
TEXAS REGISTER

Volume 46 Number 20

May 14, 2021

Pages 3075 – 3212



TEXAS REGISTER

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

<https://www.sos.texas.gov>
register@sos.texas.gov

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.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director.

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.

Secretary of State - Ruth R. Hughs

Director - Robert Summers

Editor-in-Chief - Jill S. Ledbetter

Editors

Liz Cordell

Eddie Feng

Belinda Kirk

Cecilia Mena

Joy L. Morgan

Breanna Mutschler

Barbara Strickland

IN THIS ISSUE

GOVERNOR

Appointments.....3081

ATTORNEY GENERAL

Requests for Opinions.....3083

Opinions.....3083

EMERGENCY RULES

TEXAS HEALTH AND HUMAN SERVICES COMMISSION

FAMILY VIOLENCE PROGRAM

1 TAC §379.206.....3085

1 TAC §§379.614, 379.615, 379.626, 379.628.....3085

1 TAC §§379.701, 379.709, 379.711, 379.713.....3085

1 TAC §379.902.....3085

1 TAC §379.1605.....3085

1 TAC §§379.2012, 379.2013, 379.2024, 379.2026, 379.2027.....3086

1 TAC §§379.2106, 379.2108, 379.2110.....3086

TEXAS MEDICAL BOARD

TELEMEDICINE

22 TAC §174.5.....3086

TEXAS BOARD OF NURSING

LICENSURE, PEER ASSISTANCE AND PRACTICE

22 TAC §217.24.....3087

HEALTH AND HUMAN SERVICES COMMISSION

LICENSING

26 TAC §§745.10201, 745.10203, 745.10205, 745.10207.....3089

DEPARTMENT OF AGING AND DISABILITY SERVICES

INTELLECTUAL DISABILITY SERVICES- -MEDICAID STATE OPERATING AGENCY RESPONSIBILITIES

40 TAC §9.193.....3089

PROPOSED RULES

TEXAS HIGHER EDUCATION COORDINATING BOARD

AGENCY ADMINISTRATION

19 TAC §1.131.....3093

19 TAC §1.138.....3093

19 TAC §1.145.....3094

19 TAC §1.151, §1.152.....3095

19 TAC §1.188.....3096

19 TAC §1.195.....3097

STUDENT FINANCIAL AID PROGRAMS

19 TAC §22.53.....3098

19 TAC §22.265.....3099

19 TAC §§22.729 - 22.736.....3099

TEXAS EDUCATION AGENCY

FOUNDATION SCHOOL PROGRAM

19 TAC §105.1.....3100

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR MATHEMATICS

19 TAC §§111.56 - 111.59.....3101

TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SCIENCE

19 TAC §§112.46 - 112.51.....3102

COMMISSIONER'S RULES CONCERNING PASSING STANDARDS FOR EDUCATOR CERTIFICATION EXAMINATIONS

19 TAC §151.1001.....3115

TEXAS FORENSIC SCIENCE COMMISSION

DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES

37 TAC §651.5.....3117

37 TAC §651.208.....3119

ADOPTED RULES

TEXAS HIGHER EDUCATION COORDINATING BOARD

AGENCY ADMINISTRATION

19 TAC §1.6.....3121

19 TAC §1.222.....3122

RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

19 TAC §4.54.....3123

HEALTH EDUCATION, TRAINING, AND RESEARCH FUNDS

19 TAC §6.74.....3123

PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES

19 TAC §§9.660 - 9.666.....3124

TEXAS EDUCATION AGENCY

SCHOOL DISTRICTS

19 TAC §61.1011.....3125

HEARINGS AND APPEALS

19 TAC §157.1061.....3125

STATE BOARD FOR EDUCATOR CERTIFICATION

PROFESSIONAL EDUCATOR PREPARATION AND CERTIFICATION

19 TAC §230.13126

DEPARTMENT OF STATE HEALTH SERVICES

MILK AND DAIRY

25 TAC §217.1, §217.2.....3130

25 TAC §§217.21 - 217.333135

25 TAC §§217.21 - 217.343136

TEXAS DEPARTMENT OF INSURANCE

PROPERTY AND CASUALTY INSURANCE

28 TAC §5.9970, §5.9971.....3141

TEXAS DEPARTMENT OF PUBLIC SAFETY

DRIVER LICENSE RULES

37 TAC §§15.27, 15.28, 15.39.....3143

37 TAC §15.27, §15.28.....3143

37 TAC §15.57.....3144

37 TAC §15.57.....3144

37 TAC §15.64.....3144

DRIVER EDUCATION

37 TAC §§18.1 - 18.43144

RULE REVIEW

Proposed Rule Reviews

Texas Department of Agriculture3147

Texas Department of Insurance, Division of Workers' Compensation3147

Texas State Soil and Water Conservation Board3147

Adopted Rule Reviews

Texas Education Agency.....3148

TABLES AND GRAPHICS

.....3149

IN ADDITION

Office of Consumer Credit Commissioner

Notice of Rate Ceilings.....3183

Court of Criminal Appeals

Availability of Grant Funds for Training on Mental Health Issues and Pre-trial Diversion.....3183

Availability of Judicial and Court Personnel Training Funds.....3183

Texas Commission on Environmental Quality

Agreed Orders.....3183

Enforcement Orders.....3186

Notice of Amendment Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls: Proposed Air Quality Registration Number 812983187

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 164453.....3187

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 164639.....3188

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 164790.....3189

Notice of Hearing for JOSEPH FERGUSON: SOAH Docket No. 582-21-2003; TCEQ Docket No. 2021-0370-LIC.....3190

Notice of Hearing Martin Marietta Materials Southwest, LLC: SOAH Docket No. 582-21-2182; TCEQ Docket No. 2021-0054-AIR; Permit No. 418493190

Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions3191

Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action3192

Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions3192

Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of C & D Waste, LTD. and Zahn Enterprises, Inc.: SOAH Docket No. 582-21-2059; TCEQ Docket No. 2019-1128-MSW-E.....3193

Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Charles Robert Collins: SOAH Docket No. 582-21-1906; TCEQ Docket No. 2020-0307-MSW-E.....3194

Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Daniel Ramirez dba San Antonio Auto & Truck and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck: SOAH Docket No. 582-21-1918; TCEQ Docket No. 2020-0507-MLM-E.....3194

Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Ifkhar Ali dba Food Stop: SOAH Docket No. 582-21-1922; TCEQ Docket No. 2019-1020-PST-E 3195

Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Port Mansfield Public Utility District: SOAH Docket No. 582-21-1901; TCEQ Docket No. 2020-0625-PWS-E.....3196

Notice of Water Quality Application3196

Texas Ethics Commission

List of Late Filers.....3197

List of Late Filers.....3197

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program3198

Texas Department of Insurance

Company Licensing3199

Texas Lottery Commission

Scratch Ticket Game Number 2343 "MILLION DOLLAR LOTERIA"3199

Motor Vehicle Crime Prevention Authority

Fiscal Year 2022 Request for Applications - Taskforce Grants3205

North Central Texas Council of Governments

Notice of Contract Award - Professional Services to Support Transit Accounting Models3209

Permian Basin Regional Planning Commission

Permian Basin Regional Planning Commission - Public Notice RFP - Comprehensive Economic Development Strategy3210

Public Utility Commission of Texas

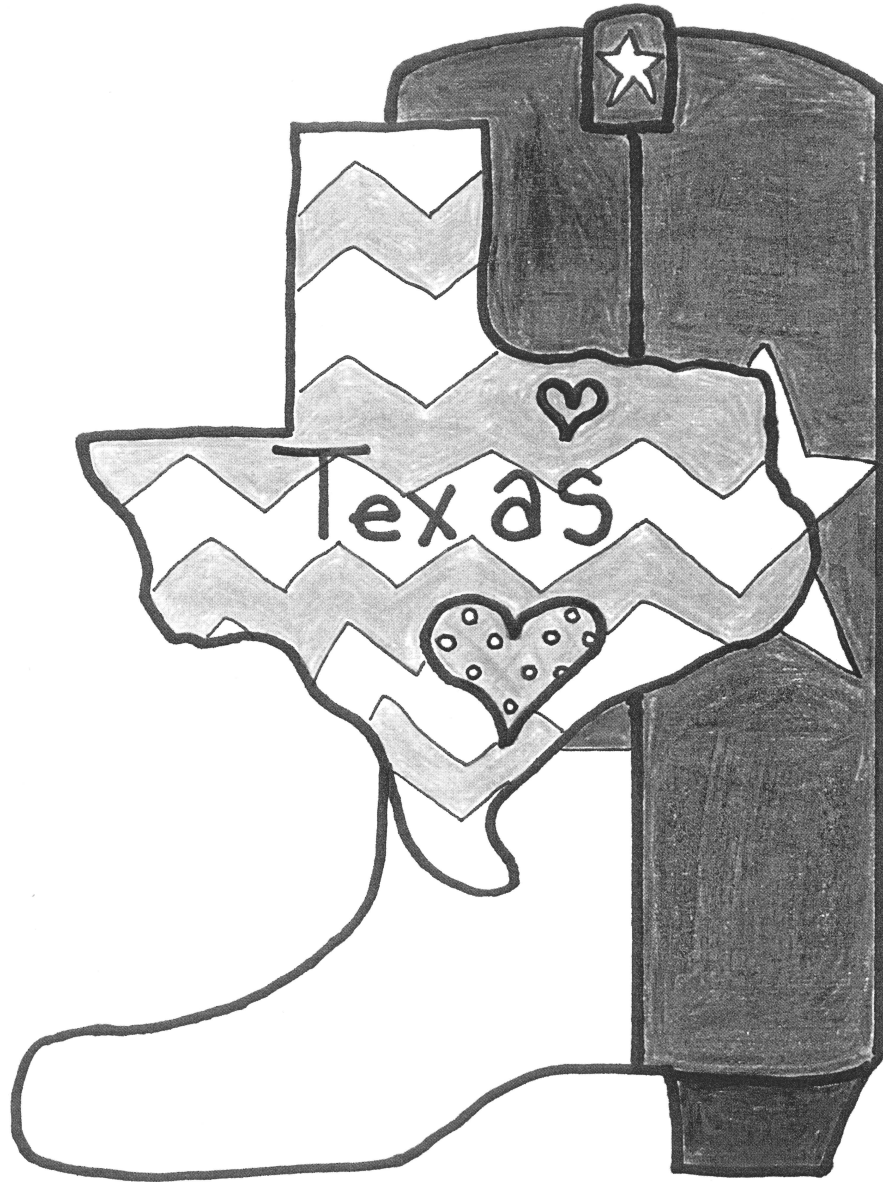
Notice of Application for Designation as an Eligible Telecommunications Carrier3210

Rio Grande Council of Governments

Region 14 Upper Rio Grande Flood Planning Group.....3210

Sam Houston State University

Notice of Intent to Seek Consulting Services3210



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 April 28, 2021

Appointed to the Texas Facilities Commission, for a term to expire January 31, 2027, Brian A. Bailey of Austin, Texas (Mr. Bailey is being reappointed).

Appointed to the Texas State Board of Acupuncture Examiners, for a term to expire January 31, 2027, Rey Ximenes, M.D. of Spicewood, Texas (replacing Jeremy D. Wiseman, M.D. of Austin, whose term expired).

Appointed to the Texas State Board of Social Worker Examiners, for a term to expire February 1, 2027, Katie Andrade of Mount Pleasant, Texas (replacing Beverly Jackson Loss of Wolfe City, whose term expired).

Appointed to the Texas Board of Chiropractic Examiners, for a term to expire February 1, 2027, Sarah T. Abraham of Sugar Land, Texas (replacing Gustavo "Gus" Ramirez of Tyler, whose term expired).

Appointed to the Texas Board of Chiropractic Examiners, for a term to expire February 1, 2027, Nicholas S. "Nick" Baucum, D.C. of Corpus Christi, Texas (Dr. Baucum is being reappointed).

Appointed to the Texas Board of Chiropractic Examiners, for a term to expire February 1, 2027, Mark R. Bronson, D.C. of Alledo, Texas (Dr. Bronson is being reappointed).

Appointed to the Texas Funeral Service Commission, for a term to expire February 1, 2027, Larry M. Allen of Mesquite, Texas (Mr. Allen is being reappointed).

Appointed to the Texas Funeral Service Commission for a term to expire February 1, 2027, Timothy R. "Tim" Brown of McAllen, Texas (replacing Gregory D. "Greg" Compean of Richmond, whose term expired).

Appointed to the Texas Board of Medical Radiologic Technology, for a term to expire February 1, 2027, Nicholas M. Beckmann, M.D. of Houston, Texas (Dr. Beckmann is being reappointed).

Appointed to the Texas Board of Medical Radiologic Technology, for a term to expire February 1, 2027, Scott A. Morren of Anton, Texas (Mr. Morren is being reappointed).

Appointed to the Texas Board of Medical Radiologic Technology, for a term to expire February 1, 2027, Shaila D. Parker of Garland, Texas (replacing Anthony "Tony" Jaso of San Antonio, whose term expired).

Appointments for April 29, 2021

Designated as presiding officer of the Texas Funeral Service Commission, for a term to expire on April 29, 2024, Larry M. Allen of Mesquite, Texas (Lieutenant Allen is replacing Gregory D. "Greg" Compean of Richmond).

Designated as presiding officer of the Texas Board of Medical Radiologic Technology, for a term to expire at the pleasure of the Governor,

Faraz A. Khan, M.D. of Houston, Texas (Dr. Khan is replacing Anthony "Tony" Jaso of San Antonio).

Appointments for April 30, 2021

Appointed to the Texas Public Finance Authority, for a term to expire February 1, 2027, Larry G. Holt of College Station, Texas (replacing Rodney K. Moore of Lufkin, whose term expired).

Appointed to the Texas Public Finance Authority, for a term to expire February 1, 2027, Ramon Manning of Houston, Texas (Mr. Manning is being reappointed).

Appointed to the State Board of Veterinary Medical Examiners, for a term to expire August 26, 2023, Raquel R. Olivier of Houston, Texas (replacing Carlos R. Chacon of Austin, who resigned).

Appointed to the State Board for Educator Certification as a non-voting member, for a term to expire February 1, 2027, Veronica E. Galván, Ed.D. of Harlingen, Texas (replacing Emily N. Garcia of Dallas, who resigned).

Appointments for May 3, 2021

Appointed to the Governing Board of the Texas School for the Deaf, for a term to expire January 31, 2027, Erin C. Cockerham-O'Donnell of Vernon, Texas (replacing Angela O. "Angie" Wolf of Dripping Springs, whose term expired).

Appointed to the Governing Board of the Texas School for the Deaf, for a term to expire January 31, 2027, Dina L. Moore of Round Rock, Texas (Ms. Moore is being reappointed).

Appointed to the Governing Board of the Texas School for the Deaf, for a term to expire January 31, 2027, Darlene J. "Dj" Nobles of Waco, Texas (replacing Eric L. Hogue of Wylie, whose term expired).

Appointed to the Texas Diabetes Council, for a term to expire February 1, 2027, Gary L. Francis, M.D., Ph.D. of San Antonio, Texas (replacing Kathy Ann LaCivita, M.D. of San Antonio, whose term expired).

Appointed to the Prepaid Higher Education Tuition Board, for a term to expire February 1, 2027, Judy H. Treviño of San Antonio, Texas (Ms. Treviño is being reappointed).

Appointments for May 4, 2021

Designated as presiding officer of the Board of the Texas Department of Motor Vehicles, for a term to expire at the pleasure of the Governor, Charles E. Bacarisse of Houston, Texas (Mr. Bacarisse is replacing Guillermo "Memo" Treviño of Laredo as presiding officer).

Appointed to the Texas Department of Motor Vehicles, for a term to expire February 1, 2027, Christian A. Alvarado of Austin, Texas (replacing Guillermo "Memo" Treviño of Laredo, whose term expired).

Appointed to the Texas Department of Motor Vehicles, for a term to expire February 1, 2027, Sharla L. Omumu of Cypress, Texas (replacing Shelley P. Washburn of Houston, whose term expired).

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2027, Eric L. Burnett of Portland, Texas (Mr. Burnett is being reappointed).

Greg Abbott, Governor
TRD-202101772

Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2027, Karin E. Knolle of Sandia, Texas (Ms. Knolle is being reappointed).



Appointed to the Nueces River Authority Board of Directors, for a term to expire February 1, 2027, Stacy L. Meuth of Floresville, Texas (Ms. Meuth is being reappointed).

THE ATTORNEY GENERAL

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

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

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

Requests for Opinions

RQ-0404-KP

Requestor:

The Honorable Michele Dodd

Reagan County Attorney

Post Office Box 887

Big Lake, Texas 76932

Re: Transfer of county school land to an independent school district (RQ-0404-KP)

Briefs requested by June 3, 2021

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

TRD-202101751

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: May 4, 2021



Opinions

Opinion No. KP-0369

The Honorable Susan Deski

Burleson County Attorney

100 West Buck Street, Suite 402

Caldwell, Texas 77836

Re: Whether simultaneous service as county sheriff and municipal fire marshal violates article XVI, section 40 of the Texas Constitution or the common-law doctrine of incompatibility (RQ-0386-KP)

S U M M A R Y

A court would likely conclude that neither the dual-officeholding prohibition of article XVI, section 40 of the Texas Constitution nor the common-law doctrine of incompatibility would prohibit the Burleson County Sheriff from simultaneously serving as the fire marshal for the City of Caldwell.

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

TRD-202101752

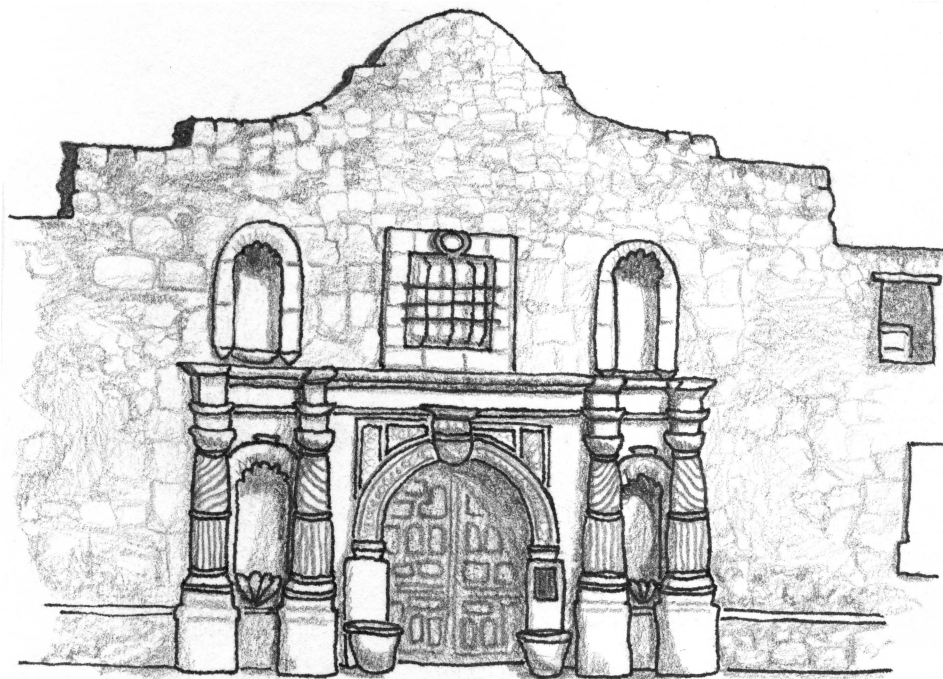
Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: May 4, 2021





EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 379. FAMILY VIOLENCE PROGRAM

SUBCHAPTER B. SHELTER CENTERS DIVISION 2. CONTRACT STANDARDS

1 TAC §379.206

The Texas Health and Human Services Commission is renewing the effectiveness of emergency amended §379.206 for a 60-day period. The text of the emergency rule was originally published in the January 15, 2021, issue of the *Texas Register* (46 TexReg 411).

Filed with the Office of the Secretary of State on April 28, 2021.

TRD-202101693

Nycia Deal

Attorney

Texas Health and Human Services Commission

Original effective date: January 4, 2021

Expiration date: July 2, 2021

For further information, please call: (512) 460-0992



DIVISION 6. PROGRAM ADMINISTRATION

1 TAC §§379.614, 379.615, 379.626, 379.628

The Texas Health and Human Services Commission is renewing the effectiveness of the emergency amendment of §§379.614, 379.615, 379.626, and 379.628 for a 60-day period. The text of the emergency rule was originally published in the January 15, 2021, issue of the *Texas Register* (46 TexReg 411).

Filed with the Office of the Secretary of State on April 28, 2021.

TRD-202101694

Nycia Deal

Attorney

Texas Health and Human Services Commission

Original effective date: January 4, 2021

Expiration date: July 2, 2021

For further information, please call: (512) 460-0992



DIVISION 7. SERVICE DELIVERY

1 TAC §§379.701, 379.709, 379.711, 379.713

The Texas Health and Human Services Commission is renewing the effectiveness of emergency amended §379.701, 379.709, 379.711, and 379.713 for a 60-day period. The text of the emergency rules was originally published in the January 15, 2021, issue of the *Texas Register* (46 TexReg 411).

Filed with the Office of the Secretary of State on April 28, 2021.

TRD-202101695

Nycia Deal

Attorney

Texas Health and Human Services Commission

Original effective date: January 4, 2021

Expiration date: July 2, 2021

For further information, please call: (512) 460-0992



SUBCHAPTER C. SPECIAL NONRESIDENTIAL PROJECTS

DIVISION 2. CONTRACT STANDARDS

1 TAC §379.902

The Texas Health and Human Services Commission is renewing the effectiveness of emergency amendment to §379.902 for a 60-day period. The text of the emergency rule was originally published in the January 15, 2021, issue of the *Texas Register* (46 TexReg 411).

Filed with the Office of the Secretary of State on April 28, 2021.

TRD-202101696

Nycia Deal

Attorney

Health and Human Services Commission

Original effective date: January 4, 2021

Expiration date: July 2, 2021

For further information, please call: (512) 460-0992



SUBCHAPTER D. NONRESIDENTIAL CENTERS

DIVISION 2. CONTRACT STANDARDS

1 TAC §379.1605

The Texas Health and Human Services Commission is renewing the effectiveness of emergency amendment of §379.1605 for a 60-day period. The text of the emergency rule was originally

published in the January 15, 2021, issue of the *Texas Register* (46 TexReg 411).

Filed with the Office of the Secretary of State on April 28, 2021.

TRD-202101697

Nycia Deal

Attorney

Texas Health and Human Services Commission

Original effective date: January 4, 2021

Expiration date: July 2, 2021

For further information, please call: (512) 460-0992



DIVISION 6. PROGRAM ADMINISTRATION

1 TAC §§379.2012, 379.2013, 379.2024, 379.2026, 379.2027

The Texas Health and Human Services Commission is renewing the effectiveness of emergency amended §§379.2012, 379.2013, 379.2024, 379.2026, and 379.2027 for a 60-day period. The text of the emergency rules was originally published in the January 15, 2021, issue of the *Texas Register* (46 TexReg 411).

Filed with the Office of the Secretary of State on April 28, 2021.

TRD-202101698

Nycia Deal

Attorney

Texas Health and Human Services Commission

Original effective date: January 4, 2021

Expiration date: July 2, 2021

For further information, please call: (512) 460-0992



DIVISION 7. SERVICE DELIVERY

1 TAC §§379.2106, 379.2108, 379.2110

The Texas Health and Human Services Commission is renewing the effectiveness of emergency amended §§379.2106, 379.2108, and 379.2110 for a 60-day period. The text of the emergency rule was originally published in the January 15, 2021, issue of the *Texas Register* (46 TexReg 411).

Filed with the Office of the Secretary of State on April 28, 2021.

TRD-202101699

Nycia Deal

Attorney

Texas Health and Human Services Commission

Original effective date: January 4, 2021

Expiration date: July 2, 2021

For further information, please call: (512) 460-0992



TITLE 22. EXAMINING BOARDS

PART 9. TEXAS MEDICAL BOARD

CHAPTER 174. TELEMEDICINE

SUBCHAPTER A. TELEMEDICINE

22 TAC §174.5

The Texas Medical Board (Board) adopts, on an emergency basis, amendments to 22 TAC §174.5, effective May 2, 2021 at 12:01 a.m.

On March 13, 2020, the Governor of Texas certified COVID-19 as posing an imminent threat of disaster to the public health and safety and declared a state of disaster in all counties of Texas. On March 19, 2020, the Texas Governor issued a waiver suspending the strict enforcement of §174.5(e)(2)(A) which generally prohibits the utilization of telemedicine to prescribe scheduled drugs for the treatment of chronic pain. The waiver was issued in order to protect public health and curb the spread of COVID-19 by providing patients access to schedule drugs needed to ensure on-going treatment of chronic pain and avoid potential adverse consequences associated with the abrupt cessation of pain medication. On March 1, 2021, the Board adopted, on an emergency basis, amendments to 22 TAC §174.5. Such rule is set to expire at 11:59 p.m. on May 1, 2021.

Therefore, the emergency amendment to §174.5(e) is immediately necessary to help the state's physicians, physician assistants and other health care professionals continue to mitigate the risk of exposure to COVID-19 and provide necessary medical services related to issuance of prescriptions including controlled substances for patients. Pursuant to the Governor's declaration of disaster issued on March 13, 2020, related to COVID-19, physicians can continue the treatment of chronic pain with scheduled drugs for established patients after having an in-person or two-way audio and video communications telemedicine medical services within the last 90 days.

The emergency amendment would allow physicians to utilize telemedicine to continue issuing previous prescription(s) for scheduled medications to established chronic pain patients, if the physician has, within the past 90 days, seen a patient in-person or via a telemedicine visit using two-way audio and video communication.

Pursuant to Section 2001.034 and 2001.036(a)(2) of the Texas Government Code, the amendment is adopted on an emergency basis and with an expedited effective date because an imminent peril to the public health, safety, or welfare requires adoption on fewer than 30 days' notice. The emergency amendment shall be in effect for only 60 days or the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter, pursuant to Section 2001.034 of the Texas Government Code.

The emergency rule amendments are adopted under the authority of the Texas Occupations Code, §153.001, which provides authority for the Board to recommend and adopt rules and by-laws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine; and enforce this subtitle.

Another statute affected by this rule is Chapter 111 of the Texas Occupations Code.

§174.5. *Issuance of Prescriptions.*

(a) The validity of a prescription issued as a result of a telemedicine medical service is determined by the same standards that would apply to the issuance of the prescription in an in-person setting.

(b) This rule does not limit the professional judgment, discretion or decision-making authority of a licensed practitioner. A licensed practitioner is expected to meet the standard of care and demonstrate professional practice standards and judgment, consistent with all appli-

cable statutes and rules when issuing, dispensing, delivering, or administering a prescription medication as a result of a telemedicine medical service.

(c) A valid prescription must be:

(1) issued for a legitimate medical purpose by a practitioner as part of patient-practitioner relationship as set out in §111.005, of Texas Occupations Code; and

(2) meet all other applicable laws before prescribing, dispensing, delivering or administering a dangerous drug or controlled substance.

(d) Any prescription drug orders issued as the result of a telemedicine medical service, are subject to all regulations, limitations, and prohibitions set out in the federal and Texas Controlled Substances Act, Texas Dangerous Drug Act and any other applicable federal and state law.

(e) Limitation on Treatment of Chronic Pain. Chronic pain is a legitimate medical condition that needs to be treated but must be balanced with concerns over patient safety and the public health crisis involving overdose deaths. The Legislature has already put into place laws regarding the treatment of pain and requirements for registration and inspection of pain management clinics. Therefore, the Board has determined clear legislative intent exists for the limitation of chronic pain treatment through a telemedicine medical service.

(1) Treatment for Chronic Pain. For purposes of this rule, chronic pain has the same definition as used in §170.2(4) of this title (relating to Definitions).

(A) Telemedicine medical services used for the treatment of chronic pain with scheduled drugs by any means other than via audio and video two-way communication is prohibited, unless

(i) a patient is an established chronic pain patient of the physician;

(ii) is receiving a prescription that is identical to a prescription issued at the previous visit; and

(iii) has been seen by the prescribing physician or health professional, defined under Chapter 111.001(1) of the Texas Occupations Code, in the last 90 days either:

(I) in-person; or

(II) via telemedicine using audio and video two-way communication.

(B) The emergency amendment of this rule effective May 2, 2021 at 12:01 A.M. shall be in effect for only 60 days or the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter.

(2) Treatment for Acute Pain. For purposes of this rule, acute pain has the same definition as used in §170.2(2) of this title. Telemedicine medical services may be used for the treatment of acute pain with scheduled drugs, unless otherwise prohibited under federal and state law.

~~[(A) Treatment of chronic pain with scheduled drugs through use of telemedicine medical services is prohibited, unless otherwise allowed under federal and state law.]~~

~~[(B) Treatment of acute pain with scheduled drugs through use of telemedicine medical services is allowed, unless otherwise prohibited under federal and state law.]~~

The agency certifies that legal counsel has reviewed the emergency adoption 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 30, 2021.

TRD-202101719

Scott Freshour

General Counsel

Texas Medical Board

Effective date: May 2, 2021

Expiration date: June 30, 2021

For further information, please call: (512) 305-7016

PART 11. TEXAS BOARD OF NURSING

CHAPTER 217. LICENSURE, PEER ASSISTANCE AND PRACTICE

22 TAC §217.24

Introduction. The Texas Board of Nursing (Board) adopts emergency amendments to §217.24(e), relating to *Telemedicine Medical Service Prescriptions*, pursuant to a finding of imminent peril to the public health, safety, and welfare, which requires adoption in fewer than thirty (30) days' notice, as authorized by Tex. Gov't. Code §2001.034.

Background

On March 13, 2020, the Governor of the State of Texas certified COVID-19 as posing an imminent threat of disaster to the public health and safety and declared a state of disaster in all counties of Texas. On March 23, 2020, the Office of the Governor granted a waiver of 22 TAC §217.24(e)(1), which prohibits an advanced practice registered nurse (APRN) from treating chronic pain with scheduled drugs through the use of telemedicine medical services, unless otherwise permitted under federal and state law. The waiver, however, expired on June 6, 2020.

The Board held a public meeting on June 8, 2020, to consider the adoption of an emergency rule to permit APRNs to treat chronic pain with scheduled drugs through the use of telemedicine medical services under certain conditions during the COVID-19 pandemic. At the conclusion of the meeting, the Board voted to adopt the emergency amendments to 22 TAC §217.24(e)(1). The emergency amendments took effect June 8, 2020; were published in the *Texas Register* on June 19, 2020; and expired on July 7, 2020.

Because the continuation of the effects of the COVID-19 pandemic necessitated the continuation of an emergency rule beyond the July 7, 2020 expiration date, the Board held a public meeting on July 6, 2020, and again adopted emergency amendments to §217.24(e)(1). The emergency amendments took effect July 7, 2020; were published in the *Texas Register* on July 17, 2020; and expired on September 4, 2020.

The Board again considered the need for the adoption of emergency amendments to §217.24(e)(1) in public meeting on September 4, 2020 and voted to adopt emergency amendments to §217.24(e)(1) at the conclusion of that meeting. The emergency amendments took effect September 5, 2020; were published in the *Texas Register* on September 18, 2020; and expired on November 3, 2020.

The Board again considered the need for the adoption of emergency amendments to §217.24(e)(1) in public meeting on November 4, 2020, and voted to adopt emergency amendments to §217.24(e)(1) at the conclusion of that meeting. The emergency amendments took effect November 4, 2020; were published in the *Texas Register* on November 20, 2020; and expired on January 3, 2021.

The Board again considered the need for the adoption of emergency amendments to §217.24(e)(1) in public meeting on December 30, 2020, and voted to adopt emergency amendments to §217.24(e)(1) at the conclusion of that meeting. The emergency amendments took effect January 3, 2021; were published in the *Texas Register* on January 15, 2021; and expired on March 3, 2021.

Because the Board determined that the continuation of the effects of the COVID-19 pandemic necessitated the continuation of an emergency rule, the Board voted to adopt emergency amendments to §217.24(e)(1) in public meeting on February 25, 2021. The emergency amendments took effect March 4, 2021; were published in the *Texas Register* on March 12, 2021; and will expire on May 2, 2021.

The Board has determined that the continuation of the effects of the COVID-19 pandemic necessitates the continuation of an emergency rule.

Reasoned Justification.

