce Solutions Deep East Texas, is seeking offers for Internet Services for the Lufkin Workforce Center at 210 N. John Redditt, Lufkin, Texas 75904.

Anyone interested in submitting a proposal should obtain a copy of the Request for Offers #19-386 at www.detwork.org or you can request a copy by contacting:

Joshua Laskoskie
415 S. First Street, Suite 110 B
Lufkin, Texas 75901
(936) 639-8898
(936) 633-7491 Fax
Email: jlaskoskie@detwork.org
Web: www.detwork.org

Deadline for submission of proposal: 07/05/2019

TRD-201901251
Joshua Laskoskie
IT Specialist
Workforce Solutions Deep East Texas
Filed: April 30, 2019

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Request for Offers for Internet Services

The Deep East Texas Local Workforce Development Board, Inc., dba Workforce Solutions Deep East Texas, is seeking offers for Internet Services for the Center Workforce Center at 145 Catco Drive, Center, Texas 75935.

Anyone interested in submitting a proposal should obtain a copy of the Request for Offers #19-387 at www.detwork.org or you can request a copy by contacting:

Joshua Laskoskie
415 S. First Street, Suite 110 B
Lufkin, Texas 75901
(936) 639-8898
(936) 633-7491 Fax
Email: jlaskoskie@detwork.org
Web: www.detwork.org

Deadline for submission of proposal: 07/05/2019

TRD-201901253
Joshua Laskoskie
IT Specialist
Workforce Solutions Deep East Texas
Filed: April 30, 2019



Request for Offers for Internet Services

The Deep East Texas Local Workforce Development Board, Inc., dba Workforce Solutions Deep East Texas, is seeking offers for Internet Services for the Jasper Workforce Center at 799 West Gibson, Jasper, Texas 75951.

Anyone interested in submitting a proposal should obtain a copy of the Request for Offers #19-388 at www.detwork.org or you can request a copy by contacting:

Joshua Laskoskie
415 S. First Street, Suite 110 B
Lufkin, Texas 75901
(936) 639-8898
(936) 633-7491 Fax
Email: jlaskoskie@detnetwork.org
Web: www.detwork.org

Deadline for submission of proposal: 07/05/2019

TRD-201901254
Joshua Laskoskie
IT Specialist
Workforce Solutions Deep East Texas
Filed: April 30, 2019



Request for Offers for Phone Service

The Deep East Texas Local Workforce Development Board, Inc. (DE-TWDB), dba Workforce Solutions Deep East Texas, is seeking offers for Phone Services for the DETWDB at 415 S. First Street, Lufkin, Texas 75901.

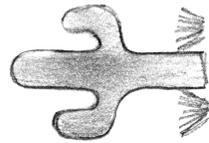
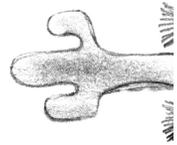
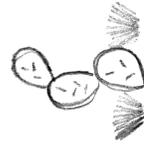
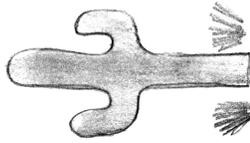
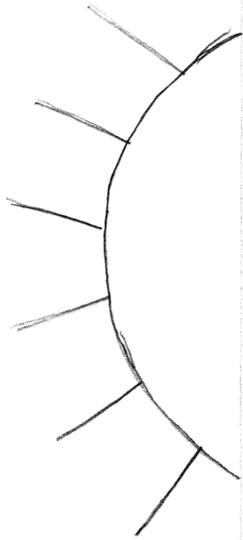
Anyone interested in submitting a proposal should obtain a copy of the Request for Offers #19-383 at www.detwork.org or you can request a copy by contacting:

Joshua Laskoskie
415 S. First Street, Suite 110 B
Lufkin, Texas 75901
(936) 639-8898
(936) 633-7491 Fax
Email: jlaskoskie@detnetwork.org
Web: www.detwork.org

Deadline for submission of proposal: 07/05/2019

TRD-201901244
Joshua Laskoskie
IT Specialist
Workforce Solutions Deep East Texas
Filed: April 30, 2019





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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