The adoption of emergency amendments to §217.24(e) is immediately necessary to allow APRNs to provide necessary treatment to established patients with chronic pain while mitigating the risk of exposure to COVID-19. Under the emergency amendments, the treatment of chronic pain with scheduled drugs through the use of telemedicine medical services by any means other than via audio and video two-way communication is prohibited, unless certain conditions are met. First, a patient must be an established chronic pain patient of the APRN. Second, the patient must be receiving a prescription that is identical to a prescription issued at the previous visit. Third, the patient must have been seen by the prescribing APRN or physician or health professional as defined in Tex. Occ. Code §111.001(1) in the last 90 days, either in-person or via telemedicine using audio and video two-way communication. These requirements are consistent with the rules adopted by the Texas Medical Board at 22 TAC §174.5 (relating to Issuance of Prescriptions) on an emergency basis, effective May 2, 2021, and the provisions of federal law that currently permit the use of telemedicine medical services for the prescription of controlled substances during the COVID-19 pandemic.

Further, an APRN must exercise appropriate professional judgment in determining whether to utilize telemedicine medical services for the treatment of chronic pain with controlled substances. In order to ensure that telemedicine medical services are appropriate for the APRN to use, the adopted rule requires an APRN to give due consideration to factors that include, at a minimum, the date of the patient's last in-person visit, patient co-morbidities, and occupational related COVID-19 risks. These are not the sole, exclusive, or exhaustive factors an APRN should consider under this rule. Further, the emergency amendments only apply to those APRNs whose delegating physicians permit them to issue re-fills for patients, and the refills are limited to controlled substances contained in Schedules III through V only. If a patient is treated for chronic pain with scheduled drugs through the use of telemedicine medical services as permitted

by this rule, the medical records must document the exception and the reason that a telemedicine visit was conducted instead of an in-person visit.

Finally, these emergency amendments will only be in effect for a period of 60 days or the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter.

The remaining adopted changes make conforming changes to the definitions of the terms *acute pain* and *chronic pain*, consistent with the definition used by the Texas Medical Board, in 22 TAC §170.2(2) and (4) (relating to Definitions).

Statutory Authority. The emergency amendments are adopted under the authority of the Tex. Occ. Code §301.151, which authorizes the Board to adopt and enforce rules consistent with Chapter 301 and necessary to: (i) perform its duties and conduct proceedings before the Board; (ii) regulate the practice of professional nursing and vocational nursing; (iii) establish standards of professional conduct for license holders Chapter 301; and (iv) determine whether an act constitutes the practice of professional nursing or vocational nursing. The emergency amendments are also adopted pursuant to Tex. Gov't. Code §2001.034 and §2001.036(a)(2) on an emergency basis and with an expedited effective date because an imminent peril to the public health, safety, or welfare requires adoption on fewer than 30 days' notice. This emergency adoption also affects Texas Occupations Code Chapter 111.

§217.24. Telemedicine Medical Service Prescriptions.

(a) - (d) (No change.)

(e) Limitation on Treatment of Chronic Pain. Chronic pain is a legitimate medical condition that needs to be treated, but must be balanced with concerns over patient safety and the public health crisis involving overdose deaths. The Legislature has already put into place laws regarding the treatment of pain and requirements for registration and inspection of pain management clinics. Therefore, the Board has determined clear legislative intent exists for the limitation of chronic pain treatment through a telemedicine medical service.

(1) For purposes of this rule, chronic pain has the same definition as used in 22 Tex. Admin. Code §170.2(4) (relating to Definitions). ~~[Treatment of chronic pain with scheduled drugs through use of telemedicine medical services is prohibited, unless otherwise allowed under federal and state law. For purposes of this section, "chronic pain" means a state in which pain persists beyond the usual course of an acute disease or healing of an injury. Chronic pain may be associated with a chronic pathological process that causes continuous or intermittent pain over months or years.]~~

(A) Telemedicine medical services used for the treatment of chronic pain with scheduled drugs by any means other than via audio and video two-way communication is prohibited, unless:

(i) a patient is an established chronic pain patient of the APRN;

(ii) is receiving a prescription that is identical to a prescription issued at the previous visit; and

(iii) has been seen by the prescribing APRN or physician or health professional as defined in Tex. Occ. Code §111.001(1) in the last 90 days, either:

(I) in-person; or

(II) via telemedicine using audio and video two-way communication.

(B) An APRN, when determining whether to utilize telemedicine medical services for the treatment of chronic pain with controlled substances as permitted by paragraph (1)(A) of this subsection, shall give due consideration to factors that include, at a minimum, the date of the patient's last in-person visit, patient co-morbidities, and occupational related COVID risks. These are not the sole, exclusive, or exhaustive factors an APRN should consider under this rule.

(C) If a patient is treated for chronic pain with scheduled drugs through the use of telemedicine medical services as permitted by paragraph (1)(A) of this subsection, the medical records must document the exception and the reason that a telemedicine visit was conducted instead of an in-person visit.

(D) The emergency amendment of this rule effective May 3, 2021, shall be in effect for only 60 days or the duration of the time period that the Governor's disaster declaration of March 13, 2020 in response to the COVID-19 pandemic is in effect, whichever is shorter.

(2) For purposes of this rule, acute pain has the same definition as used in 22 Tex. Admin. Code §170.2(2) (relating to Definitions). Telemedicine medical services may be used for the treatment of acute pain with scheduled drugs, unless otherwise prohibited under federal and state law. [Treatment of acute pain with scheduled drugs through use of telemedicine medical services is allowed, unless otherwise prohibited under federal and state law. For purposes of this section, "acute pain" means the normal, predicted, physiological response to a stimulus, such as trauma, disease, and operative procedures. Acute pain is time limited.]

The agency certifies that legal counsel has reviewed the emergency adoption 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 30, 2021.

TRD-202101718

Jena Abel

Deputy General Counsel

Texas Board of Nursing

Effective date: May 3, 2021

Expiration date: July 1, 2021

For further information, please call: (512) 305-6822



TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 745. LICENSING

SUBCHAPTER X. EMERGENCY RULES

DIVISION 3. PREVIOUS COMPLIANCE HISTORY, HEIGHTENED MONITORING, AND THE DECISION TO ISSUE OR DENY A RESIDENTIAL CHILD-CARE OPERATION LICENSE

26 TAC §§745.10201, 745.10203, 745.10205, 745.10207

The Health and Human Services Commission is renewing the effectiveness of emergency new §§745.10201, 745.10203,

745.10205 and 745.10207 for a 60-day period. The text of the emergency rule was originally published in the January 15, 2021, issue of the *Texas Register* (46 TexReg 417).

Filed with the Office of the Secretary of State on April 28, 2021.

TRD-202101692

Nycia Deal

Attorney

Health and Human Services Commission

Original effective date: December 30, 2020

Expiration date: June 27, 2021

For further information, please call:



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 1. DEPARTMENT OF AGING AND DISABILITY SERVICES

CHAPTER 9. INTELLECTUAL DISABILITY SERVICES--MEDICAID STATE OPERATING AGENCY RESPONSIBILITIES

SUBCHAPTER D. HOME AND COMMUNITY-BASED SERVICES (HCS) PROGRAM AND COMMUNITY FIRST CHOICE (CFC)

40 TAC §9.193

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) adopts on an emergency basis in Title 40 Texas Administrative Code (TAC), Chapter 9 Intellectual Disability Services--Medicaid State Operating Agency Responsibilities, Subchapter D, new §9.193 to allow Home and Community-based Services (HCS) program providers to submit a service claim for supervised living and residential support when an individual, whose residence is a program provider's three-person residence or four-person residence, is not receiving the service because the individual is living away from the residence during the COVID-19 public health emergency. As authorized by Texas Government Code §2001.034, the Commission may adopt an emergency rule without prior notice or hearing upon finding that an imminent peril to the public health, safety, or welfare requires adoption on fewer than 30 days' notice. Emergency rules adopted under Texas Government Code §2001.034 may be effective for not longer than 120 days and may be renewed for not longer than 60 days.

BACKGROUND AND PURPOSE

The purpose of the emergency rulemaking is to support the Governor's March 13, 2020, proclamation certifying that the COVID-19 virus poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas. In this proclamation, the Governor authorized the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster and directed that government entities and businesses would continue providing essential services. HHSC accordingly finds that an imminent peril to the public health, safety, and welfare of the state requires immediate adoption of new §9.193 regarding

Retainer Payments to a Home and Community-based Services Program Provider.

To protect individuals and program providers in the HCS Program, and the public health, safety, and welfare of the state during the COVID-19 pandemic, HHSC is adopting an emergency rule that allows HCS program providers to submit a service claim and receive payment from HHSC for supervised living and residential support when an individual, whose residence is a program provider's three-person residence or four-person residence, is not receiving the service because the individual is living away from the residence during the COVID-19 public health emergency. A payment made by HHSC in this circumstance is a "retainer payment" authorized by the Centers for Medicare and Medicaid Services in Appendix K to the HCS waiver application. Retainer payments help ensure the financial viability of program providers and the operation of three-person and four-person residences so that individuals have continued access to residential support and supervised living. The emergency rule implements the requirements of Appendix K, including that HHSC makes retainer payments for up to 90 days per individual during the period of March 20, 2020 through October 23, 2020, and that a program provider must attest to certain information regarding a service claim for a retainer payment.

The rule includes definitions for "retainer payment" and "staff member." The rule allows the 90 days of retainer payments to not be consecutive. The rule provides that the reimbursement rate for a retainer payment is the reimbursement rate for supervised living or residential support established in accordance with 1 TAC §355.723, §355.727, and §355.112 at the level of need of the individual for which the retainer payment is being requested.

The rule lists conditions that must exist for an HCS program provider to submit a service claim for a retainer payment, including completion of an HHSC retainer payment attestation form. The rule describes the requirements for the completion and submission of the form and the attestations and acknowledgment contained in the form, including attestations regarding staff members and a comparison between a retainer payment requested for a date during the period of March 20, 2020 through October 23, 2020, and payment received for supervised living or residential support for the same date in 2019 or an alternative date authorized by HHSC. A program provider is not required to include in the payment comparison the amount of the rate increase, effective January 8, 2020. This rate increase was an add-on payment to fund the direct care portion of the rates for supervised living and residential support as described in 1 TAC §355.727. In addition, the rule provides that a program provider is not required to include in the payment comparison the amount of a rate increase that occurred on or after March 20, 2020, because the individual's level of need was increased.

When submitting a service claim for a retainer payment, the rule requires a program provider to use the supervised living or residential support billing code and modifier that identifies the service claim as a claim for a retainer payment. The rule requires a program provider to maintain documentation supporting the attestations, including documentation demonstrating how the program provider calculated the payment comparison. The rule provides that HHSC recoups retainer payments from the program provider if HHSC determines the program provider did not comply with the rule or makes an attestation that is inaccurate.

STATUTORY AUTHORITY

The emergency rulemaking is adopted under Texas Government Code §2001.034, which authorizes the adoption of emergency rules without prior notice and hearing if an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than 30 days' notice; Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules and policies necessary for the operation and provision of health and human services by the health and human services system; and Texas Human Resources Code §32.021, which authorizes the Executive Commissioner of HHSC to adopt rules necessary for the proper and efficient operation of the Medicaid program.

The new section implements Texas Government Code §531.0055 and Texas Human Resources Code §32.021.

§9.193. Emergency Rule for Retainer Payments to a Home and Community-based Services Program Provider.

(a) The following words and terms, when used in this section, have the following meanings:

(1) Retainer payment--A payment made by the Texas Health and Human Services Commission (HHSC) to a Home and Community-based Services (HCS) program provider for supervised living or residential support for a day during the period of March 20, 2020 through October 23, 2020 that an individual did not receive supervised living or residential support because the individual was temporarily living away from the three-person residence or four-person residence to reduce the risk of COVID-19 transmission.

(2) Staff member--An employee or contractor of an HCS program provider whose wages and benefits would normally be included in the cost of the service for which the retainer payment is requested.

(b) HHSC makes retainer payments for up to 90 days per individual. The days do not have to be consecutive.

(c) The reimbursement rate for a retainer payment is the reimbursement rate for supervised living or residential support established in accordance with 1 TAC §355.723 (relating to Reimbursement Methodology for Home and Community-Based Services and Texas Home Living Programs), §355.727 (relating to Add-on Payment Methodology for Home and Community-Based Services Supervised Living and Residential Support Services) and, if applicable, §355.112 (relating to Attendant Compensation Rate Enhancement), at the level of need of the individual for which the retainer payment is being requested.

(d) An HCS program provider may submit an electronic service claim for a retainer payment for an individual who enrolled with the program provider before March 20, 2020, if:

(1) the service claim is not for a day for which HHSC paid the program provider under Section 4560(j) or Section 4570(i) of the HCS Program Billing Guidelines;

(2) the payment of the service claim does not exceed 90 days of retainer payments for the individual; and

(3) on or before the date the program provider submits the service claim, the program provider submits to HHSC a completed retainer payment attestation form, as described in subsection (g) of this section, that covers the date for which the retainer payment is requested.

(e) An HCS program provider may submit an electronic service claim for a retainer payment for an individual who enrolled with the program provider during the period of March 20, 2020 through October 23, 2020, if:

(1) the service claim is not for a day for which HHSC paid the program provider under Section 4560(j) or Section 4570(i) of the HCS Program Billing Guidelines;

(2) the service claim does not result in the total number of service claims for retainer payments for the individual exceeding the number of days the program provider has provided supervised living or residential support to the individual before the first date for which a retainer payment is requested;

(3) the payment of the service claim does not exceed 90 days of retainer payments for the individual; and

(4) on or before the date the program provider submits the service claim, the program provider submits to HHSC a completed retainer payment attestation form, as described in subsection (g) of this section, that covers the date for which the retainer payment is requested.

(f) A program provider must submit a retainer payment attestation form, as described in subsection (g) of this section, and a service claim for a retainer payment to HHSC on or before June 30, 2021.

(g) An HHSC retainer payment attestation form, available on the HHSC website, covers retainer payments requested only for dates identified on the form. A program provider must submit a separate form for each HCS contract that the HCS program provider has with HHSC. The form contains the attestations and acknowledgment listed below.

(1) The program provider attests that:

(A) during the time period for which the retainer payment is requested, the program provider did not have any staff members who were not working because they were laid off due to lack of work, not work performance;

(B) during the time period for which the retainer payment is requested, the program provider paid to the staff members wages and benefits at the levels that existed on March 19, 2020;

(C) except as provided in subsection (h) of this section, any retainer payment that the program provider receives for an individual will not exceed the payment the program provider received for supervised living or residential support for the individual:

(i) on the same date in 2019; or

(ii) if the individual was not receiving supervised living or residential support from the program provider on the same date in 2019, on an alternative date authorized in writing by HHSC based on a request submitted in accordance with subsection (i) of this section; and

(D) the program provider has not received funding from any other source to pay for the service for which a retainer payment is requested.

(2) The program provider acknowledges that HHSC may recoup retainer payments in accordance with subsection (l) of this section.

(h) A program provider is not required to include the following amounts in the payment comparison described in subsection (g)(1)(C) of this section:

(1) the amount of the increase to the supervised living or residential support rate, as described in 1 TAC §355.727, effective January 8, 2020; or

(2) the amount of an increase to the supervised living or residential support rate that occurred on or after March 20, 2020, because the individual's level of need was increased.

(i) To obtain an alternative date as described in subsection (g)(1)(C)(ii) of this section, a program provider must submit a written request to HHSC to authorize an alternative date.

(j) When submitting a service claim for a retainer payment, a program provider must use the supervised living or residential support billing code and modifier that identifies the service claim as a claim for a retainer payment.

(k) The program provider must maintain documentation supporting the attestations described in subsection (g)(1) of this section, including documentation demonstrating how the program provider calculated the payment comparison described in subsection (g)(1)(C) of this section.

(l) If HHSC determines, based on a federal, state, or third-party review or audit, that a program provider is not in compliance with this section or the program provider makes an attestation described in subsection (g)(1) of this section that is inaccurate, HHSC recoups retainer payments from the program provider.

The agency certifies that legal counsel has reviewed the emergency adoption 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 29, 2021.

TRD-202101714

Karen Ray

Chief Counsel

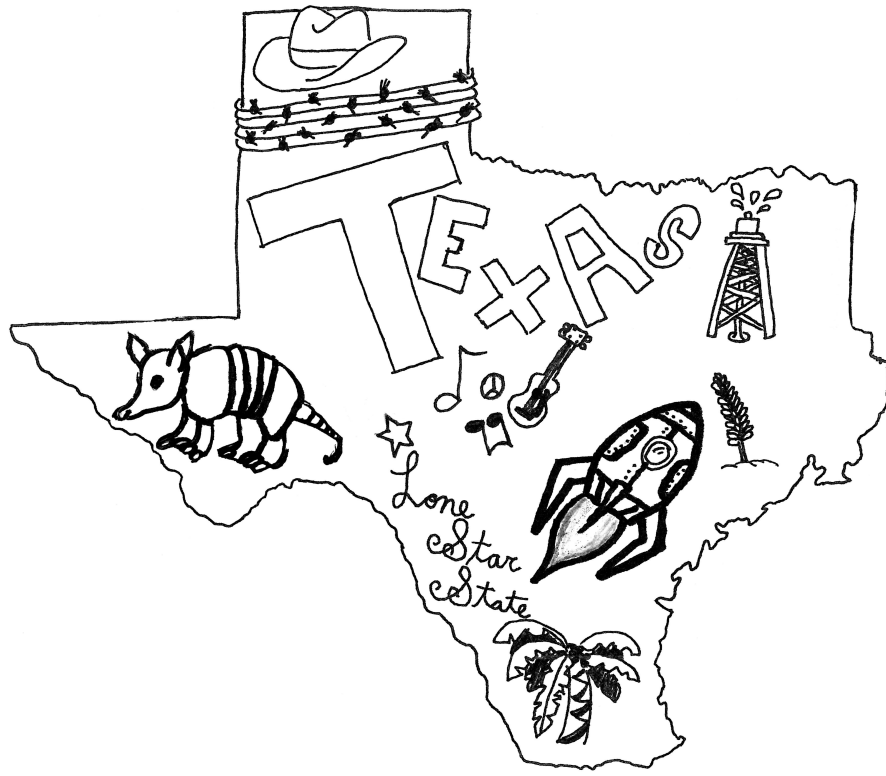
Department of Aging and Disability Services

Effective date: April 30, 2021

Expiration date: August 27, 2021

For further information, please call: (737) 704-9069

◆ ◆ ◆



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 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION SUBCHAPTER G. APPLY TEXAS ADVISORY COMMITTEE

19 TAC §1.131

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

Texas Education Code, §61.026, authorizes the Coordinating Board to appoint advisory committees as considered necessary. The amendments are proposed under the Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Jerel Booker, J.D., Assistant Commissioner for College Readiness and Success, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

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

Jerel Booker, J.D., Assistant Commissioner for College Readiness and Success, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the clarification and improvement of policies affecting the Apply Texas Common Application System. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

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

Comments on the proposal may be submitted to Jerel Booker, Assistant Commissioner for College Readiness and Success, P.O. Box 12788, Austin, TX 78711 or to cri@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Government Code, Section 2110.008, which provides the Coordinating Board with the authority to amend the abolishment date for this advisory committee.

The proposed amendment affects the implementation of Texas Education Code, Section 51.762.

§1.131. Duration.

The committee shall be abolished no later than October 31, 2025 [2021] in accordance with the Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on May 3, 2021.

TRD-202101727

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

For further information, please call: (512) 427-6247



SUBCHAPTER H. CERTIFICATION ADVISORY COUNCIL

19 TAC §1.138

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter H, §1.138, concerning Cer-

tification Advisory Council. Specifically, this amendment will extend the duration of the committee four more years.

The Certification Advisory Council is a statutory requirement and provides certificate integrity by advisement to the board from statewide experts on standards and procedures to be used in carrying out the provisions of Texas Education Code Section 61.301.

Tina Jackson, Assistant Commissioner, Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

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

Tina Jackson, Assistant Commissioner, Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be maintained integrity and continued advisement to the board by statewide experts on standards and procedures to be used in carrying out the provisions of Texas Education Code Section 61. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Tina Jackson, Assistant Commissioner, Workforce Education, P.O. Box 12788, Austin, TX 78711, Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Sections 61.314, which provides the Coordinating Board with the authority to appoint an advisory council on private postsecondary educational institutions and 61.3075, which provides the Coordinating Board with the authority of granting Certificates of Authority.

The proposed amendment provides maintained integrity and continued advisement to the board by statewide experts on standards and procedures to be used in carrying out the provisions of Texas Education Code Section 61.301.

§1.138. Duration.

The council shall be abolished no later than October 31, 2025 [2021], in accordance with Texas Government Code, Chapter 2110, unless it is reestablished by the Board.

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

Filed with the Office of the Secretary of State on May 3, 2021.

TRD-202101728

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

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



SUBCHAPTER I. FAMILY PRACTICE RESIDENCY ADVISORY COMMITTEE

19 TAC §1.145

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

The Family Practice Residency Advisory Committee provides the Board with advice and recommendation(s) regarding Family Practice Residency programs. Texas Education Code §61.026 authorizes the Coordinating Board to appoint an advisory committee as considered necessary and §61.505 establishes the Family Practice Residency Advisory Committee. The amendment is also proposed under the Texas Government Code, Chapter 2110, §2110.008 which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Dr. Stacey Silverman, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

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

Dr. Silverman, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the continued operation and function of the Family Practice Residency Advisory Committee to advise the Coordinating Board regarding Family Practice Residency programs. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

The amendment is proposed under Texas Education Code, Sections 61.505, which mandates the establishment of the Family Practice Advisory Committee and 61.026, which provides the Coordinating Board with authority to appoint an advisory committee as necessary, and Texas Government Code, Section 2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects Texas Education Code Chapter 61, Subchapter I, which sets out the statutory authority for the implementation of the Family Practice Residency Advisory Committee.

§1.145. Duration.

The committee shall be abolished no later than October 31, ~~2025~~, [2021] in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on May 3, 2021.

TRD-202101729

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

For further information, please call: (512) 427-6206



SUBCHAPTER J. FINANCIAL AID ADVISORY COMMITTEE

19 TAC §1.151, §1.152

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter J, §1.151 and §1.152, concerning the Financial Aid Advisory Committee. Specifically, Texas Education Code, §61.0776, requires the Board to create

and appoint a financial aid advisory committee to provide insight into the informational needs of students.

Texas Education Code, §61.026, also authorizes the Coordinating Board to adopt rules regarding advisory committees that primarily function to advise the board.

The amendments are proposed to extend the committee's existence for an additional four years and to make minor modifications to the member structure to better align with statute and the higher education academic year structure.

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

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

Charles Contéro-Puls, Assistant Commissioner, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the continued contribution of the agency's Financial Aid Advisory Committee. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Charles Contéro-Puls, Assistant Commissioner, P.O. Box 12788, Austin, Texas 78711-2788, charles.contero-puls@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code (TEC), Sections 61.026 and 61.0776, and Texas Government Code, Subtitle C, Chapter 2110.

Specifically, TEC 61.0776 requires the Coordinating Board to create and appoint a financial aid advisory committee to provide insight into the informational needs of students.

§1.151. Committee Membership and Officers.

- (a) Membership shall consist of financial aid practitioners, public school counselors, and other persons employed in the non-profit

sector in roles with responsibility for advising students regarding financial aid.

(b) Membership on the committee will include:

(1) at least two representatives from the following sectors of higher education: four-year public universities, two-year colleges, and private institutions; and at least one representative from a health-related institution;

(2) at least one student representative from a public institution of higher education [~~health-related institution or the four-year college sector~~]; and at least one student representative from the two-year college sector], who serves [~~serve~~] as a non-voting member [~~members~~];

(3) at least two representatives of school districts; [~~and~~]

(4) at least one representative from the non-profit sector with responsibility for advising students regarding financial aid; and

(5) one representative from the Texas Association of Student Financial Aid Administrators (TASFAA), named by the TASFAA Board, who serves as a non-voting member.

(c) Interested persons and legislative and governmental relations staff shall be regularly advised of committee meetings.

(d) The number of committee members shall not exceed twenty-four (24).

(e) Members of the committee shall select:

(1) the presiding officer, who will be responsible for conducting meetings and conveying committee recommendations to the Board, and who will be selected from the financial aid practitioners serving on the committee; and

(2) the vice chair, who will succeed the presiding officer at the end of the presiding officer's year of service, and who will be selected from the financial aid practitioners serving on the committee.

(f) Committee members' terms will begin with the first committee meeting of each state fiscal year.

(g) The transition of leadership to the new presiding officer will occur at the end of the first committee meeting of each state fiscal year. The new presiding officer's term will begin with the second committee meeting of each year[; as will each year of committee members' terms]. If the chair steps down with more than half his or her term remaining, the vice chair will become chair with the option to complete the previous chair's term and his or her own term or choose to only complete the previous chair's term. If the vice chair's decision is to only complete the previous chair's term, the committee shall immediately elect a new vice chair. If less than half the chair's term remains when the chair steps down, the vice chair will complete both terms.

(h) [(g)] Members shall serve for a term of three years, except that, regardless of the number of years previously on the committee, terms for persons who serve as chair of the committee will include the year as chair and the subsequent year as immediate-past chair; and the terms of persons who serve as vice chair will include the year as vice chair, the subsequent year as chair, and a following year as immediate-past chair of the committee. Student members of the committee will serve two-year terms. The TASFAA representative will serve a one-year term. Persons who have previously served on the committee are eligible to serve again.

§1.152. *Duration.*

The committee shall be abolished no later than October 31, 2025 [2024], in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on May 3, 2021.

TRD-202101730

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

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



SUBCHAPTER O. LEARNING TECHNOLOGY ADVISORY COMMITTEE

19 TAC §1.188

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter O, §1.188, concerning the Learning Technology Advisory Committee. Specifically, this amendment will continue this advisory committee four more years.

Texas Education Code, §61.026 authorizes the Coordinating Board to appoint advisory committees as considered necessary. The amendments are proposed under the Texas Government Code, Chapter 2110, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Dr. Michelle Singh, Assistant Commissioner for Digital Learning, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

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

There is no anticipated impact on local employment.

Dr. Michelle Singh, Assistant Commissioner for Digital Learning, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the clarification of the continuation of the committee. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;

- (6) the rules not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Michelle Singh, Assistant Commissioner for Digital Learning, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, RuleComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.026, and Texas Government Code, Section 2110.008, which provides the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects Texas Education Code Sections 61.0771 and 61.0512(g), regarding distance education, and Texas Administrative Code §§4.255-4.264 and §§4.270-4.279, regarding the approval of distance education, off-campus and self-supporting courses and programs for public institutions.

§1.188. Duration.

The committee shall be abolished no later than October 31, 2025 [2021] in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on May 3, 2021.

TRD-202101731

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

For further information, please call: (512) 427-6284



**SUBCHAPTER P. LOWER-DIVISION
ACADEMIC COURSE GUIDE MANUAL
ADVISORY COMMITTEE**

19 TAC §1.195

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter P, §1.195, concerning Lower-Division Academic Course Guide Manual Advisory Committee. Specifically, this amendment will continue the advisory committee four more years.

The Lower-Division Academic Course Guide Manual Advisory Committee provides the Board with advice and recommendations regarding new disciplines of study, developments within existing disciplines represented by courses in the manual, vertical alignment of courses within disciplines, and obsolescence of disciplines of study and courses. Texas Education Code §61.026 authorizes the Coordinating Board to appoint an advisory committee as considered necessary. The amendment is proposed

under the Texas Government Code, Chapter 2110, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment for advisory committees to continue in existence.

Dr. Stacey Silverman, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

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

Dr. Silverman, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the continued operation and function of the Lower-Division Academic Course Guide Manual Advisory Committee to advise the Coordinating Board about the deletion, addition and revision of lower-division academic courses intended for efficient and timely transfer of credit. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

The amendment is proposed under Texas Education Code, Section 61.026, which provides the Coordinating Board with authority to appoint an advisory committee as considered necessary and Texas Government Code, Section 2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects institutions of higher education as defined in Texas Education Code, Section 61.003, in regard to requirements of Texas Education Code, Sections 51.4033-51.4034, 51.96852 and Chapter 61, Subchapter S, Transfer of Credit.

§1.195. Duration.

The committee shall be abolished no later than October 31, 2025 [2024], in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on May 3, 2021.

TRD-202101732

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

For further information, please call: (512) 427-6206



CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER C. HINSON-HAZLEWOOD COLLEGE STUDENT LOAN PROGRAM

19 TAC §22.53

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code (TAC), Title 19, Part 1, Chapter 22, Subchapter C, §22.53, concerning Repayment of Loans. Specifically, this amendment will remove language that sets a maximum repayment period and a minimum annual repayment amount in the rule.

Texas Education Code, Section 52.54, provides the Coordinating Board with the authority to adopt rules and regulations to effectuate the purpose of the state's student loan programs. The agency proposes removing language in TAC §22.53 to allow greater flexibility in addressing the needs of borrowers in repayment on their College Access Loans.

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

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

Charles Contéro-Puls, Assistant Commissioner, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the greater flexibility in addressing the needs of borrowers in repayment on their College Access Loans. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

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

Comments on the proposal may be submitted to Charles Contéro-Puls, Assistant Commissioner, P.O. Box 12788, Austin, Texas 78711-2788, charles.contero-puls@higher.ed.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 52.54, which provides the Coordinating Board with the authority to adopt rules and regulations to effectuate the purpose of the state's student loan program.

The proposed amendment affects Texas Education Code, Sections 52.35 and 52.38.

§22.53. Repayment of Loans.

(a) Period of loan repayment.

(1) FSL. All loans shall be repaid in accordance with the statutes and regulations governing the Federal Family Education Loan Program.

(2) FSLs. All loans shall be repaid in accordance with the statutes and regulations governing the Federal Family Education Loan Program.

(3) CAL.

(A) The repayment period shall be calculated based upon the amount borrowed [~~but in no case shall exceed 20 years~~].

(B) The repayment period shall begin no earlier than six months after the date on which the student ceases to carry, at an eligible institution, at least one half the normal full-time course load as determined by the institution.

(4) HEAL. All loans shall be repaid in accordance with the statutes and regulations governing the Health Education Assistance Loan Program, authorized by the Public Health Service Act, as amended, 42 U.S.C. §§292 - 292y.

(5) HELP. All loans extended under this program by the Board shall be repaid in the manner and under the statutes, rules and guidelines governing HEAL.

(b) Minimum repayment amount.

(1) FSL. The Board shall provide a repayment schedule in which all of the FSL notes extended by the Board to a borrower are treated as an account, and the repayment amount shall be calculated to repay the account over the maximum authorized period. In no case will the minimum annual repayment on the account be less than \$600.

(2) FSLs. The Board shall provide a repayment schedule in which all of the FSLs notes extended by the Board to a borrower are treated as an account, and the repayment amount shall be calculated to repay the account over the maximum authorized period. In no case will the minimum annual repayment on the account be less than \$600.

(3) CAL. The Board shall provide a repayment schedule in which all of the CAL notes extended by the Board to a borrower are treated as an account, and the repayment amount shall be calculated to repay the account over the maximum authorized period. [~~In no case will the minimum annual repayment on the account be less than \$600.~~]

(4) HEAL. The Board shall provide a repayment schedule in which all of the HEAL notes extended by the Board to a borrower are treated as an account, and the repayment amount shall be calculated to repay the account over the maximum authorized period. The minimum annual repayment shall not be less than the amount provided by 42 USCS 292(d).

(5) HELP. The Board shall provide a repayment schedule in which all of the HEAL notes extended by the Board to a borrower are treated as an account, and the repayment amount shall be calculated to repay the account over the maximum authorized period. The minimum annual repayment shall not be less than the amount that would have been provided by 42 U.S.C.S. §292(d), if the loan had been extended by the HEAL program.

(c) - (h) (No change.)

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

Filed with the Office of the Secretary of State on May 3, 2021.

TRD-202101734

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

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



SUBCHAPTER M. TEXAS EDUCATIONAL OPPORTUNITY GRANT PROGRAM

19 TAC §22.265

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 22, Subchapter M, §22.265, concerning the authority to transfer funds. Specifically, this repeal will eliminate a rule that duplicates the authority to transfer funds outlined in TAC, Title 19, Part 1, Chapter 22, Subchapter A (General Provisions), §22.11.

Texas Education Code, §56.403 provides the Coordinating Board with the authority to adopt any rules necessary to implement the Texas Educational Opportunity Grant. This authority served as the basis for the adoption of 19 TAC §22.11. At the time of that rule's adoption, §22.65 became redundant and is now being repealed.

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

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

Charles W. Contéro-Puls, Assistant Commissioner, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the elimination of redundant rules. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Charles W. Contéro-Puls, Assistant Commissioner, P.O. Box 12788, Austin, Texas 78711, charles.contero-puls@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, §56.403, which provides the Coordinating Board with the authority to adopt any rules necessary to implement the Texas Educational Opportunity Grant.

The proposed repeal affects General Appropriation Act, HB 1, Article III, Section 18, 86th Texas Legislature.

§22.265. *Authority to Transfer Funds.*

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 May 3, 2021.

TRD-202101735

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

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



SUBCHAPTER AA. THE KENNETH H. ASHWORTH FELLOWSHIP PROGRAM

19 TAC §§22.729 - 22.736

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter AA, §§22.729 - 22.736, concerning the Kenneth H. Ashworth Fellowship Program. Specifi-

cally, this repeal will remove agency rules that are obsolete and no longer in effect. The program is not established in statute, but was, instead, created and funded entirely through private donations. The program will continue to exist, but rules are not necessary to administer the program.

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

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

Charles W. Contéro-Puls, Assistant Commissioner, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be greater clarity of the administrative code through the elimination of unnecessary rules. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Charles W. Contéro-Puls, Assistant Commissioner, P.O. Box 12788, Austin, Texas 78711, charles.contero-puls@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.068, which provides the Coordinating Board with the authority to accept gifts, grants, and donations.

The proposed repeal affects Texas Education Code §61.068.

§22.729. *Authority and Purpose.*

§22.730. *Eligible Institutions.*

§22.731. *Selection Committee.*

§22.732. *Eligible Students.*

§22.733. *Award Amounts.*

§22.734. *Funding.*

§22.735. *Submission of Applications and Selection of Recipients.*

§22.736. *Disbursement of Funds.*

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 May 3, 2021.

TRD-202101733

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: June 13, 2021

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



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 105. FOUNDATION SCHOOL

PROGRAM

SUBCHAPTER A. DEFINITIONS

19 TAC §105.1

The State Board of Education (SBOE) proposes the repeal of §105.1, concerning rules for the definition of tax levy and tax collection. The proposed repeal would implement House Bill (HB) 3, 86th Texas Legislature, 2019, which removed the SBOE's rule-making authority related to the definitions of tax levy and tax collection for the Foundation School Program (FSP).

BACKGROUND INFORMATION AND JUSTIFICATION: Section 105.1 defines tax levy and tax collection for purposes of administering the FSP. The section was adopted effective September 1, 1996, under the authority of Texas Education Code (TEC), §42.004.

House Bill 3, 86th Texas Legislature, 2019, renumbered TEC, §42.004, to §48.004. The renumbered statute was amended to transfer rulemaking authority related to definition of tax levy and tax collection for the FSP from the SBOE to the commissioner of education. The repeal of the rule is necessary since statutory authority no longer exists.

The SBOE approved the proposed repeal for first reading and filing authorization at its April 16, 2021 meeting.

FISCAL IMPACT: Leo Lopez, associate commissioner for school finance, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would repeal an existing regulation. Section 105.1 would be repealed to implement HB 3, 86th Texas Legislature, 2019, which removed the SBOE's rulemaking authority related to definition for tax levy and tax collection for the FSP.

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

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Lopez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be the implementation of legislation by removing rules for which statutory authority no longer exists. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 14, 2021, and ends at 5:00 p.m. on June 18, 2021. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/Proposed_State_Board_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/Proposed_State_Board_of_Education_Rules/). The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2021 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 14, 2021.

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §48.004, as transferred, redesignated, and amended by House Bill 3, 86th Texas Legislature, 2019, which requires the commissioner to adopt rules, take actions, and require reports necessary to implement and administer the Foundation School Program.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §48.004, as transferred, redesignated, and amended by House Bill 3, 86th Texas Legislature, 2019.

§105.1. Rules for the Definition of Tax Levy and Tax Collection.

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 May 3, 2021.

TRD-202101724

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: June 13, 2021

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



CHAPTER 111. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR MATHEMATICS

SUBCHAPTER D. OTHER HIGH SCHOOL MATHEMATICS COURSES

19 TAC §§111.56 - 111.59

The State Board of Education (SBOE) proposes the repeal of §§111.56 - 111.59, concerning Texas Essential Knowledge and Skills (TEKS) for mathematics. The proposed repeals would eliminate, effective beginning with the 2021-2022 school year, courses that are no longer offered by the International Baccalaureate Organization.

BACKGROUND INFORMATION AND JUSTIFICATION: In June 2019, the SBOE adopted four new International Baccalaureate (IB) mathematics courses that the International Baccalaureate Organization would begin implementing in September 2019 as part of its diploma program. The new courses were designed to replace four existing courses: IB Mathematical Studies Standard Level, IB Mathematics Standard Level, IB Mathematics Higher Level, and IB Further Mathematics Higher Level. The four older courses were scheduled to be repealed at a later date to provide time for students who were already enrolled in one of the courses to complete the course. The proposed repeals would eliminate the four older courses from the mathematics TEKS now that they are no longer necessary.

The SBOE approved the proposed repeals for first reading and filing authorization at its April 16, 2021 meeting.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and support services, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement

assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations by eliminating, effective beginning with the 2021-2022 school year, courses that are no longer offered by the International Baccalaureate Organization.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be eliminating confusion for school districts regarding IB mathematics course options by repealing IB mathematics courses that are no longer offered by the International Baccalaureate Organization. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 14, 2021, and ends at 5:00 p.m. on June 18, 2021. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/Proposed_State_Board_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/Proposed_State_Board_of_Education_Rules/). The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2021 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 14, 2021.

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.025(a), which requires the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §§7.102(c)(4), 28.002(a), and 28.025(a).

§111.56. *International Baccalaureate (IB) Mathematical Studies Standard Level (Two Credits).*

§111.57. *International Baccalaureate (IB) Mathematics Standard Level (Two Credits).*

§111.58. *International Baccalaureate (IB) Mathematics Higher Level (Two Credits).*

§111.59. *International Baccalaureate (IB) Further Mathematics Higher Level (Two Credits).*

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 May 3, 2021.

TRD-202101725

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: June 13, 2021

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



CHAPTER 112. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SCIENCE

SUBCHAPTER C. HIGH SCHOOL

19 TAC §§112.46 - 112.51

The State Board of Education (SBOE) proposes new §§112.46 - 112.51, concerning Texas Essential Knowledge and Skills (TEKS) for science. The proposed new sections would update the standards to ensure they remain current.

BACKGROUND INFORMATION AND JUSTIFICATION: In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the September 2019 meeting, SBOE members were asked to designate content advisors for the review and revision of the science TEKS. In December 2019, applications to serve on science TEKS review work groups were posted on the Texas Education Agency (TEA) website. Additionally in December 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the science TEKS. TEA staff provided applications for the science review work groups to SBOE members on a monthly basis from December 2019 to June 2020 and in September, October, and December 2020. At the January 2020 SBOE meeting, the SBOE provided specific guidance for the TEKS review work groups.

Also in January 2020, science TEKS review content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the science TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in February 2020 to review survey results, content advisor consensus recommendations, and the SBOE's guidance to work groups to develop recommendations for how science TEKS review work groups can address these areas. Work Group B was convened virtually in June 2020 to develop recommendations for four high school science courses: Biology, Chemistry, Integrated Physics and Chemistry, and Physics. In November 2020, the SBOE approved for second reading and final adoption proposed new 19 TAC §§112.41 - 112.45 for implementation beginning in the 2023-2024 school year.

Work Group C convened for a series of virtual meetings between August and November 2020 to develop recommendations for the

middle school science TEKS. Work Group D was convened for monthly meetings from November 2020-February 2021 to develop recommendations for TEKS for five high school science courses: Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, and a new course, Specialized Topics in Science. In January 2021, a discussion item was presented to the SBOE Committee of the Full Board for proposed new 19 TAC §§112.47-112.51. Work Group E was convened for monthly meetings between January and March 2021 to develop recommendations for the elementary science TEKS.

Recommendations for TEKS in a new course called Specialized Topics in Science were developed by Work Group D. The new course, which will give students the opportunity to study specific topics of interest in science in greater depth or to study topics not addressed in other science courses, has been recommended for implementation earlier than the 2024-2025 school year so that students studying specialized topics will have alternative ways to fulfill their graduation requirements in science. This course is recommended for implementation beginning with the 2022-2023 school year.

The proposed new sections would introduce new standards for Specialized Topics in Science and revised standards for Aquatic Science, Astronomy, Earth Science Systems (formerly titled Earth and Space Science), and Environmental Systems as well as related implementation language.

The SBOE approved the proposed new sections for first reading and filing authorization at its April 16, 2021 meeting.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and support services, has determined that for the first five years the proposal is in effect (2021-2025), there are no additional costs to the state. However, in fiscal years 2019 and 2020, there was a fiscal impact to TEA to reimburse committee members for travel to review the science TEKS. For fiscal year 2020, the estimated cost to TEA was \$23,609. There will also be implications for the TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether the TEA received an appropriation for professional development in the next biennium.

There may be fiscal implications for school districts and charter schools to implement the proposed new TEKS, which may include the need for professional development and revisions to district-developed databases, curriculum, and scope and sequence documents. Since curriculum and instruction decisions are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations by proposing new science TEKS required to be offered by school districts and charter schools.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be better alignment of the TEKS and coordination of the standards with the adoption of instructional materials. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 14, 2021, and ends at 5:00 p.m. on June 18, 2021. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/Proposed_State_Board_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/Proposed_State_Board_of_Education_Rules/). The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in June 2021 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 14, 2021.

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(j), which allows the SBOE to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction; TEC, §28.002(n), which allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technical education curriculum required in TEC, §28.002; and TEC, §28.025(a), which requires

the SBOE to by rule determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), (j), and (n); and 28.025(a).

§112.46. Implementation of Texas Essential Knowledge and Skills for Science, High School, Adopted 2021.

(a) The provisions of §§112.47-112.50 of this subchapter shall be implemented by school districts beginning with the 2024-2025 school year.

(b) The provisions of §112.51 of this subchapter shall be implemented by school districts beginning with the 2022-2023 school year.

(c) No later than July 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills for science as adopted in §§112.47-112.50 of this subchapter.

(d) If the commissioner makes the determination that instructional materials funding has been made available under subsection (c) of this section, §§112.47-112.50 of this subchapter shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(e) If the commissioner does not make the determination that instructional materials funding has been made available under subsection (c) of this section, the commissioner shall determine no later than July 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that §§112.47-112.50 of this subchapter shall be implemented for the following school year.

(f) Sections 112.32, 112.33, 112.36, and 112.37 of this subchapter shall be superseded by the implementation of §§112.47-112.50 of this subchapter.

§112.47. Aquatic Science, Adopted 2021 (One Credit).

(a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: one unit of high school biology. Recommended prerequisite: Integrated Physics and Chemistry, Chemistry, or concurrent enrollment in either course. This course is recommended for students in Grade 10, 11, or 12.

(b) Introduction.

(1) Aquatic Science. In Aquatic Science, students study the interactions of biotic and abiotic components in aquatic environments, including natural and human impacts on aquatic systems. Investigations and field work in this course may emphasize fresh water or marine aspects of aquatic science depending primarily upon the natural resources available for study near the school. Students who successfully complete Aquatic Science acquire knowledge about how the properties of water and fluid dynamics affect aquatic ecosystems and acquire knowledge about a variety of aquatic systems. Students who successfully complete Aquatic Science conduct investigations and observations of aquatic environments, work collaboratively with peers, and develop critical-thinking and problem-solving skills.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable ex-

planations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific hypotheses and theories. Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(6) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide tools for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(7) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems,

and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as Global Positioning System (GPS), Geographic Information System (GIS), weather balloons, buoys, water testing kits, meter sticks, metric rulers, pipettes, graduated cylinders, standard laboratory glassware, balances, timing devices, pH meters or probes, various data collecting probes, thermometers, calculators, computers, internet access, turbidity testing devices, hand magnifiers, work and disposable gloves, compasses, first aid kits, field guides, water quality test kits or probes, 30-meter tape measures, tarps, ripple tanks, trowels, screens, buckets, sediment samples equipment, cameras, flow meters, cast nets, kick nets, seines, computer models, spectrophotometers, stereomicroscopes, compound microscopes, clinometers, and field journals, various prepared slides, hand lenses, hot plates, Petri dishes, sampling nets, waders, leveling grade rods (Jason sticks), protractors, inclination and height distance calculators, samples of biological specimens or structures, core sampling equipment, fish tanks and associated supplies, and hydrometers;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) organize quantitative and qualitative data using probeware, spreadsheets, lab notebooks or journals, models, diagrams, graphs paper, computers, or cellphone applications;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as related to the content; and

(C) research and explore resources such as museums, planetariums, observatories, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.

(5) The student understands how the properties of water build the foundation of aquatic ecosystems. The student is expected to:

(A) describe how the shape and polarity of the water molecule make it a "universal solvent" in aquatic systems;

(B) identify how aquatic ecosystems are affected by water's properties of adhesion, cohesion, surface tension, heat capacity, and thermal conductivity; and

(C) explain how the density of water is critical for organisms in cold environments.

(6) Students know that aquatic environments are the product of interactions among Earth systems. The student is expected to:

(A) identify key features and characteristics of atmospheric, geological, hydrological, and biological systems as they relate to aquatic environments;

(B) describe the interrelatedness of atmospheric, geological, hydrological, and biological systems in aquatic ecosystems, including positive and negative feedback loops; and

(C) evaluate environmental data using technology such as maps, visualizations, satellite data, Global Positioning System (GPS), Geographic Information System (GIS), weather balloons, and buoys to model the interactions that affect aquatic ecosystems.

(7) The student knows about the interdependence and interactions that occur in aquatic environments. The student is expected to:

(A) identify how energy flows and matter cycles through both freshwater and marine aquatic systems, including food webs, chains, and pyramids;

(B) identify biological, chemical, geological, and physical components of an aquatic life zone as they relate to the organisms in it;

(C) identify variables that affect the solubility of carbon dioxide and oxygen in water;

(D) evaluate factors affecting aquatic population cycles such as lunar cycles, temperature variations, hours of daylight, and predator-prey relationships; and

(E) identify the interdependence of organisms in an aquatic environment such as in a pond, a river, a lake, an ocean, or an aquifer and the biosphere.

(8) The student conducts short-term and long-term studies on local aquatic environments. Local natural environments are to be preferred over artificial or virtual environments. The student is expected to:

(A) evaluate data over a period of time from an established aquatic environment documenting seasonal changes and the behavior of organisms;

(B) collect and analyze pH, salinity, temperature, mineral content, nitrogen compounds, dissolved oxygen, and turbidity data periodically, starting with baseline measurements; and

(C) use data from short-term or long-term studies to analyze interrelationships between producers, consumers, and decomposers in aquatic ecosystems.

(9) The student knows the role of cycles in an aquatic environment. The student is expected to:

(A) identify the role of carbon, nitrogen, water, and nutrient cycles in an aquatic environment, including upwellings and turnovers;

(B) examine the interrelationships between aquatic systems and climate and weather, including El Niño and La Niña, currents, and hurricanes; and

(C) explain how tidal cycles influence intertidal ecology.

(10) The student knows the origin and potential uses of fresh water. The student is expected to:

(A) identify sources of water in a watershed, including rainfall, groundwater, and surface water;

(B) identify factors that contribute to how water flows through a watershed;

(C) analyze water quantity and quality in a local watershed or aquifer; and

(D) describe human uses of fresh water and how human freshwater use competes with that of other organisms.

(11) The student knows that geological phenomena and fluid dynamics affect aquatic systems. The student is expected to:

(A) examine basic principles of fluid dynamics, including hydrostatic pressure, density as a result of salinity, and buoyancy;

(B) identify interrelationships between ocean currents, climates, and geologic features such as continental margins, active and passive margins, abyssal plains, island atolls, peninsulas, barrier islands, and hydrothermal vents;

(C) explain how fluid dynamics causes upwelling and lake turnover; and

(D) describe how erosion and deposition in river systems lead to formation of geologic features.

(12) The student understands the types of aquatic ecosystems. The student is expected to:

(A) differentiate among freshwater, brackish, and marine ecosystems; and

(B) identify the major properties and components of different marine and freshwater life zones.

(13) The student knows environmental adaptations of aquatic organisms. The student is expected to:

(A) compare different traits in aquatic organisms using tools such as dichotomous keys;

(B) describe how adaptations allow an organism to exist within an aquatic environment; and

(C) compare adaptations of freshwater and marine organisms.

(14) The student understands how human activities impact aquatic environments. The student is expected to:

(A) analyze the cumulative impact of human population growth on an aquatic ecosystem;

(B) predict effects of chemical, organic, physical, and thermal changes due to humans on the living and nonliving components of an aquatic ecosystem;

(C) investigate the role of humans in unbalanced systems involving phenomena such as invasive species, fish farming, cultural eutrophication, or red tides;

(D) analyze and discuss how human activities such as fishing, transportation, dams, and recreation influence aquatic environments;

(E) describe the impact such as costs and benefits of various laws and policies such as The Endangered Species Act, right of capture laws, or Clean Water Act on aquatic systems; and

(F) analyze the purpose and effectiveness of human efforts to restore aquatic ecosystems affected by human activities.

§112.48. Astronomy, Adopted 2021 (One Credit).

(a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisites: Algebra I and Integrated Physics and Chemistry or Chemistry.

(b) Introduction.

(1) Astronomy. In Astronomy, students focus on patterns, processes, and relationships among astronomical objects in our universe. Students acquire basic astronomical knowledge and supporting evidence about sun-Earth-Moon relationships, the solar system, the Milky Way, the size and scale of the universe, and the benefits and limitations of exploration. Students conduct laboratory and field investigations to support their developing conceptual framework of our place in space and time. By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not scientifically testable.

(3) Scientific hypotheses and theories. Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have

been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(6) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide tools for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(7) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as gnomons; sundials; Planisphere; star charts; globe of the Earth; diffraction gratings; spectroscopes; color filters; lenses of multiple focal lengths; concave, plane, and convex mirrors; binoculars; telescopes; celestial sphere; online astronomical databases; and online access to observatories;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) organize quantitative and qualitative data using graphs, charts, spreadsheets, and computer software;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as related to the content; and

(C) research and explore resources such as museums, planetariums, observatories, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.

(5) Science concepts. The student understands how astronomy influenced and advanced civilizations. The student is expected to:

(A) evaluate and communicate how ancient civilizations developed models of the universe using astronomical structures, instruments, and tools such as the astrolabe, gnomons, and charts and how those models influenced society, time keeping, and navigation;

(B) research and evaluate the contributions of scientists, including Ptolemy, Copernicus, Tycho Brahe, Kepler, Galileo, and Newton, as astronomy progressed from a geocentric model to a heliocentric model; and

(C) describe and explain the historical origins of the perceived patterns of constellations and the role of constellations in ancient and modern navigation.

(6) Science concepts. The student conducts and explains astronomical observations made from the point of reference of Earth. The student is expected to:

(A) observe, record, and analyze the apparent movement of the Sun, Moon, and stars and predict sunrise and sunset;

(B) observe the movement of planets throughout the year and measure how their positions change relative to the constellations;

(C) identify constellations such as Ursa Major, Ursa Minor, Orion, Cassiopeia, and constellations along the ecliptic and describe their importance; and

(D) understand the difference between astronomy and astrology, the reasons for their historical conflation, and their eventual separation.

(7) Science concepts. The student knows our relative place in the solar system. The student is expected to:

(A) demonstrate the use of units of measurement in astronomy, including astronomical units and light years, minutes, and seconds;

(B) model the scale, size, and distances of the Sun, Earth, and Moon system and identify the limitations of physical models; and

(C) model the scale, sizes, and distances of the Sun and the planets in our solar system and identify the limitations of physical models.

(8) Science concepts. The student observes and models the interactions within the Sun, Earth, and Moon system. The student is expected to:

(A) model how the orbit and relative position of the Moon cause lunar phases and predict the timing of moonrise and moonset during each phase;

(B) model how the orbit and relative position of the Moon cause lunar and solar eclipses; and

(C) examine and investigate the dynamics of tides using the Sun, Earth, and Moon model.

(9) Science concepts. The student models the cause of planetary seasons. The student is expected to:

(A) examine the relationship of a planet's axial tilt to its potential seasons;

(B) predict how changing latitudinal position affects the length of day and night throughout a planet's orbital year;

(C) investigate the relationship between a planet's axial tilt, angle of incidence of sunlight, and concentration of solar energy; and

(D) explain the significance of Earth's solstices and equinoxes.

(10) Science concepts. The student knows how astronomical tools collect and record information about celestial objects. The student is expected to:

(A) investigate the use of black body radiation curves and emission, absorption, and continuous spectra in the identification and classification of celestial objects;

(B) calculate the relative light-gathering power of different-sized telescopes to compare telescopes for different applications;

(C) analyze the importance and limitations of optical, infrared, and radio telescopes, gravitational wave detectors, and other ground-based technology; and

(D) analyze the importance and limitations of space telescopes in the collection of astronomical data across the electromagnetic spectrum.

(11) Science concepts. The student uses models to explain the formation, development, organization, and significance of solar system bodies. The student is expected to:

(A) relate Newton's law of universal gravitation and Kepler's laws of planetary motion to the formation and motion of the planets and their satellites;

(B) explore and communicate the origins and significance of planets, planetary rings, satellites, asteroids, comets, Oort cloud, and Kuiper belt objects;

(C) compare the planets in terms of orbit, size, composition, rotation, atmosphere, natural satellites, magnetic fields, and geological activity; and

(D) compare the factors essential to life on Earth such as temperature, water, gases, and gravitational and magnetic fields to conditions on other planets and their satellites.

(12) Science concepts. The student knows that our Sun serves as a model for stellar activity. The student is expected to:

(A) identify the approximate mass, size, motion, temperature, structure, and composition of the Sun;

(B) distinguish between nuclear fusion and nuclear fission and identify the source of energy within the Sun as nuclear fusion of hydrogen to helium;

(C) describe the eleven-year solar cycle and the significance of sunspots; and

(D) analyze the origins and effects of space weather, including the solar wind, coronal mass ejections, prominences, flares, and sunspots.

(13) Science concepts. The student understands the characteristics and life cycle of stars. The student is expected to:

(A) identify the characteristics of main sequence stars, including surface temperature, age, relative size, and composition;

(B) describe and communicate star formation from nebulae to protostars to the development of main sequence stars;

(C) evaluate the relationship between mass and fusion on stellar evolution;

(D) compare how the mass of a main sequence star will determine its end state as a white dwarf, neutron star, or black hole;

(E) describe the use of spectroscopy in obtaining physical data on celestial objects such as temperature, chemical composition, and relative motion;

(F) use the Hertzsprung-Russell diagram to classify stars and plot and examine the life cycle of stars from birth to death;

(G) illustrate how astronomers use geometric parallax to determine stellar distances and intrinsic luminosities; and

(H) describe how stellar distances are determined by comparing apparent brightness and intrinsic luminosity when using spectroscopic parallax and the Leavitt relation for variable stars.

(14) Science concepts. The student knows the structure of the universe and our relative place in it. The student is expected to:

(A) illustrate the structure and components of our Milky Way galaxy and model the size, location, and movement of our solar system within it;

(B) compare spiral, elliptical, irregular, dwarf, and active galaxies;

(C) develop and use models to explain how galactic evolution occurs through mergers and collisions;

(D) describe the Local Group and its relation to larger-scale structures in the universe; and

(E) evaluate the indirect evidence for the existence of dark matter.

(15) Science concepts. The student knows the scientific theories of cosmology. The student is expected to:

(A) describe and evaluate the historical development of evidence supporting the Big Bang Theory;

(B) evaluate the limits of observational astronomy methods used to formulate the distance ladder;

(C) evaluate the indirect evidence for the existence of dark energy;

(D) describe the current scientific understanding of the evolution of the universe, including estimates for the age of the universe; and

(E) describe current scientific hypotheses about the fate of the universe, including open and closed universes.

(16) Science concepts. The student understands the benefits and challenges of expanding our knowledge of the universe. The student is expected to:

(A) describe and communicate the historical development of human space flight and its challenges;

(B) describe and communicate the uses and challenges of robotic space flight;

(C) evaluate the evidence of the existence of habitable zones and potentially habitable planetary bodies in extrasolar planetary systems;

(D) evaluate the impact on astronomy from light pollution, radio interference, and space debris;

(E) examine and describe current developments and discoveries in astronomy; and

(F) explore and explain careers that involve astronomy, space exploration, and the technologies developed through them.

§112.49. Earth Systems Science, Adopted 2021 (One Credit).

(a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisites: Algebra I and two credits of high school science.

(b) Introduction.

(1) Earth Systems Science. The Earth Systems Science course is designed to build on students' prior scientific and academic knowledge and skills to develop their understanding of Earth's systems. These systems (the atmosphere, hydrosphere, geosphere, and biosphere) interact through time to produce the Earth's landscapes, climate, and resources. Students explore the geologic history of individual dynamic systems through the flow of energy and matter, their current states, and how these systems affect and are affected by human use.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific hypotheses and theories. Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be

carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(6) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide tools for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(7) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as a drawing compass, magnetic compass, bar magnets, topographical and geological maps, satellite imagery and other remote sensing data, Geographic Information Systems (GIS), Global Positioning System (GPS), hand lenses, and fossil and rock sample kits;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) organize quantitative and qualitative data using scatter plots, line graphs, bar graphs, charts, data tables, digital tools, diagrams, scientific drawings, and student-prepared models;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as related to the content; and

(C) research and explore resources such as museums, planetariums, observatories, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.

(5) Science concepts. The student understands the formation of the Earth and how objects in the solar system affect Earth's systems. The student is expected to:

(A) analyze how gravitational condensation of solar nebular gas and dust can lead to the accretion of planetesimals and protoplanets;

(B) identify comets, asteroids, meteoroids, and planets in the solar system and describe how they affect the Earth and Earth's systems; and

(C) explore the historical and current hypotheses for the origin of the Moon, including the collision of Earth with a Mars-sized planetesimal.

(6) Science concepts. The student knows the evidence for the formation and composition of Earth's atmosphere, hydrosphere, biosphere, and geosphere. The student is expected to:

(A) describe how impact accretion, gravitational compression, radioactive decay, and cooling differentiated proto-Earth into layers;

(B) evaluate the roles of volcanic outgassing and water-bearing comets in developing Earth's atmosphere and hydrosphere;

(C) evaluate the evidence for changes to the chemical composition of Earth's atmosphere prior to the introduction of oxygen;

(D) evaluate scientific hypotheses for the origin of life through abiotic chemical processes; and

(E) describe how the production of oxygen by photosynthesis affected the development of the atmosphere, hydrosphere, geosphere, and biosphere.

(7) Science concepts. The student knows that rocks and fossils provide evidence for geologic chronology, biological evolution, and environmental changes. The student is expected to:

(A) describe the development of multiple radiometric dating methods and analyze their precision, reliability, and limitations in calculating the ages of igneous rocks from Earth, the Moon, and meteorites;

(B) apply relative dating methods, principles of stratigraphy, and index fossils to determine the chronological order of rock layers;

(C) construct a model of the geological time scale using relative and absolute dating methods to represent Earth's approximate 4.6-billion-year history;

(D) explain how sedimentation, fossilization, and speciation affect the degree of completeness of the fossil record;

(E) describe how evidence of biozones and faunal succession in rock layers reveal information about the environment at the time those rocks were deposited and the dynamic nature of the Earth; and

(F) analyze data from rock and fossil succession to evaluate the evidence for and significance of mass extinctions, major climatic changes, and tectonic events.

(8) Science concepts. The student knows how the Earth's interior dynamics and energy flow drive geological processes on Earth's surface. The student is expected to:

(A) evaluate heat transfer through Earth's systems by convection and conduction and include its role in plate tectonics and volcanism;

(B) develop a model of the physical, mechanical, and chemical composition of Earth's layers using evidence from Earth's magnetic field, the composition of meteorites, and seismic waves;

(C) investigate how new conceptual interpretations of data and innovative geophysical technologies led to the current theory of plate tectonics;

(D) describe how heat and rock composition affect density within Earth's interior and how density influences the development and motion of Earth's tectonic plates;

(E) explain how plate tectonics accounts for geologic processes, including sea floor spreading and subduction, and features, including ocean ridges, rift valleys, earthquakes, volcanoes, mountain ranges, hot spots, and hydrothermal vents;

(F) calculate the motion history of tectonic plates using equations relating rate, time, and distance to predict future motions, locations, and resulting geologic features;

(G) distinguish the location, type, and relative motion of convergent, divergent, and transform plate boundaries using evidence from the distribution of earthquakes and volcanoes; and

(H) evaluate the role of plate tectonics with respect to long-term global changes in Earth's subsystems such as continental buildup, glaciation, sea level fluctuations, mass extinctions, and climate change.

(9) Science concepts. The student knows that the lithosphere continuously changes as a result of dynamic and complex interactions among Earth's systems. The student is expected to:

(A) interpret Earth surface features using a variety of methods such as satellite imagery, aerial photography, and topographic and geologic maps using appropriate technologies;

(B) investigate and model how surface water and ground water change the lithosphere through chemical and physical weathering and how they serve as valuable natural resources;

(C) model the processes of mass wasting, erosion, and deposition by water, wind, ice, glaciation, gravity, and volcanism in constantly reshaping Earth's surface; and

(D) evaluate how weather and human activity affect the location, quality, and supply of available freshwater resources.

(10) Science concepts. The student knows how the physical and chemical properties of the ocean affect its structure and flow of energy. The student is expected to:

(A) describe how the composition and structure of the oceans leads to thermohaline circulation and its periodicity;

(B) model and explain how changes to the composition, structure, and circulation of deep oceans affect thermohaline circulation using data on energy flow, ocean basin structure, and changes in polar ice caps and glaciers; and

(C) analyze how global surface ocean circulation is the result of wind, tides, the Coriolis effect, water density differences, and the shape of the ocean basins.

(11) Science concepts. The student knows that dynamic and complex interactions among Earth's systems produce climate and weather. The student is expected to:

(A) analyze how energy transfer through Milankovitch cycles, albedo, and differences in atmospheric and surface absorption are mechanisms of climate;

(B) describe how Earth's atmosphere is chemically and thermally stratified and how solar radiation interacts with the layers to cause the ozone layer, the jet stream, Hadley and Ferrel cells, and other atmospheric phenomena;

(C) model how greenhouse gases trap thermal energy near Earth's surface;

(D) evaluate how the combination of multiple feedback loops alter global climate;

(E) investigate and analyze evidence for climate changes over Earth's history using paleoclimate data, historical records, and measured greenhouse gas levels;

(F) explain how the transfer of thermal energy among the hydrosphere, lithosphere, and atmosphere influences weather; and

(G) describe how changing surface-ocean conditions, including El Niño-Southern Oscillation, affect global weather and climate patterns.

(12) Science concepts. The student understands how Earth's systems affect and are affected by human activities, including resource use and management. The student is expected to:

(A) evaluate the impact on humans of natural changes in Earth's systems such as earthquakes, tsunamis, and volcanic eruptions;

(B) analyze the impact on humans of naturally occurring extreme weather events such as flooding, hurricanes, tornadoes, and thunderstorms;

(C) analyze the natural and anthropogenic factors that affect the severity and frequency of extreme weather events and the hazards associated with these events;

(D) analyze recent global ocean temperature data to predict the consequences of changing ocean temperature on evaporation, sea level, algal growth, coral bleaching, and biodiversity;

(E) predict how human use of Texas's naturally occurring resources such as fossil fuels, minerals, soil, solar energy, and wind energy directly and indirectly changes the cycling of matter and energy through Earth's systems; and

(F) explain the cycling of carbon through different forms among Earth's systems and how biological processes have caused major changes to the carbon cycle in those systems over Earth's history.

(13) Science concepts. The student explores global policies and careers related to the life cycles of Earth's resources. The student is expected to:

(A) analyze the policies related to resources from discovery to disposal, including economics, health, technological advances, resource type, concentration and location, waste disposal and recycling, mitigation efforts, and environmental impacts; and

(B) explore global and Texas-based careers that involve the exploration, extraction, production, use, disposal, regulation, and protection of Earth's resources.

§112.50. Environmental Systems, Adopted 2021 (One Credit).

(a) General requirements. Students shall be awarded one credit for successful completion of this course. Prerequisite: one unit of high school biology. Recommended prerequisite: Integrated Physics and Chemistry, Chemistry, or concurrent enrollment in either course. This course is recommended for students in Grade 10, 11, or 12.

(b) Introduction.

(1) Environmental Systems. In Environmental Systems, students conduct laboratory and field investigations, use scientific methods during investigations, and make informed decisions using critical thinking and scientific problem solving. Students study a variety of topics that include biotic and abiotic factors in habitats, ecosystems and biomes, interrelationships among resources and an environmental system, sources and flow of energy through an environmental system, relationship between carrying capacity and changes in populations and ecosystems, natural changes in the environment, and human activities that impact the natural environment.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific hypotheses and theories. Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(5) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(6) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide tools for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(7) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as meter sticks, metric rulers, pipettes, graduated cylinders, standard laboratory glassware, balances, timing devices, pH meters or probes, various data collecting probes, thermometers, calculators, computers, internet access, turbidity testing devices, hand magnifiers, work and disposable gloves, compasses, first aid kits, binoculars, field guides, water quality test kits or probes, soil test kits or probes, 30 meter tape measures, tarps, shovels, trowels, screens, buckets, rock and mineral samples equipment, air quality testing devices, cameras, flow meters, Global Positioning System (GPS) units, Geographic Information System (GIS) software, computer models, densimeters, spectrophotometers, stereomicroscopes, compound microscopes, clinometers, field journals, various prepared slides, hand lenses, hot plates, Petri dishes, sampling nets, waders, leveling grade rods (Jason sticks), protractors, inclination and height distance calculators, samples of biological specimens or structures, core sampling equipment, and kick nets;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) organize quantitative and qualitative data using probeware, spreadsheets, lab notebooks or journals, models, diagrams, graphs paper, computers, or cellphone applications;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-ben-

efit analysis, and contributions of diverse scientists as related to the content; and

(C) research and explore resources such as museums, planetariums, observatories, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.

(5) Science concepts. The student knows the relationships of biotic and abiotic factors within habitats, ecosystems, and biomes. The student is expected to:

(A) identify native plants and animals within a local ecosystem and compare their roles to those of plants and animals in other biomes, including aquatic, grassland, forest, desert, and tundra;

(B) explain the cycling of water, phosphorus, carbon, silicon, and nitrogen through ecosystems, including sinks, and the human interactions that alter these cycles using tools such as models;

(C) evaluate the effects of fluctuations in abiotic factors on local ecosystems and local biomes;

(D) measure the concentration of dissolved substances such as dissolved oxygen, chlorides, and nitrates and describe their impacts on an ecosystem;

(E) use models to predict how the introduction of an invasive species may alter the food chain and affect existing populations in an ecosystem;

(F) use models to predict how species extinction may alter the food chain and affect existing populations in an ecosystem; and

(G) predict changes that may occur in an ecosystem if genetic diversity is increased or decreased.

(6) Science concepts. The student knows the interrelationships among the resources within the local environmental system. The student is expected to:

(A) compare and contrast land use and management methods and how they affect land attributes such as fertility, productivity, economic value, and ecological stability;

(B) relate how water sources, management, and conservation affect water uses and quality;

(C) document the use and conservation of both renewable and non-renewable resources as they pertain to sustainability;

(D) identify how changes in limiting resources such as water, food, and energy affect local ecosystems;

(E) analyze and evaluate the economic significance and interdependence of resources within the local environmental system; and

(F) evaluate the impact of waste management methods such as reduction, reuse, recycling, upcycling, and composting on resource availability in the local environment.

(7) Science concepts. The student knows the sources and flow of energy through an environmental system. The student is expected to:

(A) describe the interactions between the components of the geosphere, hydrosphere, cryosphere, atmosphere, and biosphere;

(B) relate biogeochemical cycles to the flow of energy in ecosystems, including energy sinks such as oil, natural gas, and coal deposits;

(C) explain the flow of heat energy in an ecosystem, including conduction, convection, and radiation; and

(D) identify and describe how energy is used, transformed, and conserved as it flows through ecosystems.

(8) Science concepts. The student knows the relationship between carrying capacity and changes in populations and ecosystems. The student is expected to:

(A) compare exponential and logistical population growth using graphical representations;

(B) identify factors that may alter carrying capacity such as disease; natural disaster; available food, water, and livable space; habitat fragmentation; and periodic changes in weather;

(C) calculate changes in population size in ecosystems; and

(D) analyze and make predictions about the impact on populations of geographic locales due to diseases, birth and death rates, urbanization, and natural events such as migration and seasonal changes.

(9) Science concepts. The student knows that environments change naturally. The student is expected to:

(A) analyze and describe how natural events such as tectonic movement, volcanic events, fires, tornadoes, hurricanes, flooding, and tsunamis affect natural populations;

(B) explain how regional changes in the environment may have global effects;

(C) examine how natural processes such as succession and feedback loops can restore habitats and ecosystems;

(D) describe how temperature inversions have short-term and long-term effects, including El Niño and La Niña oscillations, ice cap and glacial melting, and changes in ocean surface temperatures; and

(E) analyze the impact of natural global climate change on ice caps, glaciers, ocean currents, and surface temperatures.

(10) Science concepts. The student knows how humans impact environmental systems through emissions and pollutants. The student is expected to:

(A) identify sources of emissions in air, soil, and water, including point and nonpoint sources;

(B) distinguish how an emission becomes a pollutant based on its concentration, toxicity, reactivity, and location within the environment;

(C) investigate the effects of pollutants such as chlorofluorocarbons, greenhouse gases, pesticide runoff, nuclear waste, aerosols, metallic ions, and heavy metals, as well as thermal, light, and noise pollution;

(D) evaluate indicators of air, soil, and water quality against regulatory standards to determine the health of an ecosystem; and

(E) distinguish between the causes and effects of global warming and ozone depletion, including the causes, the chemicals involved, the atmospheric layer, the environmental effects, the human health effects, and the relevant wavelengths on the electromagnetic spectrum (IR and UV).

(11) Science concepts. The student understands how individual and collective actions impact environmental systems. The student is expected to:

(A) evaluate the negative effects of human activities on the environment, including overhunting, overfishing, ecotourism, all-terrain vehicles, and personal watercraft;

(B) evaluate the positive effects of human activities on the environment, including habitat restoration projects, species preservation efforts, nature conservancy groups, game and wildlife management, and ecotourism; and

(C) research the advantages and disadvantages of "going green" such as organic gardening and farming, natural methods of pest control, hydroponics, xeriscaping, energy-efficient homes and appliances, and hybrid cars.

(12) Science concepts. The student understands how ethics and economic priorities influence environmental decisions. The student is expected to:

(A) evaluate cost-benefit trade-offs of commercial activities such as municipal development, food production, deforestation, over-harvesting, mining, and use of renewable and non-renewable energy sources;

(B) evaluate the economic impacts of individual actions on the environment such as overbuilding, habitat destruction, poaching, and improper waste disposal;

(C) analyze how ethical beliefs influence environmental scientific and engineering practices such as methods for food production, water distribution, energy production, and the extraction of minerals;

(D) discuss the impact of research and technology on social ethics and legal practices in situations such as the design of new buildings, recycling, or emission standards; and

(E) argue from evidence whether or not a healthy economy and a healthy environment are mutually exclusive.

(13) Science concepts. The student knows how legislation mediates human impacts on the environment. The student is expected to:

(A) describe past and present state and national legislation, including Texas automobile emissions regulations, the National Park Service Act, the Clean Air Act, the Clean Water Act, the Soil and Water Resources Conservation Act, and the Endangered Species Act; and

(B) evaluate the goals and effectiveness of past and present international agreements such as the environmental Antarctic Treaty System, the Montreal Protocol, the Kyoto Protocol, and the Paris Climate Accord.

§112.51. Specialized Topics in Science, Adopted 2021 (One Credit).

(a) General requirements. Students shall be awarded one credit for successful completion of this course. Students may repeat this course with different course content for up to three credits. Recommended prerequisite: one credit of high school science.

(b) Introduction.

(1) Specialized Topics in Science is intended to diversify programs of science study and give students the opportunity to study scientific topics in greater detail and with deeper understanding rather than provide remediation.

(A) In Specialized Topics in Science, students have the opportunity to develop greater understanding of science content beyond what is taught in other Texas Essential Knowledge and Skills-based science courses while utilizing science and engineering practices. Students understand the value and role of curiosity in any discipline of science. The specialized topic of study may originate from local or global phenomena, student interest, or teacher specialties. The emphasis of study may vary such as theoretical science, citizen science, science investigations, science careers, specialized disciplines of science, designing innovations, the ethics of science, or history of science.

(B) By the end of Grade 12, students are expected to gain sufficient knowledge of the scientific and engineering practices across the disciplines of science to make informed decisions using critical thinking and scientific problem solving.

(2) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to explain phenomena or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems related to specialized topics of study based on observations or information from text, phenomena, models, or investigations;

(B) apply science practices related to specialized topics of study to plan and conduct investigations or use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use tools appropriate to the specialized topic of study;

(E) collect quantitative data using the International System of Units (SI) or qualitative data as evidence as appropriate to the specialized topic of study;

(F) organize quantitative or qualitative data using representations appropriate to the specialized topic of study such as scatter plots, line graphs, bar graphs, charts, data tables, diagrams, scientific drawings, and student-prepared models;

(G) develop and use models to represent phenomena, systems, processes, or solutions to problems as appropriate to the specialized topic of study; and

(H) distinguish among scientific hypotheses, theories, and laws as appropriate to the specialized topic of study.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials as appropriate to the specialized topic of study;

(B) analyze data appropriate to the specialized topic of study by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data as appropriate to the specialized topic of study; and

(D) evaluate experimental or engineering designs as appropriate to the specialized topic of study.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, or proposed solutions. The student is expected to:

(A) develop explanations or propose solutions supported by data and models consistent with scientific ideas, principles, and theories as appropriate to the specialized topic of study;

(B) communicate explanations or solutions individually and collaboratively in a variety of settings and formats as appropriate to the specialized topic of study; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence as appropriate to the specialized topic of study.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental or observational testing as appropriate to the specialized topic of study, so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as appropriate to the specialized topic of study; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers as appropriate to the specialized topic of study.

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 May 3, 2021.

TRD-202101726

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: June 13, 2021

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



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

19 TAC §151.1001

The Texas Education Agency (TEA) proposes an amendment to §151.1001, concerning passing standards for educator certification examinations. The proposed amendment would specify the satisfactory scores for the following educator certification examinations: Science of Teaching Reading, Early Childhood: PK-3,

English Language Arts and Reading 4-8, Educational Diagnostician, and Principal as Instructional Leader.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code, §21.048(a), requires the commissioner of education to establish the satisfactory levels of performance required on educator certification examinations and require a satisfactory level of performance on each core subject covered by an examination.

The proposed amendment would establish passing standards for the Science of Teaching Reading, Early Childhood: PK-3, English Language Arts and Reading 4-8, Educational Diagnostician, and Principal as Instructional Leader examinations.

A standard setting committee of educators developed recommended passing standards for the Science of Teaching Reading, Early Childhood: PK-3, Principal as Instructional Leader, and Educational Diagnostician examinations. The proposed amendment to §151.1001(b)(1) would implement passing standards one standard error measurement (SEM) below the committee-recommended passing standard for both the selected-response and constructed-response sections of the Science of Teaching Reading and Early Childhood: PK-3 examinations. The proposed amendment to §151.1001(c) would implement passing standards one SEM below the committee-recommended passing standard for both the selected-response and constructed-response sections of the Educational Diagnostician examination. The proposed amendment to §151.1001(d) would implement a passing standard for the selected-response section of the Principal as Instructional Leader examination one-half SEM below the committee-recommended passing standard and a passing standard for the constructed-response section of the Principal as Instructional Leader examination one SEM below the committee-recommended passing standard. The intent of implementing passing standards one-half or one SEM below the committee-recommended passing standards is to support the transition to implementation of new educator certification examinations.

The proposed amendment to §151.1001(b)(2) would implement initial passing standards for the English Language Arts and Reading 4-8 examination. The initial passing standards would include the passing standard for selected-response and constructed-response examination sections. During the introductory period, the initial passing standard for the constructed-response section of each examination would be "complete." The proposed amendment would define "complete" as a full and complete scorable response that must address the specific requirements of the item, be of sufficient length to respond to the requirements of the item, be original work and written in the candidate's own words (however, candidates may use citations when appropriate), and conform to the standards of written English.

The initial passing standards for the English Language Arts and Reading 4-8 examination proposed under §151.1001(b)(2) would be implemented during an eight-month introductory period. This introductory period would provide candidates and educator preparation programs with a transition period to adjust to a more rigorous examination and allow for the collection of examination performance data to inform the development of passing standards for both the selected-response and constructed-response sections after the introductory period. Standard setting committees for this examination would develop recommendations to be used to develop passing standards after the introductory period. The initial passing standards for English Language Arts and Reading 4-8 would be implemented prior to September 5, 2022.

FISCAL IMPACT: Kelvey Oeser, deputy commissioner for educator support, has determined that for the first five-year period the proposal is in effect there are no additional costs to state or local government required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by including passing standards for new examinations.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Oeser has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be providing clarity to educators and others regarding the required passing standards for Texas certification examinations. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins May 14, 2021, and ends June 14, 2021. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on May 14, 2021. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code, §21.048(a), which requires the commissioner to determine the level of performance considered to be satisfactory on educator certification examinations and further authorizes the commissioner to require a satisfactory level of performance on each core subject covered by an examination.

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

§151.1001. Passing Standards.

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

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

(1) The figure in this paragraph identifies the passing standards for early childhood through Grade 6 examinations.

Figure: 19 TAC §151.1001(b)(1)
[Figure: 19 TAC §151.1001(b)(1)]

(2) The figure in this paragraph identifies the passing standards for Grades 4-8 examinations.

Figure: 19 TAC §151.1001(b)(2)
[Figure: 19 TAC §151.1001(b)(2)]

(3) The figure in this paragraph identifies the passing standards for secondary mathematics and science examinations.

Figure: 19 TAC §151.1001(b)(3) (No change.)

(4) The figure in this paragraph identifies the passing standards for secondary English language arts and social studies examinations.

Figure: 19 TAC §151.1001(b)(4) (No change.)

(5) The figure in this paragraph identifies the passing standards for speech and journalism examinations.

Figure: 19 TAC §151.1001(b)(5) (No change.)

(6) The figure in this paragraph identifies the passing standards for fine arts examinations.

Figure: 19 TAC §151.1001(b)(6) (No change.)

(7) The figure in this paragraph identifies the passing standards for health and physical education examinations.

Figure: 19 TAC §151.1001(b)(7) (No change.)

(8) The figure in this paragraph identifies the passing standards for computer science and technology applications examinations.

Figure: 19 TAC §151.1001(b)(8) (No change.)

(9) The figure in this paragraph identifies the passing standards for career and technical education examinations.

Figure: 19 TAC §151.1001(b)(9) (No change.)

(10) The figure in this paragraph identifies the passing standards for bilingual examinations.

Figure: 19 TAC §151.1001(b)(10) (No change.)

(11) The figure in this paragraph identifies the passing standards for languages other than English (LOTE) examinations.

Figure: 19 TAC §151.1001(b)(11) (No change.)

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

Figure: 19 TAC §151.1001(b)(12) (No change.)

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

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

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

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

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

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

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

Figure: 19 TAC §151.1001(c)
[Figure: 19 TAC §151.1001(c)]

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

Figure: 19 TAC §151.1001(d)
[Figure: 19 TAC §151.1001(d)]

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 May 3, 2021.

TRD-202101723

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: June 13, 2021

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



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 15. TEXAS FORENSIC SCIENCE COMMISSION

CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES SUBCHAPTER A. ACCREDITATION

37 TAC §651.5

The Texas Forensic Science Commission ("Commission") proposes an amendment to 37 TAC §651.5 to remove the term "collection" from the Forensic Biology/DNA categories of analysis that are subject to Commission accreditation requirements and the licensing requirements that follow. Evidence collection activities related to forensic biology cases may be performed by another unit at a crime laboratory for evidence processing efficiency and other purposes. The rules as currently written subject such evidence collection activities to unnecessary and inapplicable Forensic Biology/DNA accreditation and licensing requirements without further clarity. To provide better clarity with respect to the types of activities subject to accreditation and licensing requirements, the Commission removes the term "collection" from the scope of analyses subject to accreditation and licensing requirements under the Forensic Biology/DNA categories of analysis to make it clear this activity is not subject to the requirements and may be performed by a non-Forensic Biology/DNA analyst

or other qualified crime laboratory employee. The amendment is necessary to reflect adoptions made by the Commission at its April 16, 2021, quarterly meeting. The amendment is made in accordance with the Commission's accreditation authority under Code of Criminal Procedure, Article 38.01 §4-d, and the Commission's rulemaking authority under Article 38.01 §3-a.

Fiscal Note. Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has determined that for each year of the first five years the proposed amendment will be in effect, there will be no fiscal impact to state or local government as a result of the enforcement or administration of the proposal. The Commission exempts the term "collection" to provide better clarity with respect to the types of activities subject to accreditation and licensing requirements by the Commission and to make clear this activity is not subject to the requirements and may be performed by a non-Forensic Biology/DNA analyst or other qualified crime laboratory employee in accordance with standard practice in the laboratory. There will be no anticipated effect on local employment or the local economy as a result of the proposal. The amendment does not expand the Commission's regulatory authority over entities, individuals, or types of forensic analyses subject to accreditation or licensing requirements by the Commission, but rather exempts evidence collection activities from Forensic Biology/DNA accreditation and licensing requirements.

Rural Impact Statement. The Commission expects no adverse economic effect on rural communities as the proposed amendment does not impose any direct costs or fees on municipalities in rural communities.

Public Benefit/Cost Note. Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has also determined that for each year of the first five years the proposed amendment is in effect, the anticipated public benefit will be better clarity with respect to which types of activities are subject to Forensic Biology/DNA accreditation and licensing requirements by the Commission.

Economic Impact Statement and Regulatory Flexibility Analysis for Small and Micro Businesses. As required by the Government Code §2006.002(c) and (f). Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has determined that the proposed amendment will not have an adverse economic effect on any small or micro business because there are no anticipated economic costs to any person or laboratory who is required to comply with the rule as proposed. The amendment does not expand the Commission's regulatory authority over entities, individuals, or types of forensic analyses subject to accreditation or licensing requirements by the Commission, but rather exempts evidence collection activities from Forensic Biology/DNA accreditation and licensing requirements.

Takings Impact Assessment. Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

Government Growth Impact Statement. Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has determined that for the first five-year period, implementation of the proposed amendment will have no govern-

ment growth impact as described in Title 34, Part 1, Texas Administrative Code §11.1. The amendment does not expand the Commission's regulatory authority over entities, individuals or types of forensic analyses subject to accreditation or licensing requirements by the Commission, but rather exempts evidence collection activities from Forensic Biology/DNA accreditation and licensing requirements.

Request for Public Comment. The Texas Forensic Science Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1700 North Congress Avenue, Suite 445, Austin, Texas 78701 or leigh@fsc.texas.gov. Comments must be received by June 15, 2021, to be considered by the Commission.

Statutory Authority. The amendment is proposed under Code of Criminal Procedure, Article 38.01 §3-a, which directs the Commission to adopt rules necessary to implement Article 38.01, and §4-d(b) and (c), which authorize the Commission to adopt rules providing, modifying, or removing accreditation exemptions.

Cross reference to statute. The proposal affects 37 TAC §651.5.

§651.5. Forensic Disciplines Subject to Commission Accreditation.

(a) **Forensic analysis/recognized accreditation.** This section describes a forensic discipline or category of analysis that involves forensic analysis for use in a criminal proceeding and for which accreditation is available from a recognized accrediting body.

(b) **By discipline.** A crime laboratory may apply for Commission accreditation for one or more of the following disciplines:

(1) **Seized Drugs.** Categories of analysis may include one or more of the following: qualitative determination, quantitative measurement, weight measurement, and volume measurement;

(2) **Toxicology.** Categories of analysis may include one or more of the following: qualitative determination and quantitative measurement;

(3) **Forensic Biology.** Categories of analysis may include one or more of the following: ~~collection,~~ DNA-STR, DNA-YSTR, DNA-Mitochondrial, DNA-SNP, body fluid identification, relationship testing, microbiology, individual characteristic database, and nucleic acids other than human DNA;

(4) **Firearms/Toolmarks.** Categories of analysis may include one or more of the following: physical comparison, determination of functionality, length measurement, trigger pull force measurement, qualitative chemical determination, distance determination, ejection pattern determination, product (make/model) determination, evaluation of firearm-related evidence for NIBIN suitability, performance of NIBIN entries, and individual characteristic database;

(5) **Materials (Trace).** Categories of analysis may include one or more of the following: physical determination, chemical determination, physical/chemical comparison, product (make/model) determination, gunshot residue analysis, footwear and tire tread analysis, and fire debris and explosives analysis (qualitative determination); or

(6) **Other discipline and its related categories of analysis** if accredited by a recognized accrediting body and approved by the Commission.

(c) **Cross-disciplines and categories of analysis.** A laboratory may choose to assign a particular discipline or category of analysis to a different administrative section or unit in the laboratory than the designation set forth in this subchapter.

(d) If an accreditation for a category of analysis is accompanied by the term 'only' or a similar notation, the Commission will deem

the accreditation to exclude other categories of analysis in that discipline.

(e) Accreditation of a confirmation test procedure does not carry automatic accreditation of an associated field, spot, screening, or other presumptive test.

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 May 3, 2021.

TRD-202101737

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: June 13, 2021

For further information, please call: (512) 936-0661



SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

37 TAC §651.208

The Texas Forensic Science Commission ("Commission") proposes an amendment to 37 TAC §651.208 which describes the requirements for forensic analyst license renewal. The amendment aligns the total number of continuing forensic education hours required for forensic analyst or technician license renewal with the number recommended by an applicable standard published on the National Institute of Standards and Technology's Organization of Scientific Area Committees Registry of Standards. Currently, the Commission requires 24 total hours. The amendment elevates the required total number to 32 hours. The amendment is necessary to reflect adoptions made by the Commission at its April 16, 2021, quarterly meeting. The amendment is made in accordance with the Commission's forensic analyst licensing authority under Code of Criminal Procedure, Article 38.01 §4-a, which directs the Commission to adopt rules to establish the qualifications for a forensic analyst license and the Commission's rulemaking authority under Code of Criminal Procedure, Article 38.01 §3-a, which directs the Commission to adopt rules necessary to implement Code of Criminal Procedure Article 38.01.

Fiscal Note. Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has determined that for each year of the first five years the proposed amendment is in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. There will be no anticipated effect on local employment or the local economy as a result of the proposal. The amendments elevate already-established continuing forensic education requirements by eight (8) hours for forensic analysts during each two-year license cycle. The amendments apply to individual forensic analysts licensed by the Commission and impose no direct requirements on state or local governments.

Rural Impact Statement. The Commission expects no adverse economic effect on rural communities as the proposed amendment does not impose any direct costs or fees on municipalities in rural communities.

Public Benefit/Cost Note. Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has also

determined that for each year of the first five years the proposed amendment is in effect, the anticipated public benefit will be the establishment of continuing forensic education requirements for forensic analysts that align with national recommendations for ensuring the integrity of forensic science in criminal cases.

Economic Impact Statement and Regulatory Flexibility Analysis for Small and Micro Businesses. As required by the Government Code §2006.002(c) and (f). Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has determined that the proposed amendments will not have an adverse economic effect on any small or micro business because there are no anticipated economic costs to any person or laboratory who is required to comply with the rule as proposed. The rule does not impose any direct costs on any business or individual, but rather imposes eight (8) additional hours of continuing forensic education for individual licensees subject to the Commission's licensing rules to bring forensic analysts into compliance with recently published national standards for forensic training and education. Education hours can be obtained by reading peer-reviewed forensic journal articles, in-house laboratory training, or by attending any traditional conference or training, in-person or online.

Takings Impact Assessment. Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

Government Growth Impact Statement. Leigh M. Tomlin, Associate General Counsel of the Texas Forensic Science Commission, has determined that for the first five-year period, implementation of the proposed amendment will have minimum to no government growth impact as described in Title 34, Part 1, Texas Administrative Code §11.1. Pursuant to the analysis required by Government Code §2001.221(b), 1) the proposed rule does not create or eliminate a government program; 2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions; 3) implementation of the proposed rule does not increase or decrease future legislative appropriations to the agency; 4) the proposed rule does require an increase in the number of hours required for continuing forensic education but only with respect to individual licensees; 5) the proposed rule does not create a new regulation but rather changes the number of hours required for continuing forensic education to bring state requirements into compliance with national standards for forensic training and education; 6) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and 7) the proposed rule has a neutral effect on the state's economy. The amendments impose eight (8) additional hours of continuing forensic education for individual licensees subject to the Commission's licensing rules to bring forensic analysts into compliance with national standards for forensic training and education to further ensure the integrity and reliability of forensic science in Texas criminal cases.

Request for Public Comment. The Texas Forensic Science Commission invites comments on the proposal from any member of the public. Please submit comments to Leigh M. Tomlin, 1700 North Congress Avenue, Suite 445, Austin, Texas 78701

or leigh.tomlin@fsc.texas.gov. Comments must be received by June 15, 2021, to be considered by the Commission.

Statutory Authority. The amendment is proposed under Code of Criminal Procedure, Article 38.01 §3-a, which directs the Commission to adopt rules necessary to implement Article 38.01, and Article 38.01 §4-a(d), which directs the Commission to adopt rules to establish the qualifications for a forensic analyst license.

Cross reference to statute. The adoption affects 37 Texas Administrative Code §651.208.

§651.208. *Forensic Analyst and Forensic Technician License Renewal.*

(a) **Renewal.** The Commission may renew an individual's Forensic Analyst or Forensic Technician License up to 90 days before to the expiration of the individual's two-year license term.

(b) **Expiration.** A Forensic Analyst or Forensic Technician License or renewed Forensic Analyst or Forensic Technician License expires two years from the date the initial application was granted.

(c) **Effective date.** A renewed Forensic Analyst or Forensic Technician License takes effect on the date the licensee's previous license expires.

(d) **Application.** An applicant for a Forensic Analyst or Forensic Technician License renewal shall complete and submit to the Commission a current Forensic Analyst or Forensic Technician License Renewal Application provided by the Commission, pay the required fee, attach documentation of fulfillment of Continuing Forensic Education requirements set forth in this section, provide an updated copy of the Commission's Proficiency Testing Certification form signed by the licensee's authorized laboratory representative, and complete the mandatory online legal and professional responsibility update described in this section.

(e) **Continuing Forensic Education Including Mandatory Legal and Professional Responsibility Update:**

(1) Forensic Analyst and Forensic Technician Licensees must complete a Commission-sponsored mandatory legal and professional responsibility update by the expiration of each two-year license cycle as provided by the Commission. Forensic Technicians are not required to complete any other continuing forensic education requirements listed in this section.

(2) Mandatory legal and professional responsibility training topics may include training on current and past criminal forensic legal issues, professional responsibility and human factors, courtroom testimony, disclosure and discovery requirements under state and federal law, and other relevant topics as designated by the Commission.

(3) All forensic analysts shall be required to satisfy the following Continuing Forensic Education Requirements by the expiration of each two-year license cycle:

(A) Completion of thirty-two (32) [~~twenty-four (24)~~] continuing forensic education hours per 2-year license cycle.

(B) Sixteen (16) hours of the thirty-two (32) [~~twenty-four (24)~~] must be discipline-specific training, peer-reviewed journal articles, and/or conference education hours. If a licensee is licensed

in multiple forensic disciplines, at least eight (8) hours of discipline-specific training in each forensic discipline are required, subject to the provisions set forth in subsection (f) of this section.

(C) The remaining sixteen (16) [~~eight (8)~~] hours may be general forensic training, peer-reviewed journal articles, and/or conference education hours that include hours credited for the mandatory legal and professional responsibility training.

(4) Continuing forensic education programs will be offered and/or designated by the Commission and will consist of independent, online trainings, readings, and participation in recognized state, regional, and national forensic conferences and workshops.

(5) Approved continuing forensic education hours are applied for credit on the date the program and/or training is delivered.

(f) **Timeline for Exemption from Supplemental Continuing Forensic Education Requirements.** Where a current licensee adds a forensic discipline to the scope of his or her license, the following continuing forensic education requirements apply for the supplemental forensic discipline:

(1) If the supplemental forensic discipline is added less than six (6) months prior to the expiration of the analyst's current license, no additional discipline-specific training is required for the supplemental forensic discipline.

(2) If the supplemental forensic discipline is added six (6) months or more but less than eighteen (18) months prior to the expiration of the analyst's current license, four (4) additional discipline-specific training hours are required for the supplemental forensic discipline.

(3) If the supplemental forensic discipline is added eighteen (18) months or more prior to the expiration of the analyst's current license, eight (8) additional discipline-specific training hours are required for the supplemental forensic discipline.

(g) If an applicant fails to fulfill any or all of the requirements pertaining to license renewal, continuing forensic education and the mandatory legal and professional responsibility update, the applicant may apply to the Commission for special dispensation on a form to be provided on the Commission's website. Upon approval by the Commission, the applicant may be allowed an extension of time to fulfill remaining continuing forensic education requirements.

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

Filed with the Office of the Secretary of State on May 3, 2021.

TRD-202101736

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Earliest possible date of adoption: June 13, 2021

For further information, please call: (512) 936-0661

◆ ◆ ◆

ADOPTED RULES

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

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §1.6

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Subchapter A, §1.6, concerning advisory committees and subcommittees with changes to the text as published in the February 12, 2021, issue of the *Texas Register* (46 TexReg 1011) and will be republished.

The amendment to §1.6(i) clarifies that reimbursement of advisory committee members will be in compliance with Texas Government Code, Chapter 2110. This brings the rule in alignment with the Texas Government Code §2110.004, which limits reimbursement of advisory committee members.

Adopted §1.6(o) clarifies that if a more specific rule applies to an advisory committee or subcommittee, the more specific rule governs. Section 1.6 provides general or default provisions governing an advisory committee or subcommittee of an advisory committee. The adopted rule reconciles any confusion about whether the general provisions of §1.6 or the specific provisions of that advisory committee rule apply.

One additional change was made to the adopted §1.6(b) to change the singular possessive term "member" to the plural term "members."

No comments were received regarding the adoption of the amendments.

The amendment is adopted under the Texas Education Code, §61.026 and Texas Government Code, Chapter 2110, which provides the Coordinating Board with the authority to appoint advisory committees.

§1.6. *Advisory Committees.*

(a) The Board may appoint advisory committees from outside the Board's membership to advise the Board as it may deem necessary.

(b) The use of advisory committees by the Board shall be in compliance with the provisions of Texas Government Code, Chapter 2110 regarding the composition and duration of committees, the reimbursement of committee members expenses, the evaluation of committees, and the reporting to the Legislative Budget Board.

(c) An advisory committee is automatically abolished on the fourth anniversary of the date of its creation unless it has a specific duration prescribed by statute or the Board reestablishes the committee.

A written statement shall be prepared by the Commissioner or his or her designee for each advisory committee setting forth the purpose of the committee, the task of the committee, the manner in which the committee will report to the Board, the date on which the committee is created, and the date on which the committee will automatically be abolished. The written statements shall be maintained on file in the Board offices.

(d) Purpose and Duties of Advisory Committees. The purpose of an advisory committee shall be to give the Board the benefit of the members' collective technical expertise and experience with respect to matters within the Board's jurisdiction. An advisory committee's sole duty is to advise the Board. An advisory committee has no executive or administrative powers or duties with respect to the operation of the Board, and all such powers and duties rest solely with the Board. The specific purposes and tasks of an advisory committee subject to this subchapter shall be identified in Board rules.

(e) Composition of Advisory Committees.

(1) The composition of advisory committees created by the Board, including subcommittees or workgroups with non-advisory committee members, shall contain no more than 24 members in compliance with the requirements of Texas Government Code, Chapter 2110.

(2) The Board shall make reasonable attempts to provide balanced, geographic representation, consonant with Texas Government Code, Chapter 2110, on all advisory committees. A rule or other action may not be challenged because of the composition of an advisory committee.

(3) This section does not apply to an advisory committee to the extent that:

(A) another state law specifically states that Texas Government Code, Chapter 2110 does not apply; or

(B) a federal law or regulation:

(i) imposes an unconditional requirement that irreconcilably conflicts with the requirements of Texas Government Code, Chapter 2110; or

(ii) imposes a condition on the state's eligibility to receive money from the federal government that irreconcilably conflicts with Texas Government Code, Chapter 2110.

(f) Membership Terms. Except as otherwise provided by law, advisory committee members shall serve terms as determined by the Board.

(g) Membership. The Board shall solicit nominations and make appointments from such nominations for membership on advisory committees from presidents and chancellors, or the respective designee. For advisory committees that include members not associated with an institution of higher education, the Board shall solicit nominations from appropriate entities, such as stakeholder organizations whose membership consists of the type of representative the

advisory committee is seeking. Except as otherwise provided by law, all members of advisory committees are appointed by and serve at the pleasure of the Board. Board members may not serve on advisory committees. If an advisory committee member resigns, is no longer associated with the nominating institution or entity, dies, becomes incapacitated, is removed by the Board, otherwise vacates his or her position, or becomes ineligible prior to the end of his or her term, the Board may appoint a replacement who shall serve the remainder of the unexpired term.

(h) Attendance. A record of attendance at each meeting of advisory committees shall be made. Except as otherwise provided by law, if a member of an advisory committee misses three consecutive regularly scheduled meetings or more than half of all the regularly scheduled meetings in a one-year period, without approval by a majority vote of the Board, that member automatically vacates his or her position on the advisory committee and the Board may make an appointment to fill the remainder of the unexpired term of the vacancy.

(i) Reimbursement. Members of advisory committees shall not be reimbursed for expenses except as authorized by Texas Government Code chapter 2110.

(j) Presiding Officer. Except as otherwise provided by law, each advisory committee shall select from its members a presiding officer, who shall report the committee's recommendations to the Board. The Board may, at its discretion, appoint other officers of advisory committees or allow committee members to elect other officers at their pleasure.

(k) Manner of Reporting. Advisory committees shall report any recommendations directly to the Board at a Board meeting determined in consultation with agency staff, including the Commissioner of Higher Education. Advisory committees shall also provide an annual or biennial report to the Board to allow the Board to properly evaluate the committee's work, usefulness, and the costs related to the committee's existence, including the cost of agency staff time spent in support of the committee's activities.

(l) Subcommittees or Workgroups. Advisory committees may organize themselves into subcommittees or workgroups. One member of each subcommittee or workgroup shall serve as the chairperson. Subcommittee or workgroup chairs shall make written reports regarding their work to the presiding officer of the advisory committee. A subcommittee or workgroup of an advisory committee may include members who are not members of the advisory committee, but must include at least one member of the advisory committee.

(m) Meetings. Advisory committees shall meet at the call of the presiding officer or the Board. All advisory committee and subcommittee meetings shall be open to the public and broadcasted via the web, unless prevented by technical difficulties.

(n) Monitoring of Advisory Committees and Records.

(1) The Board shall monitor the activities of advisory committees.

(2) Agency staff shall record and maintain the minutes of each advisory committee and subcommittee meeting. The staff shall maintain a record of actions taken and shall distribute copies of approved minutes and other committee documents to the Board and to advisory committee members on a timely basis.

(3) Minutes kept for advisory committee meetings and reports required under subsection (k) of this section shall be maintained in a form and location that is easily accessible to the public, including making the information available on the Board's website.

(o) In the case of a conflict between this rule and a more specific rule in Title 19, Part 1, Chapter 1, governing an advisory committee or subcommittee, the more specific rule governing that committee or subcommittee shall apply.

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 27, 2021.

TRD-202101666

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Effective date: May 17, 2021

Proposal publication date: February 12, 2021

For further information, please call: (512) 427-6206



SUBCHAPTER T. WORKFORCE EDUCATION COURSE MANUAL ADVISORY COMMITTEE

19 TAC §1.222

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Subchapter T, §1.222, Committee Membership and Officers, without changes to the proposed text as published in the February 12, 2021, issue of the *Texas Register* (46 TexReg 1013). The rule will not be republished.

The adopted amendment aligns this rule with Board Rule §1.6, which provides that the advisory committee members serve terms established by the Board. Allowing the vice-chair to automatically succeed the chair provides for greater continuity in leadership and necessitates the one-year extension of time that a person who serves as vice-chair may be on the committee.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under the Texas Education Code, Chapter 61, §61.026, which provides the Coordinating Board with the authority to adopt rules regarding an advisory committee's terms of service and Texas Education Code §130.355, which authorizes the Board to adopt rules to administer Work-force Continuing Education.

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 27, 2021.

TRD-202101668

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Effective date: May 17, 2021

Proposal publication date: February 12, 2021

For further information, please call: (512) 427-6206



CHAPTER 4. RULES APPLYING TO
ALL PUBLIC INSTITUTIONS OF HIGHER
EDUCATION IN TEXAS
SUBCHAPTER C. TEXAS SUCCESS
INITIATIVE

19 TAC §4.54

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to, Title 19, Part 1, Chapter 4, Subchapter C, §4.54, TSI Exemptions, Exceptions, and Waivers, without changes to the proposed text as published in the February 12, 2021, issue of the *Texas Register* (46 TexReg 1014) and will not be republished.

Specifically, the adopted amendments enable students who have met the standards on the state-approved high school equivalency tests to be exempt from the Texas Success Initiative and have immediate access to college-level courses without additional demonstration of college readiness.

House Bill (HB) 1891 (86R) amended Section 51.338, Education Code by adding new subsection (h) to allow a student who has achieved a score set by the board on a high school equivalency examination administered under Texas Education Code §7.111 to be exempt from the requirements of the Texas Success Initiative (TEC, Chapter 51, Subchapter F-1). Education Code Section 51.338(h) directs the commissioner of higher education by rule to establish the period for which an exemption under this subsection is valid. The adopted amendments to rule §4.54 sets the scores required by Education Code Section 51.338(h) and aligns the exemption's period of validity with other assessments used for this purpose, including the SAT and ACT, which is five (5) years from date of testing.

The adopted rule includes the college readiness scores for both the GED and HiSET, the two assessment instruments approved by the State Board of Education to be used under Education Code Section 7.111. Researchers from GED and HiSET established the scores through college readiness standard setting processes using psychometric and other industry-based protocols, as described in their respective technical manuals:

GED: https://ged.com/wp-content/uploads/GED_Technical_Manual.pdf

HiSET: https://hiset.ets.org/s/pdf/hiset_technical_manual.pdf

THECB staff reviewed these processes and determined they align sufficiently with readiness expectations for meeting the purpose of a TSI exemption. THECB will conduct a follow-up study to review the scores once a large enough sample size is established but no later than summer 2022. Revisions, if any, to these standards will be proposed upon completion of the study and based on its findings.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, §51.344, which provides the Coordinating Board with the authority to adopt rules to implement subchapter F.-1: Texas Success Initiative.

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 27, 2021.

TRD-202101669

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Effective date: May 17, 2021

Proposal publication date: February 12, 2021

For further information, please call: (512) 427-6247

◆ ◆ ◆
CHAPTER 6. HEALTH EDUCATION,
TRAINING, AND RESEARCH FUNDS
SUBCHAPTER C. TOBACCO LAWSUIT
SETTLEMENT FUNDS

19 TAC §6.74

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 6, Subchapter C, §6.74, Minority Health Research and Education Grant Program, with changes to the proposed text as published in the February 12, 2021, issue of the *Texas Register* (46 TexReg 1015). The rule will be republished.

Texas Education Code, Chapter 63, Subchapter D, Section 63.302(d) directs the Coordinating Board to adopt rules relating to the award of grants under the permanent fund for minority health research and education. The Coordinating Board adopted initial rules in 2003. Areas indicating a lack of clarity existed in the adopted rules, particularly relating to the grant application, evaluation, and award processes. Through a negotiated rulemaking process, the Coordinating Board adopts the rules to enhance clarity.

Section 6.74 is adopted to make clarifying and conforming stylistic revisions to the rule text and to make clear that details of the grant program will be specified in the Request for Applications. The adopted rule includes clarification about the Board's process for reviewing grant applications.

Additionally, the adopted rule language in Texas Administrative Code, Title 19, Part 1, Chapter 6, Subchapter C, §6.74(a)(5) is revised to align with the statutory language for the grant program, which limits eligibility to public institutions of higher education and Centers for Teacher Education. While the rule implementing the definition of eligible institutions in §63.302(c) was originally expanded to include both public and private institutions of higher education, it has been determined that rule was inconsistent with the plain text of the statute which limits grant awards to public institutions of higher education, with limited exception for Centers for Teacher Education.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under the Texas Education Code, §§63.301 and 63.302, which creates the Permanent Fund for Minority Health Research and Education, and provides the Coordinating Board with the authority to adopt rules relating to the award of grants under the fund.

§6.74. *Minority Health Research and Education Grant Program.*

(a) General Information. The program, as it applies to this section:

(1) Name--Minority Health Research and Education Grant Program.

(2) Purpose--To provide funding to eligible institutions of higher education to conduct research and educational programs on public health issues affecting one or more minority groups in Texas.

(3) Authority--Texas Education Code, §§63.301 - 63.302.

(4) Minority--A particular ethnic or racial group that is under-represented in one or more areas of health research or health education.

(5) Eligible institutions--The entities identified in Texas Education Code, §63.302, as eligible to receive grants.

(6) Eligible programs--Research and educational initiatives, including those that expand existing research and degree programs, and develop other new or existing activities and projects, that are not funded by state appropriation during the funding period. Proposed programs shall not conflict with current judicial decisions and state interpretation on administering minority programs in higher education.

(7) Application requirements--Applicants shall submit applications to the Board in the format and at the time specified by the Board.

(8) General Selection Criteria--Competitive. Designed to award grants that provide the best overall value to the state. Selection criteria shall be based on:

(A) Program quality as defined by the evaluation criteria in the Request for Applications (RFA);

(B) Potential impact on public health issues affecting one or more minority groups in the state;

(C) Cost of the proposed program; and

(D) Other factors to be considered may include financial ability to perform program, state and regional needs and priorities, whether the eligible institution has been designated as an Historically Black or Hispanic Serving institution by the U.S. Department of Education, ability to continue program after grant period, and past performance.

(9) Award amounts will be set forth in the RFA based on the availability of funds.

(10) Maximum award length--A program is eligible to receive funding for up to three years within a grant period. Currently and previously funded programs may reapply to receive funding according to eligibility requirements specified in the RFA.

(b) Review Criteria. The review criteria will be set forth in the RFA.

(1) Board staff and/or peer reviewers may evaluate the applications.

(2) The Commissioner shall select qualified individuals to serve as reviewers. Reviewers shall demonstrate appropriate credentials to evaluate grant applications in health research and education. Reviewers shall not evaluate any applications for which they have a conflict of interest.

(3) The Board staff shall provide written instructions and training for reviewers.

(4) The reviewers shall review each application according to these evaluation criteria:

(A) Significance and impact of research or educational program for minority health issues;

(B) Program design;

(C) Resources to perform the program;

(D) Cost effectiveness; and

(E) Evaluation and expected outcomes.

(c) Application and Review Process.

(1) The Board staff shall review applications to determine if they adhere to the grant program requirements and the funding priorities contained in the RFA. An application must meet the requirements of the RFA and be submitted with proper authorization on or before the deadline specified by the RFA to qualify for further consideration. Qualified applications shall be forwarded to the reviewers for evaluation. Board staff shall notify an applicant if their application does not qualify based on the screening process no later than 30 days after the RFA deadline.

(2) Reviewers shall evaluate applications based on the evaluation criteria included in the RFA.

(d) Funding Decisions.

(1) Board staff and/or peer reviewers will evaluate applications for grant funding only based upon the information provided in the written application.

(2) Board staff shall make a recommendation of selected applicants to be funded to the Commissioner, who will submit a funding decision recommendation to the Board for their final approval as consistent with §1.16 of this title (relating to Contracts, Including Grants, for Materials and/or Services).

(3) The Board shall review and may approve grants based upon the Commissioner's recommendation.

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 27, 2021.

TRD-202101670

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Effective date: May 17, 2021

Proposal publication date: February 12, 2021

For further information, please call: (512) 427-6206



CHAPTER 9. PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES

SUBCHAPTER M. BLOCK SCHEDULING

19 TAC §§9.660 - 9.666

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 9, Subchapter M, §§9.660 - 9.666, Program Development in Public Two-Year Colleges-Block Scheduling, without changes to the proposed text as published in the February 12, 2021, issue of the *Texas Register* (46 TexReg 1018). The repeal will not be republished.

House Bill 1583 (84R) amended the Education Code to require a public junior college to establish a block schedule curriculum from among certain allied health, nursing, and career and technology associate degree or certificate programs not previously offered as a block schedule curriculum by the junior college. The bill required each public junior college to publish, in advance of each semester, the available block schedule curriculum for each such associate degree or certificate program offered by the college for that semester. The Coordinating Board was required, among other duties, to adopt rules for the administration of these provisions.

Because the underlying statutory authority for Block Scheduling enacted by HB 1583 (84R) was not renewed and expired on its own terms pursuant to former TEC §130.0095(e) on August 1, 2019, the Coordinating Board proposes to repeal the rule.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, §130.0095 which provided the Coordinating Board with the authority to adopt rules as necessary for the administration of block scheduling for certain associate degree or certificate programs. Rulemaking authority lapsed when §130.0095 expired on August 1, 2019.

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 27, 2021.

TRD-202101671

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Effective date: May 17, 2021

Proposal publication date: February 12, 2021

For further information, please call: (512) 427-6206



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 61. SCHOOL DISTRICTS

SUBCHAPTER AA. COMMISSIONER'S RULES ON SCHOOL FINANCE

19 TAC §61.1011

The Texas Education Agency adopts an amendment to §61.1011, concerning the formula transition grant. The amendment is adopted without changes to the proposed text as published in the February 12, 2021 issue of the *Texas Register* (46 TexReg 1018) and will not be republished. The adopted amendment modifies the rule to clarify average daily attendance (ADA) calculations to include those related to the ADA hold harmless provisions for the 2019-2020 and 2020-2021 school years.

REASONED JUSTIFICATION: House Bill 3, 86th Texas Legislature, 2019, enacted Texas Education Code, §48.277, Formula Transition Grant, which created an additional entitlement through the Foundation School Program for school districts that did not exceed certain thresholds related to funding under the law as it existed on January 1, 2019.

The adopted amendment to §61.1011 updates subsection (c)(4) to include additional provisions for calculating the ADA of a school district or open-enrollment charter school.

The adopted amendment adds language relative to the 2019-2020 and 2020-2021 school years and provides for consideration of the ADA hold harmless provisions adopted in response to the COVID-19 pandemic for those particular school years.

SUMMARY OF COMMENTS AND AGENCY RESPONSES:

The public comment period on the proposal began February 12, 2021, and ended March 15, 2021. Following is a summary of the public comment received and the corresponding response.

Comment: An individual noted support for holding school districts harmless for any major changes to ADA for the last two years. The commenter stated that it has been difficult to get students to participate in online school and that many students who refuse have withdrawn to homeschool, but the commenter expects those students to return in the fall.

Response: The comment falls outside the scope of the proposed rule. The proposed rule language does not grant an ADA hold harmless to local educational agencies, but rather it allows for the utilization of attendance that has been adjusted for any hold harmless, if applicable.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §48.004, as transferred, redesignated, and amended by House Bill (HB) 3, 86th Texas Legislature, 2019, which specifies that the commissioner of education shall adopt rules that are necessary to implement and administer the Foundation School Program; and TEC, §48.277, as added by HB 3, 86th Texas Legislature, 2019, which details the calculation of the formula transition grant for school districts and open-enrollment charter schools. This grant is provided to eligible school districts and open-enrollment charter schools on the basis of a comparison of funding under HB 3 and funding under prior law.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §48.004 and §48.277.

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 28, 2021.

TRD-202101686

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: May 18, 2021

Proposal publication date: February 12, 2021

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



CHAPTER 157. HEARINGS AND APPEALS

SUBCHAPTER AA. GENERAL PROVISIONS FOR HEARINGS BEFORE THE COMMISSIONER OF EDUCATION

19 TAC §157.1061

The Texas Education Agency (TEA) adopts an amendment to §157.1061, concerning general provisions for hearings before the commissioner of education. The amendment is adopted

without changes to the proposed text as published in the February 5, 2021 issue of the *Texas Register* (46 TexReg 898). The rule will not be republished. The adopted amendment updates the procedures for a motion for rehearing to align with statute.

REASONED JUSTIFICATION: Texas Government Code (TGC), §2001.004, requires that state agencies adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Section 157.1061 implements TGC, §2001.004, by specifying the requirements for a motion for rehearing before the commissioner of education. The motion for rehearing is a prerequisite to a judicial appeal.

TGC, §2001.146, provides the procedures and deadlines for filing a motion for rehearing in a contested case. The adopted amendment to §157.1061 updates the rule to align with the procedures and deadlines established in statute.

Subsection (a) is amended to specify that a motion for rehearing must be filed by a party representative within 25 days after the date the decision or order that is the subject of the motion is signed.

Subsection (b) is amended to specify that replies to a motion for rehearing must be filed with the agency within 40 days after the date the decision or order that is the subject of the motion is signed.

Subsection (c) is amended to specify agency action on the motion for rehearing must be taken within 55 days after the date the decision or order that is the subject of the motion is signed. If agency action is not taken within the 55-day period, the motion for rehearing would be overruled by operation of law.

Subsection (d) is amended to specify that the agency may, by written order, extend the period of time for filing the motions or replies and taking agency action, except that an extension may not extend the period for agency action beyond 100 days after the date the decision or order that is the subject of the motion is signed.

Subsection (e) is amended to specify in the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 100 days after the date the decision or order that is the subject of the motion is signed.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began February 5, 2021, and ended March 8, 2021. Following is a summary of the public comment received and the corresponding response.

Comment: A parent commented in support of correcting "bad faith" actions by governmental bodies. The parent also provided specific information regarding a complaint filed with TEA and expressed dissatisfaction with the processing and resolution of the complaint.

Response: This comment is outside the scope of the proposed rulemaking. The issues the commenter raised do not concern motions for rehearing.

STATUTORY AUTHORITY. The amendment is adopted under Texas Government Code (TGC), §2001.004, which requires state agencies to adopt rules of practice for formal and informal procedures; and TGC, §2001.146, which provides procedures and deadlines for filing a motion for rehearing in a contested case.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Government Code, §2001.004 and §2001.146.

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 28, 2021.

TRD-202101687

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: May 18, 2021

Proposal publication date: February 5, 2021

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

◆ ◆ ◆

PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 230. PROFESSIONAL EDUCATOR PREPARATION AND CERTIFICATION

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §230.1

The State Board for Educator Certification (SBEC) adopts an amendment to §230.1, concerning professional educator preparation and certification. The amendment is adopted without changes to the proposed text as published in the January 1, 2021, issue of the *Texas Register* (46 TexReg 48) and will not be republished. The adopted amendment to 19 Texas Administrative Code (TAC) Chapter 230, Subchapter A, updates the definition of a *pilot exam* in §230.1(17) to indicate that the edTPA performance assessment pilot will be subject to review by the SBEC prior to September 1, 2022, rather than the original date of September 1, 2021.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230 specify the testing requirements for certification and the additional certificates based on examination. These requirements ensure educators are qualified and professionally prepared to instruct the schoolchildren of Texas. The following provides a description of changes to Chapter 230, Subchapter A, §230.1.

At the July 2019 SBEC meeting, the SBEC approved the edTPA performance assessment pilot to run two consecutive years. To ensure clarification of the pilot timeline, the SBEC also adopted new §230.1(17) that defined the term *pilot exam* to align with the SBEC's intention of the two-year edTPA pilot and required the SBEC to review the pilot exam by September 1, 2021.

Due to the impact of COVID-19 on educator preparation programs (EPPs), candidates, and schools, Texas Education Agency (TEA) staff recommended at the October 2020 SBEC meeting that the SBEC extend the pilot period one year, to include a third pilot year, with the intent of providing programs flexibility and a longer runway given the current circumstances. The SBEC approved the extension of the edTPA pilot period at the October meeting and directed TEA staff to bring proposed rule language to codify the extension of the pilot period at the December 2020 meeting. The SBEC approved the proposed amendment for publication in the *Texas Register* as proposed

rules at the December 2020 meeting. At its February 2021 meeting, the SBEC approved, subject to State Board of Education (SBOE) review, the proposed amendment to 19 TAC §230.1.

The following is an overview of the adopted amendment to 19 TAC §230.1.

Subchapter A, §230.1. Definitions.

The adopted amendment to §230.1(17) updates the definition of *pilot exam* to extend the edTPA performance assessment pilot period with an updated SBEC review date of September 1, 2022. This will allow teacher candidates and EPPs that are interested in participating in the pilot additional flexibility during the public health crisis. The adopted amendment to §230.1(17) and (25) reflects technical edits to implement the *Texas Register's* style for capitalization.

SUMMARY OF COMMENTS AND RESPONSES. The public comment period on the proposal began January 1, 2021, and ended February 1, 2021. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the February 12, 2021 meeting in accordance with the SBEC board operating policies and procedures. The following is a summary of the public comments received on the proposal and the responses.

Comment: One individual commented neither in support nor against the proposed amendment to 19 TAC §230.1, but rather the commenter stated that educator certification requirements should be linked to an educator's ultimate profession, providing reasoning that school counselors should not have to teach in order to be issued a school counselor certification.

Response: The SBEC disagrees. The comment is outside the scope of the proposed rulemaking. The TEA staff will consider this feedback for future rulemaking under the jurisdiction of the SBEC.

Comment: One individual commented in support of the proposed amendment to 19 TAC §230.1, stating that the proposed edTPA pilot review date should be moved from 2021 to 2022.

Response: The SBEC agrees.

Comment: Two individuals commented neither in support nor against the proposed amendment to 19 TAC §230.1, but rather the individuals commented in opposition to the implementation of the House Bill 3 mandated Science of Teaching Reading (STR) exam requirement. In addition, one of these commenters noted that there is a petition circulating on Change.org requesting exemption from the statutory STR examination requirement for individuals who have earned an intern certification or who had begun teaching at any point in the fall of 2020.

Response: The SBEC disagrees. Texas Education Code, §21.048(a-2), requires that the SBEC implement rules that require candidates for certification to demonstrate proficiency in the science of teaching reading on a standalone certification exam after January 1, 2021, in order to be certified to teach students in Prekindergarten through Grade 6.

Comment: Texas Teachers of Tomorrow commented in support of the proposed amendment to 19 TAC §230.1 but requested that the review date for the edTPA pilot be moved even farther out, to September 2023 rather than September 2022, due to the impact of COVID-19 on the implementation of the edTPA pilot.

Texas Teachers of Tomorrow also commented that extending the edTPA pilot review date to 2023 would allow for a more diverse and representative sample of teacher candidates to participate in the edTPA pilot.

Response: The SBEC agrees in part. The SBEC has adopted the extension of the edTPA pilot with a review date of September 2022 to provide EPPs and candidates piloting the edTPA flexibility and a longer runway to implementation due to the impact of COVID-19. The SBEC receives consistent updates on the status of the edTPA pilot at each SBEC meeting and can make a determination regarding the future of the edTPA pilot on or before September 2022.

The State Board of Education (SBOE) took no action on the amendment to §230.1 at the April 16, 2021 SBOE meeting.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §§21.041(b)(1), which requires the State Board for Educator Certification (SBEC) to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; 21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and 21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(c), which states that the SBEC may adopt fees for the issuance and maintenance of an educator certificate to adequately cover the cost of the administration; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.048(a) and (a-1), which state that the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes; TEC, §21.050(a), which states that a person who applies for a teaching certificate must possess a bachelor's degree; TEC, §21.050(b), which states that the SBEC shall provide for a minimum number of semester credit hours of field-based experience or internship; TEC, §21.050(c), which states that a person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under the TEC, §54.363, may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate; and TEC, §22.082, which requires SBEC to subscribe to the criminal history clearinghouse as provided by Texas Government Code, §411.0845, and may obtain any law enforcement or criminal history records that relate to a specific applicant for or holder of a certificate issued under Chapter 21, Subchapter B.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.041(b)(1), (2), and (4) and (c); 21.044(a); 21.048(a) and (a-1); 21.050; and 22.082.

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 30, 2021.

TRD-202101717

Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Effective date: May 20, 2021
Proposal publication date: January 1, 2021
For further information, please call: (512) 475-1497

◆ ◆ ◆
TITLE 25. HEALTH SERVICES

**PART 1. DEPARTMENT OF STATE
HEALTH SERVICES**

CHAPTER 217. MILK AND DAIRY

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), adopts amendments to §217.1 and §217.2, concerning Grade Specifications and Requirements for Milk; the repeal of §§217.21 - 217.33 and new §§217.21 - 217.34, concerning Grade A Raw for Retail Milk and Milk Products. The amendment to §217.1 and new §217.28 and §217.33 are adopted with changes to the proposed text as published in the December 18, 2020, issue of the *Texas Register* (45 TexReg 8978) and will be republished. The amendment to §217.2, repeal of §§217.21 - 217.33, and new §§217.21 - 217.27, 217.29 - 217.32, and 217.34 are adopted without changes to the proposed text as published in the December 18, 2020, issue of the *Texas Register* (45 TexReg 8978) and will not be republished.

BACKGROUND AND JUSTIFICATION

The adopted rules clarify and reflect current knowledge industry practices, update language and best practices, address longstanding issues pertaining to the sale of raw milk and the delivery of raw milk to individual purchasers, and address labeling requirements.

Subchapters A and B are revised to comply with Texas Government Code, §2001.039, which requires that each state agency review and consider for re-adoption each rule adopted by that agency pursuant to the Texas Government Code, Chapter 2001. The rules have been reviewed and DSHS has determined that reasons for adopting the sections continue to exist because rules on this subject are required by statute.

COMMENTS

The 31-day comment period ended January 19, 2021.

During this period, DSHS received comments regarding the proposed rules from 154 commenters, some with multiple comments. Businesses submitting comments and represented in the individual comments include The Farm and Freedom Ranch Alliance, The Farm to Consumer Legal Defense Fund, The Waldo Way Dairy, and The Texas Association of Dairymen. A summary of comments relating to the rules and DSHS's responses follows:

Comment: One commenter asked that definition §217.1(1), abnormalities of milk, include "milk that has not been pasteurized and not continually monitored, stored or transported at below 45 degrees." This change would further clarify that unpasteurized milk that is not monitored, stored, or transported properly is adulterated milk and should not be sold to consumers.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. Stating that unpasteurized milk is abnormal conflicts with the requirements of Subchapter B of this chapter for DSHS to define and specify the production and handling of Grade A raw milk and Grade A raw milk products.

Comment: One commenter requested §217.1(41) include the phrase "at the facility" and read as follows: (41) Grade A raw milk and Grade A milk products--Milk products that are manufactured in compliance with the provisions of Subchapter B of this chapter (relating to Grade A Raw Milk and Raw Milk Products), and are offered for sale to the public at the facility without pasteurization. This change would be consistent with the requirement that raw milk and raw milk products can only be sold at the production facility.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. The rule provides necessary safety requirements to the current raw milk industry practice of delivering raw milk to the customers. Safety requirements include refrigerated sanitary equipment used for delivery, any ice used must come from an approved source or made with approved potable water, internal product temperature must be maintained at 45 degrees or less, and a temperature control sample must be included with each delivery.

Comment: One commenter asked that the prohibition of the sale of raw butter be lifted in §217.1(41)(A).

Response: DSHS disagrees with this commenter and declines to revise the proposed rule. The Federal Drug Administration and United States Drug Agency require cream for butter to be pasteurized.

Comment: One commenter requested §217.1(42) include the phrase "at the facility" and read as follows: (42) Grade A raw milk processor--A person who processes milk as defined in paragraph (55) of this section, that is produced in compliance with the provisions of Subchapter B of this chapter and is offered for sale to the public without pasteurization at the facility. This change would be consistent with the requirement that raw milk and raw milk products can only be sold at the production facility.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. The rule provides safety requirements to the current raw milk industry practice of delivering raw milk to the customers.

Comment: One hundred thirty-two commenters requested the proposed definition of "sale" in §217.1(85) be revised to remove herd shares.

Response: DSHS disagrees with these commenters, but provides clarification to the proposed §217.1(85). The revised section reads "The term "sale" or "sell" means a monetary transaction, barter, offer, or trade that involves the transfer of milk, milk products, raw milk, raw milk products, dairy products, or frozen dessert products. The term also includes transactions conducted as part of animal shares or animal pools, unless it involves the transfer of milk from the farmer to a person holding an ownership interest in the producing animals, who shares costs in proportion to their ownership interest, and only receives milk in proportion to their ownership interest as memorialized in a written agreement."

Comment: Three commenters supported a position to entirely do away with raw milk rules in Subchapter B.

Response: DSHS disagrees with these commenters and declines to revise the proposed rule. Texas Health and Safety Code, Chapter 435 requires DSHS to develop rules regulating the production and handling of Grade A raw milk and Grade A raw milk products.

Comment: One commenter requested §217.25(d) include the requirement that the inspection report, in addition to being placed on an inside wall of the Grade A raw milk processor dairy farm, should also be placed on the dairy farm's website in such a way as to allow a consumer to be informed. If DSHS adopts rules that no longer require the consumer to purchase at the dairy, then only posting the information at the dairy would not be sufficient.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. Customers can request a copy of the inspection reports from DSHS at any time.

Comment: One commenter requested §217.25(f) not only require information about raw milk or raw milk products sold, it should also include information regarding the amount of product produced. This would allow DSHS to make sure that amounts are the same to ensure that the information being provided is correct.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. Section 217.33(a) requires dairies to provide records on the production, processing, bottling, and all sales of Grade A raw milk and Grade A raw milk products.

Comment: One commenter stated the current coliform level in §217.27(5) as Not to exceed 10 per ml is too restrictive and asked for the level to be raised.

Response: DSHS disagrees with this commenter and declines to revise the proposed rule. DSHS included a provision in §217.26(d) to allow a certified sampler to submit a coliform sample at the dairy's expense to an approved lab.

Comment: One commenter requested §217.28(i) should include a requirement that the milk storage/holding tank be cleaned and sanitized when empty and shall be emptied at least every 72 hours. This is consistent with proper sanitation practices and standards. This is even more important when the milk is not going to be pasteurized, in order to remove harmful bacteria and possible diseases such as tuberculosis.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. Section 217.28(i)(13) states that farm holding/cooling tanks must comply with all applicable requirements set forth in this section and this includes proper cleaning.

Comment: One commenter supported a position to allow raw milk to be sold at farmers' markets and grocery stores.

Response: DSHS disagrees with this commenter and declines to revise the proposed rule. DSHS included a provision in §217.31 to allow for the delivery of raw milk and raw milk products to the customers.

Comment: Two commenters outlined the dangers of raw milk and opposed the expansion of the raw milk in §217.31.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. The rule provides clarification and safety requirements to current raw milk industry practices.

Comment: One commenter stated DSHS should not allow for the delivery of raw milk and raw milk products in §217.31 and it should continue the requirement that the product be purchased directly from the raw milk processor dairy farm.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. The rule provides necessary safety requirements to the current raw milk industry practice of delivering raw milk to the customers. Safety requirements include refrigerated sanitary equipment used for delivery, any ice used must come from an approved source or made with approved potable water, internal product temperature must be maintained at 45 degrees or less, and a temperature control sample must be included with each delivery.

Comment: Two commenters requested changing "processor's employee" to "farmer's agent" in §217.31(b).

Response: DSHS disagrees with these commenters and declines to revise the proposed rule. An agent would not be considered an extension of the dairy and subject to the proposed rules.

Comment: One commenter requested that §217.33 include the requirement that records be made and kept regarding the disposal of milk that has been adulterated because the temperature was above 45 degrees Fahrenheit or otherwise. Those records should include the amount of milk disposed of, the process used to dispose of the milk, and the location of disposal.

Response: DSHS does not agree that this rule change is necessary at this time and declines to revise the proposed rule. Current dairy industry practices do not require notifying DSHS of the disposal of adulterated milk due to temperature unless DSHS witnesses the temperature violation. If DSHS witnesses the temperature violation, the inspector would be on-site and would document the required information.

Comment: One commenter requested that §217.33(a)(6), in addition to the batch number for product that is bottled, a record of the batch number sold should also be included in the records.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. Section 217.33(a) requires dairies to keep records of the batch numbers, and the amount of product sold and delivered. If a specific batch number came into question, customers would be notified of the batch number and can check their purchased products.

Comment: Two commenters requested clarifying that the farmer must produce the most recent test results upon a consumer's request in §217.33(b).

Response: DSHS agrees with the request and accordingly revises the proposed rule text in §217.33(b) to state, "The previous six months testing results must be supplied to the customer within 24 hours of the request."

Comment: One commenter requested that the notice required under subsection (b) of §217.33 also be required to be posted on the dairy's website. If the processor does not have a website, then the information would need to be relayed to the customer verbally or in writing before making a purchase.

Response: DSHS does not agree that a rule change is necessary at this time and declines to revise the proposed rule. Section 217.33(b) contains the requirement that the dairy must provide the results to the customer within 24 hours of the customer's request.

The word "manufacturer's" replaces the word "manufacture's" in §217.28(k)(2) for consistency in Subchapter B.

SUBCHAPTER A. GRADE SPECIFICATIONS AND REQUIREMENTS FOR MILK

25 TAC §217.1, §217.2

STATUTORY AUTHORITY

The amendments are authorized by Texas Health and Safety Code, Chapter 435, which provided for DSHS to define what constitutes Grade A raw milk, Grade A raw milk products, Grade A pasteurized milk, Grade A pasteurized milk products, milk for manufacturing, and dairy products; and provide specifications for the production and handling of milk and milk products listed in §435.003 Subdivision (1) according to the safety and food value of the milk and milk products and the sanitary conditions under which they are produced and handled. The rules must also be based on and consistent with the most recent federal definitions, specifications, rules, and regulations relating to milk and milk products. The rules are also authorized by Texas Government Code, §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, including by DSHS. Under Texas Health and Safety Code, Chapter 1001, the DSHS Commissioner is authorized to assist the Executive Commissioner in the development of rules relating to the matters with DSHS jurisdiction.

§217.1. Definitions.

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

(1) Abnormalities of milk--The following types of lacteal secretions are not suitable for sale:

(A) abnormal milk that is visibly changed in color, odor, or texture; or

(B) undesirable milk expected to be unsuitable for consumption, such as milk containing colostrum or blood; or

(C) contaminated milk unfit for human consumption due to treatment of the animal with any products not labeled for lactating dairy animals, antibiotics which have not met the withhold requirements, or treatment with medicines or insecticides not approved for use on dairy animals by the United States Food and Drug Administration (FDA) or the Environmental Protection Agency.

(2) Acidified milk--The food produced by souring cream, milk, partially skimmed milk, or skim milk or any combination, with acetic acid, adipic acid, citric acid, fumaric acid, glucono-delta-lactone, hydrochloric acid, lactic acid, malic acid, phosphoric acid, succinic acid, or tartaric acid, with or without the addition of characterizing microbial organisms. Acidified milk is further defined in Title 21, Code of Federal Regulations (CFR), §131.111.

(3) Acidified sour cream--The product resulting from the souring of pasteurized cream with safe and suitable acidifiers, with or without addition of lactic acid producing bacteria, and as further defined in Title 21, CFR, §131.162.

(4) Adulterated milk and milk products--Any milk or milk product shall be deemed to be adulterated if:

(A) it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;

(B) it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by

State or Federal regulation, or in excess of such tolerance if one has been established;

(C) it consists, in whole or in part, of any substance unfit for human consumption;

(D) it has been produced, prepared, packed, or held under unsanitary conditions;

(E) its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(F) any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is;

(G) any milk or milk product shall be deemed to be adulterated if one or more of the conditions described in the Federal Food, Drug and Cosmetic Act, §402, as amended (21 U.S.C. §342) exist; or

(H) it is deemed by the department to be abnormal milk.

(5) Approved Source--A supply of food or products that complies with applicable state and federal laws and is licensed, if required, and inspected by the regulatory authority having jurisdiction over the processing and distribution of food or products.

(6) Aseptic processing--The term "aseptic processing," when used to describe a milk product, means that the product has been subjected to sufficient heat processing, and packaged in a hermetically sealed container, to conform to the applicable requirements of Title 21, CFR, Part 113 and maintain the commercial sterility of the product under normal non-refrigerated conditions.

(7) Aseptically processed milk and milk products--Products hermetically sealed in a container and so thermally processed in conformance with Title 21, CFR, Part 113 and the provisions of the "Grade A Pasteurized Milk Ordinance" which is adopted by reference in §217.2 of this title (relating to Adopted Regulations and Standards), so as to render the product free of microorganisms capable of reproducing in the product under normal non-refrigeration conditions of storage and distribution. The product shall be free of viable microorganisms (including spores) of public health significance.

(8) Automatic milking installation (AMI)--The entire installation of one or more milking units, including the hardware and software utilized in the operation of individual automatic milking units, the animal selection system, the automatic milking machine, the milk cooling system, the system for cleaning and sanitizing the automatic milking unit, the teat cleaning system, and the alarm systems associated with the process of milking, cooling, cleaning, and sanitization.

(9) Batch number--A designation that is printed on the label of the milk product that allows the history of its production and packaging to be traced.

(10) Bulk milk hauler/sampler--A bulk milk hauler/sampler is any person who collects official samples and may transport raw milk from a farm and/or raw milk products to or from a milk plant, receiving station, transfer station, frozen dessert manufacturer, or non-grade A dairy product manufacturer, and has in his or her possession a certification from the department.

(11) Bulk milk pickup tanker--A vehicle, including the truck, tank and those appurtenances necessary for its use, used by a milk hauler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station.

(12) Certified milk sampler--Any industry personnel, other than the milk hauler or dairy plant sampler who collects milk or stores an official milk sample.

(13) C-I-P or cleaned-in-place--The procedure by which sanitary pipelines or pieces of equipment are mechanically cleaned-in-place by circulation.

(14) Concentrated (condensed) milk--A fluid product, unsterilized and unsweetened, resulting from the removal of a considerable portion of the water from the milk, which, when combined with potable water in accordance with instructions printed on the container, results in a product conforming to the milkfat and milk solids not fat levels of milk as defined in this section.

(15) Concentrated (condensed) milk products--Homogenized concentrated (condensed) milk, concentrated (condensed) skim milk, concentrated (condensed) low fat milk, and similar concentrated (condensed) products made from concentrated (condensed) milk or concentrated (condensed) skim milk, and which, when combined with potable water in accordance with instructions printed on the container, conform to the definitions of the corresponding milk products in this section.

(16) Cream--The liquid milk product, high in milkfat, separated from milk, which may have been adjusted by adding thereto: milk, concentrated (condensed) milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry milk, and contains not less than 18% milkfat.

(17) Cultured milk--The food produced by culturing cream, milk, partially skimmed milk, or skim milk, used alone or in combination with characterizing microbial organisms. Cultured milk is further defined in Title 21, CFR, §131.112.

(18) Dairy farm--Any place or premises where one or more cows or goats are kept, and from which a part or all of the milk or milk products is provided, sold, or offered for sale to a milk plant or transfer station.

(19) Dairy plant sampler--A department employee responsible for the collection of official samples for regulatory purposes.

(20) Dairy product--Butter, cheese, dry cream, plastic cream, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, whey protein concentrates, evaporated milk (whole or skim), condensed whole milk and condensed skim milk (plain or sweetened), and such other products derived from milk, as may be specified under the statutory standard for butter (Title 21, U.S.C. Part 321a), and the Federal Standards of Identity for Cheese and Related Cheese Products (Title 21, CFR, Part 133).

(21) Department--The Department of State Health Services, the Commissioner of Health, or an authorized representative of the Commissioner.

(22) Distributor--Any person who offers for sale or sells to another person any pasteurized milk, pasteurized milk products, dairy product, or frozen dessert product.

(23) Drug--The term "drug" includes:

(A) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopeia of the United States or official National Formulary, or any supplement to any of them;

(B) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;

(C) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and

(D) articles intended for use as a component of any articles specified in subparagraphs (A), (B) or (C) of this paragraph, but does not include devices or their components, parts or accessories.

(24) Eggnog--The food containing cream, milk, partially skimmed milk, or skim milk, used alone or in combination, liquid egg yolk, frozen egg yolk, dried egg yolk, liquid whole eggs, frozen whole eggs, dried whole eggs, or any one or more of the foregoing egg yolk containing products with liquid egg white or frozen egg white, and a nutritive carbohydrate sweetener. Eggnog is further defined in Title 21, CFR, §131.170.

(25) Federal Food, Drug, and Cosmetic Act--The United States laws pertaining to food, drugs, and cosmetics as specified in 21 U.S.C. §301, et seq.

(26) Food allergen--A major food allergen is:

(A) milk, egg, fish (e.g., bass, flounder, or cod), Crustacean shellfish (e.g., crab, lobster, or shrimp), tree nuts (e.g., almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or

(B) a food ingredient that contains protein derived from a food specified in subparagraph (A) of this paragraph, except the following:

(i) any highly refined oil derived from a food specified in subparagraph (A) of this paragraph, and any ingredient derived from such highly refined oil; or

(ii) a food ingredient that is exempt under U.S.C. Title 21 Chapter 9, Subchapter IV, §343(w)(6) and (7).

(27) Food allergen cross-contact--The unintentional incorporation of a food allergen into a food.

(28) Freezer--A piece of equipment which converts mix and/or other ingredients to a hardened or semi-hardened state using the technique of freezing during processing or manufacturing of those products commonly known as ice cream, ice cream mix, frozen dessert, frozen dessert mix, and nondairy frozen dessert mix.

(29) Frozen dessert--Any of the following: ice cream, light ice cream, ice milk, frozen custard, fruit sherbet, non-fruit water ice, frozen dietary dairy dessert, frozen yogurt, quiescently frozen confection, quiescently frozen dairy confection, mellorine, lorine, parevine, freezer-made milk shake, or nondairy frozen dessert. The term also includes mix used in the freezing of one of those frozen desserts.

(30) Frozen dessert manufacturer or plant--A person who manufactures, processes, converts, partially freezes or freezes any mix, be it dairy, nondairy frozen desserts for distribution or sale at wholesale. This definition shall not include a frozen dessert retail establishment.

(31) Frozen dietary dairy dessert and frozen dietary dessert--A food for any special dietary use, prepared by freezing, with or without agitation, composed of a pasteurized mix which may contain fat, protein, carbohydrates, flavoring, stabilizers, emulsifiers, vitamins, and minerals.

(32) Frozen low fat yogurt and mix (also called low fat frozen yogurt)--Complies with the provisions of frozen yogurt, except that:

(A) the milk fat content of the finished food is not less than 0.5%, but not more than 2.0%; and

(B) the name of the food is "frozen low fat yogurt."

(33) Frozen low fat yogurt dry mix--The unfrozen dry powdered combination of ingredients which, when combined with potable water and when frozen while stirring, will produce a product conforming to the definition of frozen low fat yogurt.

(34) Frozen milk concentrate--A frozen milk product with a composition of milkfat and milk solids not fat in such proportions that when a given volume of concentrate is mixed with a given volume of water the reconstituted product conforms to the milkfat and milk solids not fat requirements of whole milk. In the manufacturing process, water may be used to adjust the primary concentrate to the final desired concentration. The adjusted primary concentrate is pasteurized, packaged, and immediately frozen. This product is stored, transported, and sold in the frozen state.

(35) Frozen skim milk yogurt--Complies with the provision of frozen yogurt, except that:

(A) the milkfat content of the finished food is less than 0.5%; and

(B) the name of the food is either "frozen skim milk yogurt" or "frozen nonfat yogurt."

(36) Frozen yogurt--

(A) Frozen yogurt is the food which is prepared by freezing, while stirring, a mix composed of one or more of the optional dairy ingredients provided for in ice cream and frozen custard, and which may contain other safe and suitable ingredients.

(B) The dairy ingredient(s), with or without other ingredients, is/are pasteurized and subsequently cultured with bacterial cultures acceptable to the state health authority.

(C) The titratable acidity of the cultured frozen yogurt is not less than 0.5%, calculated as lactic acid, except if the frozen yogurt is flavored by the addition of a non-fruit characterizing ingredient(s).

(D) The milkfat content of frozen yogurt is not less than 3.25% by weight, except that when bulky characterizing ingredients are used the percentage milkfat is not less than 2.5%.

(E) The finished frozen yogurt shall weigh not less than five pounds per gallon.

(F) The name of the food is "frozen yogurt."

(37) Goat milk--The normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy goats. Goat milk sold in retail packages shall contain not less than 2.5% milkfat and not less than 7.5% milk solids not fat. The word "milk" includes goat milk.

(38) Goat milk ice cream--The food defined in Title 21, CFR, §135.115.

(39) Grade A dry milk and whey products--Products which have been produced for use in Grade A pasteurized or aseptically processed milk products and which have been manufactured under the provisions of the most current revision of the "Grade A Pasteurized Milk Ordinance."

(40) Grade A Pasteurized Milk Ordinance--The document published by the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration. The document consists of the following parts: The Grade A Pasteurized Milk Ordinance with Administrative Procedures; illustrations, tables, supplements, appendices; and an index. Copies are on file in the Milk Group, Consumer Protection Division, Department of State Health Services, 8407 Wall Street, Austin, Texas, and are available for review during normal business hours. For purposes of this chapter, "U.S. Public

Health Services Grade A Pasteurized Milk Ordinance" is an equivalent term.

(41) Grade A raw milk and Grade A raw milk products--Milk products that are manufactured in compliance with the provisions of Subchapter B of this chapter (relating to Grade A Raw Milk and Raw Milk Products), and are offered for sale to the public without pasteurization.

(A) These products include, but are not limited to plain raw milk, raw flavored milk, raw low-fat milk, raw low-fat flavored milk, raw skim milk, raw skim flavored milk, raw cultured milk, raw cultured low fat milk, raw cultured skim milk, raw cream, raw heavy cream, raw light cream, raw sour cream, raw acidified sour cream, raw cultured sour cream, raw light whipping cream, raw heavy whipping cream, raw whipped cream, raw light whipped cream, raw plain yogurt, raw flavored yogurt, raw low fat yogurt, raw nonfat yogurt, raw drinkable yogurt, raw drinkable probiotic yogurt, raw buttermilk, raw half-and-half, raw sour half-and-half, raw acidified sour half-and-half, raw cultured sour half-and-half, raw eggnog, raw whey, raw flavored whey, raw whey protein, raw flavored whey protein, and raw keifer.

(B) Grade A raw milk and raw milk products do not include the following.

(i) Infant formula, ice cream or other frozen desserts, butter, or raw cheese that is not aged a minimum of 60 days.

(ii) Raw milk or raw milk products that are a blend of raw milk from more than one raw milk processor dairy farm.

(42) Grade A raw milk processor--A person who processes milk as defined in paragraph (55) of this section, that is produced in compliance with the provisions of Subchapter B of this chapter and is offered for sale to the public without pasteurization.

(43) Grade A raw milk processor dairy farm--Any place or premise where one or more lactating animals (cows, goats, sheep, water buffalo, or other hooved animals) are kept, and from which a part of or all the raw milk and raw milk products are produced, processed, bottled, and offered, sold, or offered for sale to the public.

(44) Half-and-half--The food consisting of a mixture of milk and cream which contains not less than 10.5% but less than 18% milkfat. Half-and-half is further defined in Title 21, CFR, §131.180.

(45) Heavy cream or heavy whipping cream--Cream which contains not less than 36% milkfat and as further defined in Title 21, CFR, §131.150.

(46) Hermetically sealed container--A container that is designed and intended to be secure against the entry of microorganisms and thereby maintain the commercial sterility of its contents after processing.

(47) Homogenized--Milk or a milk product has been treated to ensure breakup of the fat globules to such an extent that, after 48 hours of quiescent storage at 4.4 degrees Celsius (40 degrees Fahrenheit), no visible cream separation occurs on the milk; and the fat percentage of the top 100 milliliters of milk in a quart, or of proportionate volumes in containers of other sizes, does not differ by more than 10% from the fat percentage of the remaining milk as determined after thorough mixing.

(48) Ice cream and frozen custard--The foods defined in Title 21, CFR, §135.110.

(49) Label--A display of written, printed, or graphic matter upon the immediate container of a product or wrappers accompanying such a container.

(50) Light cream--Cream which contains not less than 18% but less than 30% milkfat, and as further defined in Title 21, CFR, §131.155.

(51) Light whipping cream--Cream which contains not less than 30% but less than 36% milkfat, and as further defined in Title 21, CFR, §131.157.

(52) Lorine--The food prepared from the same ingredients and in the same manner prescribed for mellorine and complies with all the provisions for mellorine except that:

(A) its content of fat is at least 2% but less than 6%;

(B) its content of milk solids not fat is not less than 10%;

(C) caseinates may be added when the content of total milk solids is not less than 10%;

(D) the provision for reduction in fat and milk solids not fat from the addition of bulky ingredients in mellorine does not apply;

(E) the quantity of food solids per gallon is not less than 1.2 pounds; and

(F) the name of the food is "Lorine."

(53) Low fat yogurt--The food produced by culturing cream, milk, partially skimmed milk, or skim milk, used alone or in combination with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. Low fat yogurt is further defined in Title 21, CFR, §131.203.

(54) Mellorine--The food defined in Title 21, CFR, §135.130(a) - (d).

(55) Milk--The lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, sheep, goats, water buffaloes or other hooved animals, and as further defined in Title 21, CFR, §131.110.

(56) Milk hauler--A person who transports raw milk and raw milk products to or from a milk plant, receiving station, transfer station, frozen dessert manufacturer, or non-grade A dairy product manufacturer.

(57) Milk plant--Any place, premises or establishment where milk or milk products are collected, handled, processed, dried, stored, pasteurized, ultra-pasteurized aseptically processed, bottled, or prepared for distribution. This term also means a processing plant, manufacturing plant, or bottling plant in these sections.

(58) Milk producer--Any person who operates a producer dairy farm and provides, sells, or offers milk for sale to a milk plant, receiving station, transfer station, frozen dessert manufacturer, or non-grade A dairy product manufacturer.

(59) Milk products--

(A) Milk products include cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated (condensed) milk, concentrated (condensed) milk products, reduced fat milk, nonfat (skim) milk, low fat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured low fat milk, cultured nonfat (skim) milk, yogurt, low fat yogurt, nonfat yogurt, acidified milk, acidified low fat milk, acidified nonfat (skim) milk, low-sodium milk, low-sodium low fat milk, low-sodium nonfat (skim) milk, lactose-reduced milk, lactose-reduced low fat

milk, lactose-reduced nonfat (skim) milk, aseptically processed and packaged milk and milk products as defined in this section, milk, low fat milk, or nonfat (skim) milk with added safe and suitable microbial organisms, and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin, or mineral fortification of milk products defined herein.

(B) Milk products also include those dairy foods made by modifying the federally standardized products listed in this section in accordance with Title 21, CFR, §130.10, Requirements for foods named by use of nutrient content claim and standardized term.

(C) This definition shall include those milk and milk products, as defined herein, which have been aseptically processed and then packaged.

(D) Milk and milk products which have been retort processed after packaging or which have been concentrated, condensed, or dried are included in this definition only if they are used as an ingredient to produce any milk or milk product defined herein, or if they are labeled as Grade A.

(E) This definition is not intended to include dietary products (except as defined herein), infant formula, ice cream or other desserts, butter, or cheese.

(60) Milk tank truck--The term used to describe both a bulk milk pickup tanker and a milk transport tank.

(61) Milk tank truck cleaning facility--Any place, premise, or establishment, separate from a milk plant, receiving, or transfer station, where a milk tank truck is cleaned and sanitized.

(62) Milk tank truck driver--A milk tank truck driver is any person who transports raw or pasteurized milk products to or from a milk plant, receiving station, or transfer station. Any transportation of a direct farm pickup requires the milk tank truck driver to have responsibility for accompanying official samples.

(63) Milk transport tank or tanker--A vehicle, including the truck and tank, used by a milk hauler to transport bulk shipments of milk from a milk plant, receiving station, transfer station, frozen dessert manufacturer, or non-grade A dairy product manufacturer to another milk plant, receiving station, transfer station, frozen dessert manufacturer, or non-grade A dairy product manufacturer.

(64) Milk transportation company--An entity responsible for ensuring milk tank trucks are in compliance with the provisions of Subchapter D of this chapter (relating to Bulk Milk Regulations).

(65) Misbranded milk and milk products--Milk and milk products are misbranded if:

(A) their container bears or is accompanied by any false or misleading written, printed, or graphic matter;

(B) milk labeling does not conform to the definitions as contained in this chapter;

(C) they are not labeled in accordance with §217.24 of this title (relating to Labeling) for Grade A Raw Milk and Raw Milk Products; §217.43 of this title (relating to Labeling) for Rules for the Manufacture of Frozen Desserts; and §217.81 of this title (relating to Labeling) for Dairy Products and Milk for Manufacturing Purposes; or

(D) one or more of the conditions described in the Federal Food, Drug and Cosmetic Act, §403, as amended (21 U.S.C. §343) exists.

(66) Multi-use container--Any container having a product-contact surface and used in the packaging, handling, storing, or serving

of milk or milk products, which, if it remains in good repair and is properly washed and sanitized, may be utilized for multiple usage.

(67) Nondairy frozen dessert--

(A) Nondairy frozen dessert is the food which is prepared by freezing, while stirring, a nondairy frozen dessert mix composed of one or more of the optional characterizing ingredients specified in subparagraph (B) of this paragraph, sweetened with one or more of the optional sweetening ingredients specified in subparagraph (C) of this paragraph. The nondairy product, with or without water added, may be seasoned with salt. One or more of the ingredients specified in subparagraph (D) of this paragraph may be used. Pasteurization is not required. The optional caseinates specified in subparagraph (D)(i) of this paragraph are deemed not to be dairy products.

(B) The optional flavoring ingredients referred to in subparagraph (A) of this paragraph are natural and artificial flavoring and characterizing food ingredients.

(C) The optional sweetening ingredients referred to in subparagraph (A) of this paragraph are sugar (sucrose), dextrose, invert sugar (paste or syrup), glucose syrup, dried glucose syrup, corn sweetener, dried corn sweetener, malt syrup, malt extract, dried malt syrup, dried malt extract, maltose syrup and dried maltose syrup.

(D) Other optional ingredients referred to in subparagraph (A) of this paragraph are:

(i) casein prepared by precipitation with gums, ammonium, caseinate, calcium caseinate, potassium caseinate, or sodium caseinate;

(ii) hydrogenated and partially hydrogenated vegetable oil;

(iii) dipotassium phosphate;

(iv) coloring, including artificial coloring;

(v) monoglycerides, diglycerides, or polysorbates; and

(vi) thickening ingredients such as agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locus bean gum, oat gum, gum tragacanth, hydroxypropyl, cethyl cellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, and sodium carboxymethylcellulose.

(E) Such nondairy frozen desserts are deemed "processed" when manufactured as a dry powdered mix. The addition of water is merely the manner in which such nondairy frozen desserts are served.

(F) The label shall comply with labeling requirements for frozen desserts with the additional clear and concise statement that the product is nondairy.

(68) Nonfat yogurt--The food produced by culturing skim milk, used alone or in combination with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. Nonfat yogurt is further defined in Title 21, CFR, §131.206.

(69) Non-grade A dairy product manufacturer--Any place, premise, or establishment where dairy products are produced or prepared for distribution for human consumption but is not subject to Grade A requirements.

(70) Novelties--Frozen desserts, either alone or in combination with other foods such as cookies, wafers, cones, coating, confections, etc., which are packaged in single-serving units.

(71) Official laboratory--A biological, chemical or physical laboratory which is under the supervision of the department conducting the analysis of milk, milk products, milk for manufacturing, or frozen dessert. Full service laboratories are official laboratories.

(72) Officially designated laboratory--A commercial laboratory or a milk industry laboratory officially designated by the department for the analysis of milk, milk products, milk for manufacturing, or frozen desserts.

(73) Overrun--The increase in volume of frozen product over the volume of the mix due to air being whipped into the product during the freezing process. It is expressed as a percent of the volume of the mix.

(74) Pasteurization--

(A) The process of heating every particle of milk or milk product, in properly designed and operated equipment, and held continuously at or above a certain temperature for at least the corresponding specified time referenced in the most current revision of the "Grade A Pasteurized Milk Ordinance."

(B) Provided further, that nothing shall be construed as barring any other process found equivalent to pasteurization for milk and milk products, which has been recognized by the FDA as provided in 21 U.S.C. §343(h)(3) of the Federal Food, Drug and Cosmetic Act. Only such FDA recognized processes and no other shall be considered by the department.

(75) Permit--A license or certification to engage in the activity listed on the permit, license, or certificate.

(76) Person--The word "person" shall include any individual, plant operator, partnership, corporation, company, firm, trustee, association, or institution.

(77) Principal Display Panel--The part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

(78) Producer dairy farm--Any place or premises where one or more lactating animals (cows, goats or sheep, water buffalo, or other hooved animal) are kept, and from which a part or all of the milk or milk products is provided, sold, or offered for sale to a milk plant, transfer station, receiving station, frozen dessert manufacturer, or non-grade A dairy product manufacturer.

(79) Quiescently frozen confection--A clean and wholesome frozen, sweetened, flavored product in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). This confection may be acidulated with food grade acid, may contain water, may be made with or without added natural or artificial flavoring, and with or without harmless coloring. The finished product contains not less than 17% by weight of total food solids. No processing or mixing shall be used that develops in the finished food mix any physical expansion in excess of 10%.

(80) Quiescently frozen dairy confection--A clean and wholesome frozen product made from water, milk products and sugar, with added harmless natural or artificial flavoring, with or without added coloring, with or without added stabilizer, with or without added emulsifier; and in the manufacture of which freezing has not been accompanied by stirring or agitation (generally known as quiescent freezing). It contains not less than 13% by weight of total milk solids, and not less than 33% by weight of total food solids. In the

production of quiescently frozen dairy confections, no processing or mixing before quiescently freezing is used that develops in the finished confection mix any physical expansion in excess of 10%.

(81) Receiving station--Any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

(82) Reconstituted or recombined milk and milk products--Milk or milk products defined in this section which result from reconstituting or recombining of milk constituents with potable water when appropriate.

(83) Regulatory agency--The Department of State Health Services. For purposes of this chapter, Texas Department of Health is an equivalent term.

(84) Safe and suitable--Ingredients which perform an appropriate function in the food in which they are used, and are used at a level no higher than necessary to achieve their intended purpose in the food.

(85) Sale--The term "sale" or "sell" means a monetary transaction, barter, offer, or trade that involves the transfer of milk, milk products, raw milk, raw milk products, dairy products, or frozen dessert products. The term also includes transactions conducted as part of animal shares or animal pools, unless it involves the transfer of milk from the farmer to a person holding an ownership interest in the producing animals, who shares costs in proportion to their ownership interest, and only receives milk in proportion to their ownership interest as memorialized in a written agreement.

(86) Sanitization--The application of any effective method or substance to a clean surface for the destruction of pathogens and other organisms as far as is practicable. Such treatment shall not adversely affect the equipment, the milk or milk product, or the health of consumers, and shall be acceptable to the regulatory agency.

(87) Sherbet--The food defined in Title 21, CFR, §135.140.

(88) Single service container--Any container having a milk product or frozen dessert, in contact with the containers surface and used in the packaging, handling, storing, or serving frozen desserts and/or milk products, which is intended for one usage only.

(89) Sour cream or cultured sour cream--The product resulting from the souring, by lactic acid producing bacteria, of pasteurized cream, and as further defined in Title 21, CFR, §131.160.

(90) Standard methods--Reference to the latest edition of "Standard Methods for the Examination of Dairy Products," a publication of the American Public Health Association, Washington, D.C.

(91) Sterilized--The condition of piping equipment and containers achieved by the application of heat, chemical sterilant(s), or other appropriate treatment that renders the piping, equipment, and containers free of viable microorganisms.

(92) 3-A Sanitary Standards and Accepted Practices--The standards for dairy equipment and accepted practices formulated by the 3-A Steering Committee representing the International Association for Food Protection, the U.S. Public Health Service, and the Dairy Industry Committee that are published by the International Association of Milk, Food, and Environmental Sanitarians, 6200 Aurora Avenue, #200W, Des Moines, Iowa 50322.

(93) 3-A Steering Committee--The committee composed of appointees from the International Association for Food Protection, and the Food and Drug Administration/Public Health Service that reviews and establishes standards for production and processing equipment intended for use in this country.

(94) Thermometer--A temperature measuring device that is either mercury-in-glass, alcohol/spirit-in-glass, electronic/digital, or dial immersed in liquid and accurate within the appropriate range of designated use.

(95) Transfer station--Any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

(96) Ultra-pasteurized--The term "ultra-pasteurized," when used to describe a dairy product, means that such product shall have been thermally processed at or above 138 degrees Celsius (280 degrees Fahrenheit) for at least two seconds, either before or after packaging, so as to extend a product shelf life under refrigerated conditions.

(97) Unloading station--Any receiving station, transfer station, or milk processing plant where milk or milk products are unloaded from milk tank trucks.

(98) Water ices--The foods defined in Title 21, CFR, §135.160.

(99) Whipped cream--Cream or light whipping cream, into which air or gas has been incorporated.

(100) Whipped light cream--Light cream into which air or gas has been incorporated.

(101) Yogurt--The food produced by culturing cream, milk, partially skimmed milk, or skim milk, used alone or in combination with a characterizing bacterial culture that contains the lactic acid-producing bacteria, *Lactobacillus bulgaricus* and *Streptococcus thermophilus*. Yogurt is further defined in Title 21, CFR, §131.200.

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 27, 2021.

TRD-202101660

Barbara L. Klein

General Counsel

Department of State Health Services

Effective date: May 17, 2021

Proposal publication date: December 18, 2020

For further information, please call: (512) 834-6758



SUBCHAPTER B. GRADE A RAW FOR RETAIL MILK AND MILK PRODUCTS

25 TAC §§217.21 - 217.33

STATUTORY AUTHORITY

The repeals are authorized by Texas Health and Safety Code, Chapter 435, which provided for DSHS to define what constitutes Grade A raw milk, Grade A raw milk products, Grade A pasteurized milk, Grade A pasteurized milk products, milk for manufacturing, and dairy products; and provide specifications for the production and handling of milk and milk products listed in §435.003 Subdivision (1) according to the safety and food value of the milk and milk products and the sanitary conditions under which they are produced and handled. The rules must also be based on and consistent with the most recent federal definitions, specifications, rules, and regulations relating to milk and milk products. The rules are also authorized by Texas Government

Code, §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, including by DSHS. Under Texas Health and Safety Code, Chapter 1001, the DSHS Commissioner is authorized to assist the Executive Commissioner in the development of rules relating to the matters with DSHS jurisdiction.

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 27, 2021.

TRD-202101661

Barbara L. Klein
General Counsel

Department of State Health Services

Effective date: May 17, 2021

Proposal publication date: December 18, 2020

For further information, please call: (512) 834-6758



25 TAC §§217.21 - 217.34

STATUTORY AUTHORITY

The new sections are authorized by Texas Health and Safety Code, Chapter 435, which provided for DSHS to define what constitutes Grade A raw milk, Grade A raw milk products, Grade A pasteurized milk, Grade A pasteurized milk products, milk for manufacturing, and dairy products; and provide specifications for the production and handling of milk and milk products listed in §435.003 Subdivision (1) according to the safety and food value of the milk and milk products and the sanitary conditions under which they are produced and handled. The rules must also be based on and consistent with the most recent federal definitions, specifications, rules, and regulations relating to milk and milk products. The rules are also authorized by Texas Government Code, §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, including by DSHS. Under Texas Health and Safety Code, Chapter 1001, the DSHS Commissioner is authorized to assist the Executive Commissioner in the development of rules relating to the matters with DSHS jurisdiction.

§217.28. *Sanitation Requirements for Grade A Raw Milk and Raw Milk Products.*

(a) Abnormalities in milk.

(1) Milk from animals treated with or exposed to insecticides not approved for use on dairy cattle by the U.S. Environmental Protection Agency must not be offered for sale.

(2) The department may require additional tests for the detection of abnormalities in milk.

(3) Milk containing abnormalities must be handled and disposed of to prevent the infection of other animals and the contamination of milk utensils and equipment. Milk containing abnormalities may not be offered for human consumption.

(4) Animals secreting milk with abnormalities must be milked last or with separate equipment, in order to prevent the contamination of the wholesome supply.

(5) Equipment, utensils, and containers used for the handling of milk containing abnormalities must not be used for the handling of milk to be offered for sale, unless they are first cleaned and sanitized.

(b) Milking barn, stable, parlor, or Automatic Milking Installation (AMI)--construction.

(1) A milking barn, stable, parlor, or AMI must be present on all Grade A raw milk processor dairy farms to house the milking herd during milking time operations. The areas used for milking purposes must:

(A) have floors constructed of concrete or equally impervious material graded to drain, which are smooth, easily cleanable, maintained in good repair, and free of excessive breaks or worn areas that may create pools of water, wastes, or other liquids;

(B) have gutters and feed troughs constructed of good quality concrete or equally impervious material;

(C) be constructed to ensure manure does not pile or pool in the milking barn, stable, parlor, or AMI and is approved by the department;

(D) have finished walls and ceilings that are smooth, easily cleanable, impervious to moisture, light colored, dust tight, and in good repair;

(E) have ceilings that are dust-tight;

(F) have wall partitions, doors, shelves, and windows kept in good repair, and surfaces must be refinished whenever wear or discoloration is evident;

(G) ensure feed stored overhead does not allow the sifting of chaff and dust into the milking barn, stable, parlor, or AMI;

(H) ensure hay openings have a dust-tight door, which is kept closed during milking operations;

(I) have separate stalls or pens for non-lactating animals;

(J) have lighting equivalent of at least 10 foot candles in all working areas during milking hours;

(K) provide sufficient air space and air circulation to prevent condensation and excessive odors throughout the milking barn, stable, parlor, or AMI;

(L) not be overcrowded; and

(M) have dust-tight covered boxes, bins, or separate storage facilities for ground, chopped, or concentrated feed.

(2) The department may approve a barn without four walls extending from floor to roof, or a shed-type barn, provided the requirements of subsection (c) of this section, concerning animals and fowl entering the barn are met. Animal-housing areas (stables without stanchions, such as loose housing tables, pen stables, resting barns, free stall barns, holding barns, loafing sheds, wandering sheds) may be of shed-type construction, provided no milking is conducted therein.

(c) Milking barn, stable, parlor, or AMI--cleanliness.

(1) The interior of the milking barn, stable, parlor, or AMI must be kept clean.

(2) Leftover feed in feed mangers must appear dry and fresh.

(3) The bedding material, if used, must be free from excessive manure.

(4) Outside surfaces of pipeline systems located in the milking barn, stable, parlor, or AMI must be clean.

(5) All animal pens, if not separated from the milking barn, stable, parlor, or AMI, must be clean.

(6) Swine and fowl must be kept out of the milking barn, parlor, and AMI.

(7) Gravity flow manure channels in milking barns, if used, must be maintained and be cleaned.

(8) Floors must be cleaned after each milking.

(A) In barns provided with water under pressure, the floors must be scrubbed after each milking with a stiff-bristled brush.

(B) In barns in which water under pressure is not available, the floors may be brushed dry and limed, or have phosphate applied evenly in a thin coat. Care should be exercised to prevent caking of the lime.

(d) Animal yard.

(1) The animal yards, which are the enclosed or unenclosed areas adjacent to the milking barn, and AMIs in which the animals may congregate, including animal housing areas and feed lots, must be graded and drained and must have no standing pools of water or accumulations of animal manure.

(2) Animal lanes must be reasonably dry.

(3) Approaches to the barn door, surroundings of stock watering, and feeding stations must be solid to the footing of the animal.

(4) Loafing and animal housing areas must have animal droppings and soiled bedding removed, or clean bedding added, at sufficient intervals to prevent the soiling of the animal's udders and flanks.

(5) Waste feed must not accumulate.

(6) Manure packs must be properly drained and must provide reasonably firm footing.

(7) Swine must be kept out of the animal yard.

(e) Milkhouse or room--construction and facilities.

(1) A milkhouse or room of sufficient size, a minimum of 30 inch spacing around equipment to allow for cleaning and inspection on all sides, must be provided for the cooling, handling, and storing of milk, and the washing, sanitizing, and storing of milk containers and utensils except as provided for in subsection (1) of this section.

(2) The milkhouse floor must be smooth, easily cleanable, and constructed of concrete or equally impervious material. The floors must be maintained in good repair free of cracks, breaks, depressions, and surface peeling.

(3) The floor shall be sloped to drain to prevent pools of standing water.

(4) The joints between the floor and walls must be water-tight.

(5) Liquid waste shall be disposed of in a sanitary manner. All floor drains shall be accessible and shall be trapped if connected to a sanitary sewer system.

(6) The walls and ceilings must be smooth, easily cleanable, impervious to moisture, covered with light colored paint, and in good repair.

(7) Surfaces and joints must be tight and smooth.

(8) The milkhouse must have a minimum of 20 foot candles of adequate natural or artificial light.

(9) The milkhouse must be adequately ventilated to minimize odors and condensation of floors, walls, ceilings, and clean utensils.

(10) Vents, if installed, and lighting fixtures must be installed to preclude the contamination of bulk milk tanks or clean utensil storage areas.

(11) The milkhouse shall be used for no other purpose than milkhouse operations as described in §217.28(e)(1) of this subchapter (relating to Sanitation Requirements for Grade A Raw Milk and Raw Milk Products).

(12) There shall be no direct opening from the milkhouse into any barn, stable, parlor, AMI, or room used for domestic purposes, except that an opening between the milkhouse and milking barn, stable, parlor, or AMI is permitted when a tight-fitting, self-closing solid door is provided.

(13) A vestibule must comply with the applicable milkhouse construction requirements.

(14) Water under pressure must be piped into the milkhouse.

(15) The milkhouse must be provided with facilities for heating water in sufficient quantity and necessary temperatures, based on the cleaning agent's specifications, for the effective cleaning of all equipment and utensils.

(16) The milkhouse shall be equipped with a two-compartment wash vat of sufficient size to accommodate the largest utensil and container used.

(17) A refrigerator of sufficient size must:

(A) be provided for storage of cooling bottled Grade A raw milk and Grade A raw milk products;

(B) be capable of maintaining the Grade A raw milk and Grade A raw milk products at the proper temperature; and

(C) be equipped with a suitable thermometer approved by the department before use.

(f) Milkhouse or room-cleanliness.

(1) The floors, walls, ceilings, windows, tables, shelves, cabinets, wash vats, non-product-contact surfaces of milk containers, utensils and equipment, and other milkroom equipment must be clean.

(2) Only articles directly related to milkroom activities are allowed in the milkroom. The milkroom must be kept free of trash, animals, and fowl.

(3) Vestibules must be kept clean.

(g) Toilet.

(1) Every Grade A raw milk processor dairy farm shall provide one or more toilets, conveniently located by the milking barn, parlor, stable, AMI, and the milkroom. The toilet room must be properly constructed with walls, floors, and ceilings that are smooth, easily cleanable, impervious to moisture, light colored, and operated and maintained in a sanitary manner.

(2) Human defecation or urination must only occur in the toilet room.

(3) The toilet room must not open directly into the milkroom.

(4) Doors to toilet rooms must be tight-fitting and self-closing, and all outer openings in toilet rooms must be screened or otherwise protected against the entrance of flies.

(5) The toilet room shall be cleaned and kept free of odors.

(6) The toilet must be connected to a public sewer system or to an individual sewage-disposal system and must be constructed and operated in accordance with the most current revision of the Texas Commission on Environmental Quality rules regulating on-site sewage facilities.

(h) Water supply.

(1) A Grade A raw milk processor dairy farm's water source must meet the following requirements to establish the absence of coliform bacteria and thus be considered a "safe water source":

(A) Water samples must be taken before the permit approval of the physical structure and found negative for the presence of coliform bacteria.

(B) Water samples must be taken after any repair, alteration, or maintenance of the water supply system and found negative for the presence of coliform bacteria.

(C) Water hauled to the Grade A raw processor dairy farm must be sampled for the presence of coliform bacteria at the point of use.

(2) Water for milkhouse and milking operations must be from a supply properly located, protected, and operated, easily accessible, and of adequate sanitary quality, and must be a safe water source.

(A) All water supply systems must be approved as safe and comply with the specifications of the Texas Commission on Environmental Quality 30 TAC §290.41.

(B) No cross-connections between a safe water supply and any unsafe or questionable water supply or any other source of pollution are permitted.

(C) There must be no submerged inlets through which a safe water supply may be contaminated.

(D) The water source must be located and constructed in a manner that neither the underground nor surface contamination from any sewage systems, or other pollution can reach the water supply. Well casing and seal must be located above the ground surface.

(E) All new water supply systems, which have been repaired or otherwise become contaminated, must be thoroughly disinfected and approved as safe before being placed in use.

(F) All containers and tanks used in the transportation of water must be sealed and protected from possible contamination and must be approved by the department before use.

(i) The containers and tanks must be thoroughly cleaned and have a bacteriological treatment before filling with potable water to be used at the dairy farm.

(ii) To minimize the possibility of contamination of the water during the transfer from the potable tanks to the elevated or ground-water storage at the dairy farm, a suitable pump, hose, and fittings must be provided.

(iii) When the pump, hose, and fittings are not being used, the outlets must be capped and stored in a suitable dust proof enclosure to prevent contamination.

(iv) The storage tank at the dairy farm must be constructed of impervious material, provided with a dust and rainproof cover, and provided with an approved vent and roof hatch.

(v) All reservoirs must be disinfected before placing them into service.

(i) Containers, utensils and equipment--construction.

(1) All multi-use containers, equipment, and utensils used in the handling, or storage of Grade A raw milk and Grade A raw milk products must be made of smooth, nonabsorbent, corrosion resistant, nontoxic materials, free of breaks, and be easily cleaned. Safe materials of the following types are allowed:

(A) stainless steel of the American Iron and Steel Institute (AISI) 300 series;

(B) equally corrosion-resistant, nontoxic metal;

(C) heat-resistant glass; or

(D) plastic or rubber and rubberlike materials, which:

(i) are relatively inert, resistant to scratching, scoring, decomposition, crazing, chipping, and distorting under normal use conditions;

(ii) are nontoxic, fat-resistant, relatively nonabsorbent, relatively soluble, and do not release component chemicals or impart flavor or odor to the product; and

(iii) must maintain these properties under repeated use conditions.

(2) All milk pails used for foremilk stripping must be seamless and hooded.

(3) Strainers, if used, must be of perforated metal design, or constructed to utilize single-service strainer media. Multiple-use woven material must not be used for straining milk.

(4) All single-service articles must be manufactured, packaged, transported, and handled in a sanitary manner and obtained from an approved source.

(5) Articles intended by the manufacturer for single-service use must not be reused.

(6) Farm holding/cooling tanks with welded sanitary piping must be smooth and free from pits, cracks, or inclusions.

(7) Cleaned-in-place milk pipelines and return solution lines must be self-draining.

(8) Gaskets, if used, must be self-positioning and of material meeting specifications described in §217.28(i)(1) of this subchapter, and must form a smooth, flush interior surface.

(9) If gaskets are not used, all fittings must have self-positioning faces designed to form a smooth, flush interior surface.

(10) All interior surfaces of welded joints in pipelines must be smooth and free of pits, cracks, and inclusions.

(11) Detailed plans for cleaned-in-place pipeline systems must be submitted to the department for written approval before installation. No alteration or addition may be made to any milk pipeline system without prior written approval from the department.

(12) All milking machines, including heads, milk claws, milk tubing, and other milk-contact surfaces, must be easily cleaned and inspected. Pipelines, milking equipment, and other equipment requiring a screwdriver or special tool must be easily accessible for inspection and the necessary tools must be available at the milkhouse.

(13) Farm holding/cooling tanks and welded sanitary piping must comply with all applicable requirements set forth in this section.

(j) Containers, utensils and equipment--cleaning. The product-contact surfaces of all multi-use containers, equipment, and utensils used in the handling, storage, or transportation of milk must be cleaned after each usage.

(k) Containers, utensils and equipment--sanitization. The product-contact surfaces of all multi-use containers, equipment and utensils used in the handling, storage, or transportation of milk must be sanitized before each usage by one of the following methods, or by an equally effective method:

(1) Complete immersion in hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees Celsius) as determined by use of a suitable accurate thermometer (at the outlet) for at least five minutes; or

(2) Complete immersion for at least one minute in, or exposure for at least one minute to, a flow of a chemical sanitizer which must meet the manufacturer's recommendation of acceptable strength for milk contact surfaces. All product-contact surfaces must be wetted by the sanitizing solution, and piping must be filled. Sanitizing sprays may be used.

(A) Chemical solution, once used, may not be reused for sanitizing.

(B) When chemicals are used for sanitization, a test kit or device accurately measuring parts per million concentration must be provided and used. The solution must be tested before use.

(l) Containers, utensils and equipment--storage.

(1) All containers, utensils and equipment used in the handling, storage, or transportation of milk, unless stored in sanitizing solutions, must be stored to ensure complete drainage and be protected from contamination before use.

(2) Pipeline milking equipment, such as milk claws, inflations, weight jars, meters, milk hoses, milk receivers, and milk pumps, which are designed for mechanical cleaning, may be stored in the milking barn, parlor, or AMI only if the pipeline milking equipment is designed, installed, and operated to protect the product and solution contact surfaces from contamination at all times.

(3) When manual cleaning of product-contact surfaces is necessary, the cleaning must be done in the milkhouse.

(4) Clean cans or other containers may only be stored in the milkhouse.

(5) Strainer pads, parchment papers, gaskets, and similar single-service articles must be stored in a suitable container or cabinet and protected against contamination.

(6) Single service bottles must be stored at least six inches above the floor in a storage area.

(m) Containers, utensils and equipment--handling.

(1) After sanitizing, all containers, utensils, and equipment must be handled in such manner as to prevent contamination of any milk product-contact surfaces, including farm holding or cooling tank openings, and outlets.

(2) Any sanitized milk product-contact surface exposed to contamination must be cleaned and sanitized before use.

(n) Milking flanks, udders, and teats.

(1) Milking must be done in the milking barn, stable, parlor, or AMI.

(2) The flanks, udders, bellies, and tails of all milking animals must be free from visible dirt and other debris.

(3) The hair on the udders shall be of such length that it is not incorporated with the teat in the inflation during milking.

(4) All brushing must be completed before milking.

(5) The udders and teats of all milking animals shall be cleaned and treated with an approved sanitizing solution just before the time of milking and must be dry before milking.

(6) Wet hand milking is prohibited.

(o) Milking--surcingles, milk stools, and antikickers.

(1) Surcingles, milk stools, and antikickers must be kept clean and stored above the floor in a clean place in the milking barn, stable, parlor, or milkhouse when not in use.

(2) Milk stools must not be padded and must be constructed to be easily cleaned.

(p) Protection from contamination.

(1) Equipment and operations within the milking barn, AMI, and milkhouse shall be located to prevent overcrowding or contamination of cleaned and sanitized containers or utensils.

(2) No milk shall be strained, poured, transferred, or stored unless it is properly protected from contamination.

(3) During milking, pipelines and equipment used to contain milk and milk products must be effectively separated from tanks or circuits containing cleaning and sanitizing solutions.

(4) All milk which has overflowed, leaked, spilled, or been improperly handled must be discarded.

(5) All milk product-contact surfaces or containers, equipment, and utensils must be covered or otherwise protected to prevent the access of insects, dust, condensation, and other contamination.

(6) All openings, including valves and piping attached to milk storage and transport tanks, pumps, or vats, must be capped or otherwise properly protected. Gravity-type strainers in the milkhouse do not have to be covered.

(7) Milk pipelines used to convey milk from pre-coolers to the bulk tank must be fitted with effective drip deflectors.

(8) The receiving receptacle must be raised above the floor or placed at a distance from the cows to protect it against manure and splash when milk is poured or strained in the milking barn. The receiving receptacle must have a tight-fitting cover, which must be closed except when milk is being poured.

(9) Each pail or container of milk must be transferred immediately after milking from the milking barn, stable, parlor, or AMI into the milkhouse.

(10) Pails, cans, and other equipment containing milk must be properly covered during transfer and storage.

(11) Air under pressure used for the agitation or movement of milk, or being directed at a milk-contact surface, must be free of oil, dust, rust, excessive moisture, extraneous materials, and odor.

(12) Antibiotics and medicinal products must be stored in a manner that does not contaminate the milk or any milk product-contact surface.

(q) Bottling and capping.

(1) All bottling and capping must be performed on approved mechanical equipment. Hand capping is allowed, provided:

(A) milk is withdrawn through the bottom (outlet) valve of the tank, and dipping out of the tank is prohibited;

(B) containers for transporting milk from tank to filling area are constructed of seamless, stainless steel material, and sanitized before usage; and

(C) filling of food grade containers is performed in a sanitary manner to preclude possible contamination, and food grade container filling by the consumer is prohibited.

(2) Returnable food grade containers must be washed, rinsed, and sanitized before filling. Lids for returnable food grade containers must not be reused. Sanitized, food grade containers must be provided by the dairy farm.

(A) There shall be a separate room with three-compartment wash vat for washing, rinsing, and sanitizing of returnable food grade containers at the dairy farm.

(B) Single-service food grade containers, returnable food grade containers, and lids must come from a licensed and inspected entity. Single-service food grade containers may not be reused.

(C) All caps or single-service lids must be kept immersed in a 50 parts per million chlorine solution for a minimum of one minute and immediately placed on the container.

(D) The operator must wear disposable plastic gloves while filling and capping.

(r) Personnel--hand washing facilities.

(1) Adequate hand-washing facilities must be provided, maintained in good repair, and located convenient to the milkhouse, milking barn, stable, parlor, AMI, and flush toilet.

(2) Hand-washing facilities must include:

(A) a lavatory fixture with hot and cold running water;

(B) soap or detergent; and

(C) single-service individual sanitary towels.

(3) Utensil wash and rinse vats may not be used for hand-washing facilities.

(s) Personnel--cleanliness.

(1) Employees hands must be washed, clean, and dried with an individual sanitary towel immediately before milking, before performing any milkhouse function, and immediately after the interruption of any of these activities.

(2) Employees performing any activity inside the milkhouse or milking area shall wear clean outer garments while milking or handling milk, milk containers, utensils, or equipment.

(t) Cooling.

(1) Raw milk must be cooled to 45 degrees Fahrenheit (7 degrees Celsius) or less within two hours after milking.

(2) Recirculated cold water used in plate, tubular coolers, or heat exchangers must be from a safe source and protected from contamination. The water shall be tested semiannually and found free of bacteria by an official or officially designated laboratory.

(u) Insect and rodent control.

(1) Effective measures shall be taken to prevent the contamination of milk, containers, equipment, and utensils by insects and rodents.

(2) Surroundings must be kept neat, clean, and free of conditions, which might harbor or create conditions conducive to the breeding of insects and rodents.

(3) During fly season, manure must:

(A) be spread directly on the fields;

(B) stored for not more than four days in a pile on the ground surface, and then spread on the fields;

(C) stored for not more than seven days in an impervious-floored bin, or on an impervious-curbed platform and then spread on the fields;

(D) stored in a tight-screened and trapped manure shed;

(E) effectively treated with larvicides; or

(F) disposed of in any other manner that controls insect breeding.

(4) Manure packs in loafing areas, stables without stanchions, pen stables, resting barns, wandering sheds, and free-stall housing must be properly bedded and managed to prevent fly breeding.

(5) Milkrooms must be free of insects and rodents.

(6) Milkrooms must be effectively protected against the entrance of vermin.

(7) Exterior milkhouse doors must be tight and self-closing. Screen doors must open outward.

(8) Insecticides and rodenticides not approved for use in the milkhouse may not be stored in the milkhouse.

(9) Only insecticides and rodenticides approved for use by the department and registered with the U.S. Environmental Protection Agency may be used for insect and rodent control.

(10) Insecticides and rodenticides must be applied in accordance with state pesticide law, the manufacturer's label directions, and to prevent the contamination of milk, milk containers, equipment, utensils, feed, and water.

§217.33. *Records.*

(a) Records for the production, processing, bottling, and all sales of Grade A raw milk and Grade A raw milk products must be maintained and provided to the department, upon request, and must include the following.

(1) The monitoring of all temperature controls during the production, processing, bottling, sale, and delivery.

(2) The corrective actions taken when there is a failure to maintain product at the required temperature of 45 degrees Fahrenheit (7 degrees Celsius).

(3) The amount of Grade A raw milk and Grade A raw milk products produced daily.

(4) The amount of Grade A raw milk and Grade A raw milk products processed daily.

(5) The amount of Grade A raw milk and Grade A raw milk products sold and delivered daily.

(6) The batch number for each Grade A raw milk and Grade A raw milk product that is bottled daily.

(7) Herd health records, which must be provided to the department annually.

(b) A processor must post the most recent lab results in the milk house or store front and notify customers that testing results performed in §217.26 of this title (relating to Examination of Grade A Raw Milk and Grade A Raw Milk Products) are available upon request. The previous six months testing results must be supplied to the customer within 24 hours of the request.

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

Filed with the Office of the Secretary of State on April 27, 2021.

TRD-202101662

Barbara L. Klein

General Counsel

Department of State Health Services

Effective date: May 17, 2021

Proposal publication date: December 18, 2020

For further information, please call: (512) 834-6758



TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 5. PROPERTY AND CASUALTY INSURANCE

SUBCHAPTER W. CONSUMER PROTECTION REQUIREMENTS CONSUMER BILL OF RIGHTS

28 TAC §5.9970, §5.9971

The Commissioner of Insurance adopts amended 28 TAC §5.9970 and new §5.9971, relating to the Consumer Bills of Rights for Personal Automobile Insurance (Auto Bill of Rights) and Homeowners, Dwelling, and Renters Insurance (Homeowners Bill of Rights). The bills of rights inform consumers about their rights related to their insurance policies. Under Insurance Code §501.156, the Office of Public Insurance Counsel (OPIC) sent petitions to the Texas Department of Insurance (TDI) requesting the adoption of updated Auto Bill of Rights and Homeowners Bill of Rights. Each provision in the updated bills of rights informs consumers about their rights related to their insurance policies.

The sections are adopted with changes to §5.9970 and §5.9971 and with changes to the text of the bills of rights included in each section as published in the January 22, 2021, issue of the *Texas Register* (46 TexReg 546). The sections will be republished.

Insurance companies may begin using the new bills of rights immediately after the effective date of the rule adoption. They must begin using them no later than November 15, 2021.

PETITION HISTORY. OPIC filed its original petition to adopt the Homeowners Bill of Rights on August 31, 2018. TDI posted the informal draft of the rule text and bill of rights on its website May 15, 2019, for public comment. TDI received eight comments. In response to these comments, and to make additional changes,

OPIC submitted a series of amended petitions. The current petition, filed on October 8, 2020, is available on TDI's website.

OPIC submitted its original petition to adopt the Auto Bill of Rights on August 22, 2019. TDI posted the informal draft of the rule text and bill of rights on its website March 30, 2020, for public comment. TDI received two comments. In response, OPIC filed an amended petition on June 8, 2020. This current petition is available on TDI's website.

REASONED JUSTIFICATION. The adoption order removes the Homeowners Bill of Rights from §5.9970 and adopts new §5.9971 to address the Homeowners Bill of Rights. The Auto Bill of Rights remains in §5.9970. The Homeowners Bill of Rights in new §5.9971 is consistent with the previous version. The only differences in the Auto and Homeowners Bills of Rights are those necessary to reflect changes in law and to rewrite them in plain language.

Personal lines insurers must distribute the appropriate bill of rights to each policyholder on issuance of a new policy or on renewal if the updated bill of rights was not previously sent.

Amending the existing rule and adopting a new section to separately address the Auto and Homeowners Bills of Rights gives more flexibility to customize each bill of rights. Updating the bills of rights ensures that insurers distribute current consumer rights information to policyholders.

Section 5.9970 includes nonsubstantive edits for improved clarity consistent with TDI style. Likewise, OPIC reorganized and rewrote the bills of rights in plain language, consistent with OPIC's plain language initiative, to make them easier for consumers to understand.

The adopted English and Spanish translations of the Auto and Homeowners Bills of Rights contain changes from the previous versions because of changes in statutes and rules that affect consumer rights. These include:

- Senate Bill 112, 83rd Legislature, 2013, which requires insurance companies to disclose deductibles on declarations pages;
- SB 698, 83rd Legislature, 2013, which adds deadlines for refunds of unearned premium; and
- SB 417, 85th Legislature, 2017, which requires insurance companies to give notice when they make material changes to insurance policies at renewal.

Amended §5.9970. As amended, §5.9970 addresses only the Auto Bill of Rights. The caption is revised and text related to the Homeowners Bill of Rights is removed. Subsection (b) is updated to reflect that the rule applies to the 2021 version of the Auto Bill of Rights rather than the 2012 version.

The updated English and Spanish translations of the Auto Bill of Rights are listed in subsection (b) as Figure 1: 28 TAC §5.9970(b) and Figure 2: 28 TAC §5.9970(b).

Current subsection (c) is divided into new subsections (c), (d), and (e) to make it easier to understand. The last sentence of the previous subsection (c) was deleted because that sentence did not impose a requirement.

The previous subsections (d) and (e), related to the Homeowners Bill of Rights, have been deleted.

New subsection (f) has been added to the text as proposed to allow a delay of approximately six-months before insurers must begin providing the updated Auto Bill of Rights. During that time,

insurers may provide the Auto Bill of Rights included in the section as amended or the Auto Bill of Rights included in the section as it existed before the amendment adopted with this order.

New §5.9971. New §5.9971 includes the Homeowners Bill of Rights, replacing the bill of rights deleted from §5.9970. The new English and Spanish translations of the Homeowners Bill of Rights are listed in subsection (b) as Figure 1: 28 TAC §5.9971(b) and Figure 2: 28 TAC §5.9971(b).

New subsection (f) has been added to the text as proposed to allow a delay of approximately six-months before insurers must begin providing the updated Homeowners Bill of Rights. During that time, insurers may provide the Homeowners Bill of Rights included in the new section as adopted or the Homeowners Bill of Rights included in §5.9970 as that section existed before the amendment adopted with this order.

SUMMARY OF COMMENTS AND AGENCY RESPONSE.

Commenter: TDI received written comments from Texas Farm Bureau Insurance.

Comments on §5.9970 and §5.9971

Comment: The commenter suggests clarifying the proposed wording in each bill of rights related to refund of remaining premium, as a scenario could occur where it is impossible to comply due to a consumer's request to backdate a cancellation.

Agency Response: TDI and OPIC agree with the comment and have clarified Section 18 of the Auto Bill of Rights and Section 17 of the Homeowners Bill of Rights to specify that the insurance company has 15 days to refund the remaining premium from the date the company receives notice of the cancellation, or the date of cancellation, whichever is later.

Comment: For Section 17 of the Homeowners Bill of Rights (concerning Refund of Premium), the commenter requests clarification on how a refund could be given as a premium credit on a cancelled policy and expresses concern that the wording conflicts with Insurance Code §558.002(d).

Agency Response: TDI and OPIC decline to make a change based on this comment because there is no conflict, as asserted by the commenter. Although Insurance Code §558.002(d) requires an insurance company to refund any unearned premium not later than the 15th business day after the effective date of cancellation or termination, unless the consumer requests otherwise, 28 TAC §5.7015 allows the company to refund unearned premium by applying it as a premium credit.

Comment: The commenter requests delaying the effective date of the proposed rules to allow companies additional time to incorporate the changes to the bills of rights.

Agency Response: TDI does not agree to delay the effective date, because companies that want to begin using the new bills of rights immediately should be allowed to do so. However, to also accommodate insurance companies that need more time, a new subsection (f) has been added to each section which allows insurers to begin providing the new bills of rights immediately, but that also allows them a period of approximately six months to provide the bills of right consistent with §5.9970 as it existed before adoption of this order. All insurers must begin providing the new bills of rights on November 15, 2021.

STATUTORY AUTHORITY. The Commissioner adopts amended 28 TAC §5.9970 and new 28 TAC §5.9971 under Insurance Code §§501.156, 2301.055, and 36.001.

Section 501.156 requires OPIC to submit to TDI for adoption a consumer bill of rights appropriate to each personal line of insurance TDI regulates.

Section 2301.055 grants the Commissioner the authority to adopt reasonable and necessary rules to implement regulation of insurance policy forms and endorsements for personal automobile insurance and residential property insurance.

Section 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.

§5.9970. *Personal Automobile Insurance Consumer Bill of Rights.*

(a) For purposes of this section, "insurer" means an insurance company, reciprocal or interinsurance exchange, mutual insurance company, capital stock company, county mutual insurance company, Lloyd's plan, or other legal entity authorized to write personal automobile insurance in this state. The term includes an affiliate, as described by Insurance Code §823.003(a), if that affiliate is authorized to write and is writing personal automobile insurance in this state.

(b) The Texas Department of Insurance adopts the 2021 version of the Consumer Bill of Rights - Personal Automobile Insurance (Auto Bill of Rights), and the Spanish language translation, as developed and submitted by the Office of Public Insurance Counsel:

Figure 1: 28 TAC §5.9970(b)

Figure 2: 28 TAC §5.9970(b)

(c) All insurers writing personal automobile insurance policies must provide with each new policy of personal automobile insurance a copy of the 2021 version of the Auto Bill of Rights. At the consumer's request, the insurer may provide an electronic copy of the Auto Bill of Rights instead of a hard copy. The insurer must provide the Auto Bill of Rights with each renewal notice for personal automobile insurance unless the insurer has previously provided the policyholder with the 2021 version of the Auto Bill of Rights.

(d) The Auto Bill of Rights must appear in no less than 10-point type and be on separate pages with no other text on those pages.

(e) Insurers must provide the Spanish language version of the 2021 version of the Auto Bill of Rights to any consumer who requests it.

(f) Insurers must provide the applicable Auto Bill of Rights included in this section beginning November 15, 2021. Before that date, insurers may provide the Auto Bill of Rights either as it is currently included in this section or as it was included in this section as the section was amended to be effective January 31, 2013.

§5.9971. *Homeowners, Dwelling, and Renters Insurance Consumer Bill of Rights.*

(a) For purposes of this section, "insurer" means an insurance company, reciprocal or interinsurance exchange, mutual insurance company, capital stock company, county mutual insurance company, Lloyd's plan, or other legal entity authorized to write residential property insurance in this state. The term includes an affiliate, as described by Insurance Code §823.003(a), if that affiliate is authorized to write and is writing residential property insurance in this state. The term does not include the Texas Windstorm Insurance Association or the Texas Fair Plan Association.

(b) The Texas Department of Insurance adopts the 2021 version of the Consumer Bill of Rights - Homeowners, Dwelling, and Renters Insurance (Homeowners Bill of Rights), and the Spanish language translation, as developed and submitted by the Office of Public Insurance Counsel:

Figure 1: 28 TAC §5.9971(b)

Figure 2: 28 TAC §5.9971(b)

(c) All insurers writing homeowners, dwelling, or renters insurance must provide with each new policy of any such insurance a copy of the 2021 version of the Homeowners Bill of Rights. At the consumer's request, the insurer may provide an electronic copy of the Homeowners Bill of Rights instead of a hard copy. The insurer must provide the Homeowners Bill of Rights with each renewal notice for any such insurance unless the insurer has previously provided the policyholder with the 2021 version of the Homeowners Bill of Rights.

(d) The Homeowners Bill of Rights must appear in no less than 10-point type and be on separate pages with no other text on those pages.

(e) The insurer must provide the Spanish language version of the 2021 version of the Homeowners Bill of Rights - Revised 2021 to any consumer who requests it.

(f) Insurers must provide the applicable Homeowners Bill of Rights included in this section beginning November 15, 2021. Before that date, insurers may provide the Homeowners Bill of Rights either as it is currently included in this section or as it was included in §5.9970 of this title as that section was amended to be effective January 31, 2013.

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, 2021.

TRD-202101657

James Person

General Counsel

Texas Department of Insurance

Effective date: May 16, 2021

Proposal publication date: January 22, 2021

For further information, please call: (512) 676-6587



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 15. DRIVER LICENSE RULES

SUBCHAPTER B. APPLICATION

REQUIREMENTS--ORIGINAL, RENEWAL, DUPLICATE, IDENTIFICATION CERTIFICATES

37 TAC §§15.27, 15.28, 15.39

The Texas Department of Public Safety (the department) adopts the repeal of §§15.27, 15.28, and 15.39, concerning Application Requirements--Original, Renewal, Duplicate, Identification Certificates. These repeals are adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1357) and will not be republished.

These repeals are necessary because the currently applicable rule language is included in newly proposed rules §15.27 and §15.28 that consolidate and streamline general issuance requirements for minor driver licenses.

No comments were received regarding the adoption of these repeals.

These repeals are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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

Filed with the Office of the Secretary of State on April 29, 2021.

TRD-202101707

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: May 19, 2021

Proposal publication date: February 26, 2021

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



37 TAC §15.27, §15.28

The Texas Department of Public Safety (the department) adopts new §15.27 and §15.28, concerning Application Requirements--Original, Renewal, Duplicate, Identification Certificates. These rules are adopted without changes to the proposed text as published in the February 26, 2021, issue of the *Texas Register* (46 TexReg 1358). The rules will not be republished.

Current driver license rules relating to driver education and the issuance of driver licenses to minors contain redundant and outdated information. Newly adopted §15.27 and §15.28 consolidate the general issuance requirements for minor driver licenses and update rule language to conform with current state law. Adopted §15.27 and §15.28 combine relevant information from current §15.27, Signature by Parent or Guardian for a Driver License; §15.39, Verification of Enrollment and Attendance; §18.1, General Requirements for Driver Education and Issuance of Learner and Provisional Driver Licenses; §18.2, Requirements for Learner License; and §18.3, Requirements for a Provisional License, all of which are being simultaneously repealed. These rules also remove restrictions to online and alternative transactions for minor license holders.

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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

Filed with the Office of the Secretary of State on April 29, 2021.

TRD-202101708

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: May 19, 2021

Proposal publication date: February 26, 2021

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



SUBCHAPTER C. EXAMINATION REQUIREMENTS

37 TAC §15.57

The Texas Department of Public Safety (the department) adopts the repeal of §15.57 concerning Restrictions, Physical. This repeal is adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1360) and will not be republished.

The new rule is proposed simultaneously with the repeal of the current §15.57. The new rule updates outdated language to conform the rule with current law. Specifically, references to moped and motor-driven cycle licenses were removed as well as references to vehicle restrictions not related to the rule title.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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

Filed with the Office of the Secretary of State on April 29, 2021.

TRD-202101709

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: May 19, 2021

Proposal publication date: February 26, 2021

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



37 TAC §15.57

The Texas Department of Public Safety (the department) adopts new §15.57, concerning Restrictions, Physical. This rule is adopted without changes to the proposed text as published in the February 26, 2021, issue of the *Texas Register* (46 TexReg 1361) and will not be republished.

The new rule is proposed simultaneously with the repeal of the current §15.57. The new rule updates outdated language to conform the rule with current law. Specifically, references to moped and motor-driven cycle licenses were removed as well as references to vehicle restrictions not related to the rule title.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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

Filed with the Office of the Secretary of State on April 29, 2021.

TRD-202101710

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: May 19, 2021

Proposal publication date: February 26, 2021

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



37 TAC §15.64

The Texas Department of Public Safety (the department) adopts new §15.64, concerning Examinations Administered by Other Entities. This rule is adopted without changes to the proposed text as published in the February 26, 2021, issue of the *Texas Register* (46 TexReg 1362) and will not be republished.

This rule replaces §18.4, Examinations Administered by a Driver Education School or Parent Taught Driver Education Course Provider, which is simultaneously being proposed for repeal.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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

Filed with the Office of the Secretary of State on April 29, 2021.

TRD-202101711

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: May 19, 2021

Proposal publication date: February 26, 2021

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



CHAPTER 18. DRIVER EDUCATION SUBCHAPTER A. ISSUANCE AND EXAMINATION REQUIREMENTS FOR LEARNER AND PROVISIONAL LICENSES

37 TAC §§18.1 - 18.4

The Texas Department of Public Safety (the department) adopts the repeal of §§18.1 - 18.4, concerning Issuance and Examination Requirements for Learner and Provisional Licenses. These repeals are adopted without changes to the proposed text as published in the February 26, 2021 issue of the *Texas Register* (46 TexReg 1363) and will not be republished.

New rules are simultaneously proposed to update the language and incorporate information from Chapter 18, Driver Education into Chapter 15, Driver License Rules. The relevant information from repealed §§18.1 - 18.4 is included in proposed new §15.27, §15.28, and §15.64.

No comments were received regarding the adoption of these repeals.

These repeals are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work and Texas Transportation Code, §521.005,

which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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

Filed with the Office of the Secretary of State on April 29, 2021.

TRD-202101712

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: May 19, 2021

Proposal publication date: February 26, 2021

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





REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

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

Proposed Rule Reviews

Texas Department of Agriculture

Title 4, Part 1

The Texas Department of Agriculture (the Department) files this notice of intent to review Texas Administrative Code, Title 4, Part 1, Chapter 1, Subchapter Q, Protest of Contract Awards or Agency Procurement Procedures. This review is being conducted in accordance with the requirements of Texas Government Code §2001.039 (Agency Review of Existing Rules).

The Department will consider whether the initial factual, legal, and policy reasons for adopting each rule continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

Written comments pertaining to this rule review may be submitted by mail to Danielle Mitchell, Assistant General Counsel, at Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711-2847 or by email at Danielle.Mitchell@TexasAgriculture.gov. The deadline for comments is 30 days after publication of this notice in the *Texas Register*.

TRD-202101753

Skyler Shafer

Assistant General Counsel

Texas Department of Agriculture

Filed: May 4, 2021



Texas Department of Insurance, Division of Workers' Compensation

Title 28, Part 2

Chapters 160, 165, 166, and 180

The Texas Department of Insurance, Division of Workers' Compensation (DWC) will review all sections in 28 Texas Administrative Code Chapters 160, 165, 166, and 180. This review will be in accordance with the requirements for periodic rule review under Texas Government Code §2001.039.

DWC will consider whether the initial reasons for adopting these rules continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

To comment on this rule review project, submit your written comments by 5:00 p.m., central time, on June 14, 2021. Comments received after that date will not be considered.

Clearly specify the rule section your comment applies to and include proposed alternative language as appropriate. Designate general comments as such.

Email your comments to RuleComments@tdi.texas.gov or mail or deliver them to:

Cynthia Guillen

Legal Services, MS-4D

Texas Department of Insurance, Division of Workers' Compensation

7551 Metro Center Drive, Suite 100

Austin, Texas 78744-1645.

In future rulemaking, we may consider any suggested repeals or amendments identified during this rule review under the Administrative Procedure Act in Texas Government Code Chapter 2001.

TRD-202101722

Kara Mace

Deputy Commissioner of Legal Services

Texas Department of Insurance, Division of Workers' Compensation

Filed: May 3, 2021



Texas State Soil and Water Conservation Board

Title 31, Part 17

The Texas State Soil and Water Conservation Board (State Board) proposes its notice of intent to review and consider for re-adoption, revision, or repeal Title 31, Texas Administrative Code, Part 17, Chapter 518, General Procedures, Subchapter A, Employee Training Rules, pursuant to the Texas Government Code §2001.039.

The State Board will consider whether the reasons for adopting the rules contained in this chapter continue to exist. As required by the Texas Government Code §2001.039, the State Board will accept comments as to whether the reasons for adopting Title 31, Texas Administrative Code, Part 17, Chapter 518, General Procedures, Subchapter A, Employee Training Rules, continue to exist.

The comment period on the review of Title 31, Texas Administrative Code Chapter 518, General Procedures, Subchapter A, Employee Training Rules begins with the publication in the *Texas Register*, and ends 30 days thereafter. Comments regarding this rule review maybe submitted to Liza Parker, Texas State Soil and Water Conservation Board, 1497 Country View Lane, Temple, Texas 76504. Comments may also be submitted electronically to lparker@tsswcb.texas.gov. Comments should be identified as "State Board Rule Review."

Any proposed amendments as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for the required public comment period prior to adoption or repeal by the commission.

TRD-202101720

Liza Parker

Policy Analyst/Legislative Liaison

Texas State Soil and Water Conservation Board

Filed: May 3, 2021



The Texas State Soil and Water Conservation Board (State Board) proposes its notice of intent to review and consider for re-adoption, revision, or repeal Title 31, Texas Administrative Code, Part 17, Chapter 527, Removal of a District Director, pursuant to the Texas Government Code §2001.039.

The State Board will consider whether the reasons for adopting the rules contained in this chapter continue to exist. As required by the Texas Government Code §2001.039, the State Board will accept comments as to whether the reasons for adopting Title 31, Texas Administrative Code, Part 17, Chapter 527, Removal of a District Director, continue to exist.

The comment period on the review of Title 31, Texas Administrative Code, Part 17, Chapter 527, Removal of a District Director, begins with the publication in the *Texas Register*, and ends 30 days thereafter. Comments regarding this rule review may be submitted to Liza Parker, Texas State Soil and Water Conservation Board, 1497 Country View Lane, Temple, Texas 76504. Comments may also be submitted electronically to lparker@tsswcb.texas.gov. Comments should be identified as "State Board Rule Review."

Any proposed amendments as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for the required public comment period prior to adoption or repeal by the commission.

TRD-202101721

Liza Parker

Policy Analyst/Legislative Liaison

Texas State Soil and Water Conservation Board

Filed: May 3, 2021



Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 101, Assessment, pursuant to the Texas Government Code, §2001.039. The rules in 19 TAC Chapter 101 are organized under the following subchapters: Subchapter A, General Provisions; Subchapter B, Implementation of Assessments; and Subchapter C, Local Option. The SBOE proposed the review of 19 TAC Chapter 101 in the March 5, 2021 issue of the *Texas Register* (46 TexReg 1513).

Relating to the review of 19 TAC Chapter 101, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter A. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 101, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 101, Subchapter C, the SBOE finds that the reasons for adopting Subchapter C continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter C. No changes are necessary as a result of the review.

TRD-202101771

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: May 5, 2021



The State Board of Education (SBOE) adopts the review of 19 Texas Administrative Code (TAC) Chapter 109, Budgeting, Accounting, and Auditing, pursuant to the Texas Government Code, §2001.039. The rules in 19 TAC Chapter 109 are organized under the following subchapters: Subchapter A, Budgeting, Accounting, Financial Reporting, and Auditing for School Districts; Subchapter B, Texas Education Agency Audit Functions; Subchapter C, Adoptions by Reference; and Subchapter D, Uniform Bank Bid or Request for Proposal and Depository Contract. The SBOE proposed the review of 19 TAC Chapter 109 in the March 5, 2021 issue of the *Texas Register* (46 TexReg 1513).

Relating to the review of 19 TAC Chapter 109, Subchapter A, the SBOE finds that the reasons for adopting Subchapter A continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter A.

Relating to the review of 19 TAC Chapter 109, Subchapter B, the SBOE finds that the reasons for adopting Subchapter B continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter B. It is anticipated that an amendment to 19 TAC §109.25, State Compensatory Education Program Reporting and Auditing System, will be presented for consideration at the June 2021 SBOE meeting. The amendment would update references to statutory citations that were renumbered by House Bill 3, 86th Texas Legislature, 2019.

Relating to the review of 19 TAC Chapter 109, Subchapter C, the SBOE finds that the reasons for adopting Subchapter C continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter C. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 109, Subchapter D, the SBOE finds that the reasons for adopting Subchapter D continue to exist and readopts the rules. The SBOE received no comments related to the review of Subchapter D. At its April 2021 meeting, the SBOE approved for second reading and final adoption an amendment to 19 TAC §109.41, Financial Accountability System Resource Guide, to adopt by reference the updated *Financial Accountability System Resource Guide*.

TRD-202101773

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: May 5, 2021



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 19 TAC §151.1001(b)(1)

Passing Standards for Early Childhood through Grade 6 Examinations

Test Code	Test Title	Total Points	Average Passing Standard (Average Raw Cut Score*)
801	Core Subjects EC-6 English Language Arts and Reading and the Science of Teaching Reading Texas Examinations of Educator Standards (TEXES)	65	40
802	Core Subjects EC-6 Mathematics TEXES	40	23
803	Core Subjects EC-6 Social Studies TEXES	35	20
804	Core Subjects EC-6 Science TEXES	45	29
805	Core Subjects EC-6 Fine Arts, Health, and Physical Education TEXES	45	25
901	Core Subjects EC-6 English Language Arts and Reading TEXES	38	22
902	Core Subjects EC-6 Mathematics TEXES	34	21
903	Core Subjects EC-6 Social Studies TEXES	34	19
904	Core Subjects EC-6 Science TEXES	38	23
905	Core Subjects EC-6 Fine Arts, Health, and Physical Education TEXES	34	20
292	Early Childhood: PK-3 TEXES (Selected-Response Portion) – prior to 9/6/2021	72	24
	Early Childhood: PK-3 TEXES (Constructed-Response Portion) – prior to 9/6/2021	NA	Complete**
<u>292</u>	<u>Early Childhood: PK-3 TEXES (Selected-Response Portion) – on or after 9/6/2021</u>	<u>72</u>	<u>45</u>
	<u>Early Childhood: PK-3 TEXES (Constructed-Response Portion) – on or after 9/6/2021</u>	<u>8</u>	<u>4</u>
293	Science of Teaching Reading TEXES (Selected-Response Portion) – prior to 9/6/2021	72	24
	Science of Teaching Reading TEXES (Constructed-Response Portion) – prior to 9/6/2021	NA	Complete**
<u>293</u>	<u>Science of Teaching Reading TEXES (Selected-Response Portion) – on or after 9/6/2021</u>	<u>72</u>	<u>39</u>
	<u>Science of Teaching Reading TEXES (Constructed-Response Portion) – on or after 9/6/2021</u>	<u>8</u>	<u>4</u>

*Actual raw cut scores may vary slightly from form to form. The average is based on all active forms.

**Complete is defined as a full and complete scorable response that must address the specific

requirements of the item, be of sufficient length to respond to the requirements of the item, be original work and written in the candidate’s own words (however, candidates may use citations when appropriate), and conform to the standards of written English.

Figure: 19 TAC §151.1001(b)(2)

Passing Standards for Grades 4-8 Examinations

Test Code	Test Title	Total Points	Average Passing Standard (Average Raw Cut Score*)
113	English Language Arts and Reading/Social Studies 4-8 Texas Examinations of Educator Standards (TEExES)	100	62
114	Mathematics/Science 4-8 TEExES	100	70
115	Mathematics 4-8 TEExES	80	53
116	Science 4-8 TEExES	80	57
117	English Language Arts and Reading 4-8 TEExES	80	52
118	Social Studies 4-8 TEExES	80	53
	<u>English Language Arts and Reading 4-8 TEExES (Selected-Response Portion) – prior to 9/2/2022</u>	<u>72</u>	<u>24</u>
217	<u>English Language Arts and Reading 4-8 TEExES (Constructed-Response Portion) – prior to 9/2/2022</u>	<u>NA</u>	<u>Complete**</u>
806	Core Subjects 4-8: English Language Arts and Reading TEExES	65	41
807	Core Subjects 4-8 Mathematics TEExES	35	18
808	Core Subjects 4-8 Social Studies TEExES	35	19
809	Core Subjects 4-8 Science TEExES	35	23

*Actual raw cut scores may vary slightly from form to form. The average is based on all active forms.

**Complete is defined as a full and complete scorable response that must address the specific requirements of the item, be of sufficient length to respond to the requirements of the item, be original work and written in the candidate’s own words (however, candidates may use citations when appropriate), and conform to the standards of written English.

Figure: 19 TAC §151.1001(c)

Passing Standards for Student Services Examinations

Test Code	Test Title	Max Points	Average Passing Standard (Average Raw Cut Score*)
085	Master Reading Teacher EC-12 Texas Examinations for Master Teachers (TExMaT)	98	69
086	Master Technology Teacher EC-12 TExMaT	120	85
087	Master Mathematics Teacher EC-4 TExMaT	123	88
088	Master Mathematics Teacher 4-8 TExMaT	120	86
089	Master Mathematics Teacher 8-12 TExMaT	107	78
090	Master Science Teacher EC-4 TExMaT	126	90
091	Master Science Teacher 4-8 TExMaT	133	91
092	Master Science Teacher 8-12 TExMaT	114	81
150	School Librarian Texas Examinations of Educator Standards (TExES)	80	58
151	Reading Specialist TExES	80	45
152	School Counselor TExES	80	56
	School Counselor EC-12 TExES (Selected-Response Portion) – prior to 5/3/2022	72	24
252	School Counselor EC-12 TExES (Constructed-Response Portion) – prior to 5/3/2022	NA	Complete**
153	Educational Diagnostician TExES	80	55
	Educational Diagnostician EC-12 TExES (Selected-Response Portion) – prior to 9/6/2021	72	24
253	Educational Diagnostician EC-12 TExES (Constructed-Response Portion) – prior to 9/6/2021	NA	Complete**
	<u>Educational Diagnostician EC-12 TExES (Selected-Response Portion) – on or after 9/6/2021</u>	<u>72</u>	<u>48</u>
<u>253</u>	<u>Educational Diagnostician EC-12 TExES (Constructed-Response Portion) – on or after 9/6/2021</u>	<u>8</u>	<u>4</u>

*Actual raw cut scores may vary slightly from form to form. The average is based on all active forms.

**Complete is defined as a full and complete scorable response that must address the specific requirements of the item, be of sufficient length to respond to the requirements of the item, be original work and written in the candidate’s own words (however, candidates may use citations when appropriate), and conform to the standards of written English.

For test code 085, an examinee must attain at least the raw cut score and a score of 3 or more on the case study assignment to pass.

Figure: 19 TAC §151.1001(d)

Passing Standards for Administrator Examinations

Test Code	Test Title	Max Points	Average Passing Standard (Average Raw Cut Score*)
068	Principal Texas Examinations of Educator Standards (TExES)	100	72
195	Superintendent TExES	80	55
268	Principal as Instructional Leader TExES (Selected-Response Portion) – prior to 9/1/2021	58	36
	Principal as Instructional Leader TExES (Constructed-Response Portion) – prior to 9/1/2021	32	20
268	Principal as Instructional Leader TExES (Selected-Response Portion) – on or after 9/1/2021	58	36 39
	Principal as Instructional Leader TExES (Constructed-Response Portion) – on or after to 9/1/2021	32	20 22
368	Performance Assessment for School Leaders (PASL), Educational Testing Service (ETS)	64	42
968	Principal as Instructional Leader TExES Pilot Examination	NA	Complete

*Actual raw cut scores may vary slightly from form to form. The average is based on all active forms.

CONSUMER BILL OF RIGHTS

Personal Automobile Insurance

What is the Bill of Rights?

It is a basic outline of important rights you have under Texas law. Insurance companies must give you this Bill of Rights with your policy. It is important to read and understand your policy.

The Bill of Rights is not:

- A complete list of all your rights,
- Part of your policy, or
- A list of everything that you are responsible for.

Questions about these rights?

- If you are not sure about anything in your policy, ask your agent or insurance company.
- If you have questions or a complaint, contact the Texas Department of Insurance (TDI):

Call with a question: 1-800-252-3439

Email with a question: ConsumerProtection@tdi.texas.gov

File a complaint through the website:

www.tdi.texas.gov/consumer/get-help-with-an-insurance-complaint.html

File a complaint by mail: Consumer Protection MC 111-1A

P.O. Box 12030

Austin, TX 78711-2030

- To learn more about insurance, visit www.opic.texas.gov or call the Office of Public Insurance Counsel (OPIC) at 1-877-611-6742.

AVISO: Este documento es un resumen de sus derechos como asegurado. Tiene derecho a llamar a su compañía de seguros y obtener una copia de estos derechos en español. Además, puede ser que su compañía de seguros tenga disponible una versión de su póliza en español.

Table of Contents

Where to Get Information	3
1. Your insurance company.....	3
2. Your declarations page.....	3
3. The Texas Department of Insurance (TDI).....	3
4. Resources for shopping for insurance.....	3
What You Should Know When You File a Claim	3
5. Choice of repair shop and replacement parts	3
6. Auto repair notice requirements	3
7. Deadlines for processing claims and payments.....	3
8. Written explanation of claim denial	4
9. Information not required for processing your claim	4
10. Reasonable investigation.....	4
11. Deductible recovery	4
12. Notice of liability claim settlement	4
Who to Contact for Claim Disagreements	4
13. Claim disagreements	4
What You Should Know about Renewal, Cancellation, and Nonrenewal	4
14. Offer of uninsured/underinsured motorist and personal injury protection coverages.....	5
15. Insurance company cancellation of personal automobile policies	5
16. Notice of cancellation.....	5
17. Your right to cancel.....	5
18. Refund of premium	5
19. Limits on using claims history to change premium	5
20. Timing of nonrenewal.....	5
21. Notice of nonrenewal.....	5
22. Not-at-fault claims	6
23. Limit on using credit information to nonrenew your policy.....	6
24. Limit on using age to nonrenew your policy.....	6
25. Protections from discrimination	6
26. Right to ask questions.....	6
27. Notice of a “material change” to your policy	6
28. Written explanation of cancellation or nonrenewal.....	7

Where to Get Information

1. **Your insurance company.** When you get a copy of your policy you will also get an “Important Notice” from the company. The notice explains how to contact your company and how to file a complaint. You may request a complete copy of your policy from your company at any time.
2. **Your declarations page.** The declarations page, also called the “dec page,” shows: (a) the name and address of your insurance company, (b) the dates your policy is in effect, (c) the insured vehicles and drivers, (d) any excluded drivers, (e) the amounts and types of coverage, and (f) your deductibles.
3. **The Texas Department of Insurance (TDI).** You have the right to call TDI for free at 1-800-252-3439 for information and help with a complaint against an insurer. You can also find information on the TDI website at www.tdi.texas.gov.
4. **Resources for shopping for insurance.** The Office of Public Insurance Counsel (OPIC) and TDI developed www.HelpInsure.com to help you compare rates and coverages for different insurance companies. OPIC also has an online tool to help you compare policies. You can find this policy comparison tool at www.opic.texas.gov.

What You Should Know When You File a Claim

5. **Choice of repair shop and replacement parts.** You have the right to choose the repair shop and parts for your vehicle. An insurance company may not specify the brand, type, kind, age, vendor, supplier, or condition of parts or products used to repair your auto, but they are not required to pay more than a reasonable amount.
6. **Auto repair notice requirements.** The insurance company must provide you a document about your rights regarding auto repairs as follows:
 - **Claims submitted by telephone:** Written notice within 3 business days or verbal notice during the call, followed by written notice within 15 business days;
 - **Claims submitted in person:** Written notice at the time you present your vehicle to an insurer, an insurance adjuster, or other person in connection with a claim for repair; or
 - **Claims submitted in writing (including email and fax):** Written notice must be provided within 3 business days of the insurance company receiving notice of the claim.
7. **Deadlines for processing claims and payments.** When you file a claim on your own policy, the insurance company must meet these deadlines:
 - **Within 15 days after you file a claim:** The company must let you know they received your claim. The company must also start their investigation and ask you for any other information they need.
 - **Within 15 business days after they get all the information they need:** The company must approve or deny your claim in writing. They can extend this deadline up to **45 days** from the date they: (a) let you know they need more time and (b) tell you why.
 - **Within 5 business days after they let you know your claim is approved:** The company must pay the claim.

Note: TDI can extend these deadlines by 15 more days if there is a weather-related catastrophe.

If your company fails to meet these deadlines, you may be able to collect the claim amount, interest, and attorney's fees.

- 8. Written explanation of claim denial.** Your insurance company must tell you in writing why your claim or part of your claim was denied.
- 9. Information not required for processing your claim.** Your insurance company can only ask for information reasonably needed for their claim investigation. However, they cannot ask for your federal income tax returns unless: (a) they get a court order or (b) your claim involves a fire loss, loss of profits, or lost income.
- 10. Reasonable investigation.** Your insurance company cannot refuse to pay your claim without a reasonable investigation of the claim. You should keep records of all claim communications (including notes from phone calls) and other claim documentation (including damage estimates and receipts).
- 11. Deductible recovery.** If another person may be liable for the damage to your auto and you (a) filed a claim, and (b) paid or owe a deductible on your own policy, then your insurance company must:
 - Take action to recover your deductible no later than 1 year from when your claim is paid; or
 - Refund your deductible; or
 - Notify you that they will not take action and allow you to try to collect your money (a) within 1 year from that date your claim is paid, or (b) at least 90 days before the statute of limitations expires (whichever date comes first).
- 12. Notice of liability claim settlement.** Liability means you are responsible for other people's injuries or damage to their property. Your insurance company must let you know in writing:
 - About the first offer to settle a claim against you within **10 days** after the offer is made.
 - About any claim settled against you within **30 days** after the date of the settlement.

Who to Contact for Claim Disagreements

- 13. Claim disagreements.** You can dispute the amount of your claim payment or what is covered under your policy. You can:
 - Contact your insurance company.
 - Contact the repair person or shop.
 - Contact an attorney to advise you of your rights under the law. The State Bar of Texas can help you find an attorney.
 - Pay a qualified appraiser to examine the damage to your property.
 - File a complaint with TDI.

What You Should Know about Renewal, Cancellation, and Nonrenewal

Renewal means that your insurance company is extending your policy for another term.

Cancellation means that, **before the end of the policy period**, the insurance company:

- Terminates the policy;

- Gives you less coverage or limits your coverage; or
- Refuses to give additional coverage that you are entitled to under the policy.

“Refusal to renew” and **“nonrenewal”** are terms that mean your coverage ends **at the end of the policy period**. The policy period is shown on the declarations page of your policy.

14. Offer of uninsured/underinsured motorist and personal injury protection coverages. Insurance companies must offer you Uninsured/Underinsured Motorist (UM/UIM) and Personal Injury Protection (PIP) coverage on a new policy. If you decline them, it must be in writing. The company is not required to reoffer these coverages upon renewal, but you may request them at any time.

15. Insurance company cancellation of personal automobile policies. If your policy has been in effect for **60 days or more**, your company can only cancel your policy if:

- You don’t pay your premium when it is due;
- You file a fraudulent claim;
- TDI decides that keeping the policy violates the law;
- Your driver’s license or vehicle registration is suspended or revoked (unless you agree to exclude coverage for yourself as a driver under the policy); or
- Any driver who lives with you, or who usually drives a vehicle covered by the policy, has their driver’s license or vehicle registration suspended or revoked (unless you agree to exclude coverage for that person as a driver under the policy).

16. Notice of cancellation. If your insurance company cancels your policy, they must let you know by mail at least **10 days** before the effective date of the cancellation. Check your policy because your company may give you more than 10 days' notice.

17. Your right to cancel. You can cancel your policy at any time and get a refund of the unused premium.

18. Refund of premium. If you or your insurance company cancel your policy, the company must refund any unused premium within 15 business days from:

- the date the company receives notice of the cancellation or
- the date of cancellation, whichever is later.

You must let your company know you want the refund sent to you. If not, they may refund the remaining premium by giving you a premium credit on the same policy.

19. Limits on using claims history to change premium. Your insurance company can’t change your premium solely because of a claim you file that is not paid or payable under your policy.

20. Timing of nonrenewal. Your insurance company must renew your policy until it has been in effect for 1 year. If your policy is renewed, your company must continue to renew your policy until the yearly anniversary of the original effective date.

For example, if your six-month policy was originally effective on January 1, 2050, your company must renew your policy until January 1, 2051. After that, your company may only refuse to renew your policy on the original effective date (in this example, January 1) of any future year.

21. Notice of nonrenewal. Your insurance company must send you a notice that they are not renewing your policy. They must let you know at least **30 days** before your policy expires, or you can require them to

renew your policy.

- 22. Not-at-fault claims.** Your insurance company cannot refuse to renew your policy solely because of any one of the following:
- Claims involving damage from a weather-related incident that do not involve a collision, like damage from hail, wind, or flood.
 - Accidents or claims involving damage by contact with animals.
 - Accidents or claims involving damage caused by flying gravel, missiles, or other flying objects. However, if you have 3 of these claims in a three-year period, the company may increase your deductible on your next annual renewal date.
 - Towing and labor claims. However, once you have made 4 of these claims in a three-year period, the company may remove this coverage from your policy on your next annual renewal date.
 - Any other accident or claim that cannot reasonably be considered your fault, unless you have 2 of these claims or accidents in a one-year period.
- 23. Limit on using credit information to nonrenew your policy.** An insurance company cannot refuse to renew your policy solely because of your credit.
- 24. Limit on using age to nonrenew your policy.** An insurance company cannot refuse to renew your policy based solely on the age of any person covered by the policy. Your company also cannot require you to exclude a family member from coverage solely because they reached driving age.
- 25. Protections from discrimination.** An insurance company cannot refuse to insure you; limit the coverage you buy; refuse to renew your policy; or charge you a different rate based on your race, color, creed, country of origin, or religion.
- 26. Right to ask questions.** You can ask your insurance company a question about your policy. They cannot use your questions to deny, nonrenew, or cancel your coverage. Your questions also cannot be used to determine your premium.
- For example, you may ask:
- General questions about your policy;
 - Questions about the company's claims filing process; and
 - Questions about whether the policy will cover a loss, unless the question is about damage: (a) that occurred and (b) that results in an investigation or claim.
- 27. Notice of a "material change" to your policy.** If your insurance company does not want to cancel or nonrenew your policy, but wants to make certain material changes, then they must explain the changes in writing at least **30 days** before the annual renewal date. Material changes include:
- Giving you less coverage;
 - Changing a condition of coverage; or
 - Changing what you are required to do.

Instead of a notice of "material change" a company may choose to not renew your existing policy. If so, the company has to send a nonrenewal letter, but may still offer you a different policy.

Note: A company cannot reduce coverage during the policy period unless you ask for the change. If you ask for the change, the company does not have to send you a notice.

28. Written explanation of cancellation or nonrenewal. You can ask your insurance company to tell you in writing the reasons for their decision to cancel or not renew your policy. The company must explain in detail why they cancelled or nonrenewed your policy.

DECLARACIÓN DE DERECHOS DEL CONSUMIDOR

Seguro de Automóvil Personal

¿Qué es la Declaración de Derechos?

Es un resumen básico de los derechos importantes que tiene bajo la ley de Texas. Las compañías de seguros tienen que darle una copia de esta Declaración de Derechos junto con su póliza. Es importante leer y entender su póliza.

La Declaración de Derechos *no es*:

- Una lista completa de todos sus derechos,
- Parte de su póliza, o
- Una lista de todas sus obligaciones.

¿Tiene preguntas sobre estos derechos?

- Si tiene una duda sobre algún aspecto de su póliza, consulte a su agente o a la compañía de seguros.
- Si tiene preguntas o alguna queja, comuníquese con el Departamento de Seguros de Texas (Texas Department of Insurance (TDI), por su nombre y siglas en inglés):

Para preguntas pro telefono, llame al: 1-800-252-3439

Para preguntas por correo electrónico: ConsumerProtection@tdi.texas.gov

Para presentar una queja a través del sitio web:

www.tdi.texas.gov/consumer/get-help-with-an-insurance-complaint.html

Para presentar una queja por correo: Consumer Protection MC 111-1A
P.O. Box 12030
Austin, TX 78711-2030

- Para obtener más información sobre seguros, visite www.opic.texas.gov/eses/pagina-principales/pagina-principal.html o llame a la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel (OPIC), por su nombre y siglas en inglés) al 1-877-611-6742.

AVISO: Si recibe algún documento en inglés, llame a su agente o compañía de seguros y pregunte si lo tienen disponible en español.

Tabla de Contenido

Dónde obtener información:	3
1. La compañía de seguros	3
2. La página de declaraciones.....	3
3. El Departamento de Seguros de Texas (TDI)	3
4. Recursos para ayudarlo a comprar seguro.....	3
Lo que debería saber al presentar una reclamación.....	3
5. Selección del taller de reparación y las piezas de repuesto	3
6. Avisos requeridos sobre la reparación de autos	3
7. Plazos para tramitar reclamaciones y pagos.....	3
8. Explicación por escrito de la denegación de la reclamación.....	4
9. Información no requerida para procesar su reclamación.....	4
10. Investigación razonable	4
11. Recuperación del deducible.....	4
12. Aviso de que se llegó a un acuerdo sobre la reclamación de responsabilidad	4
Con quién hablar si hay desacuerdos sobre las reclamaciones.....	4
13. Desacuerdos sobre reclamaciones	4
Lo que debería saber sobre la renovación, la cancelación y la no renovación.....	5
14. Oferta de cobertura de protección contra conductores sin seguro/con insuficiente seguro y de protección para reclamaciones de lesiones personales.....	5
15. Cancelación por parte de la compañía de seguros de su póliza de auto personal	5
16. Aviso de cancelación.....	5
17. Su derecho a cancelar	5
18. Reembolso de la prima	5
19. Limitación al uso de su historial de reclamaciones para hacer cambios a la prima.....	6
20. Fechas relacionadas a la no renovación.....	6
21. Aviso de no renovación	6
22. Reclamaciones sin culpa	6
23. Limitación al uso de información crediticia para no renovar su póliza	6
24. Limitación al uso de la edad para no renovar su póliza	6
25. Protecciones contra la discriminación	6
26. Derecho a hacer preguntas	6
27. Aviso de un "cambio material" a su póliza	7
28. Explicación por escrito de la cancelación o la no renovación.....	7

Dónde obtener información:

1. **La compañía de seguros.** Cuando reciba una copia de su póliza, también recibirá un "Aviso Importante" de la compañía. El aviso explica cómo ponerse en contacto con la compañía y cómo presentar una queja. Puede solicitar una copia completa de su póliza a la compañía en cualquier momento.
2. **La página de declaraciones.** La página de declaraciones, también llamada "página de dec," muestra:
(a) el nombre y la dirección de la compañía de seguros, (b) las fechas efectivas de su póliza, (c) los vehículos y conductores asegurados, (d) cualquier conductor que esté excluido, (e) las cantidades y tipos de cobertura, y (f) sus deducibles.
3. **El Departamento de Seguros de Texas (TDI).** Tiene derecho a llamar gratis a TDI al 1-800-252-3439 para obtener información y ayuda sobre una queja contra una aseguradora. También puede encontrar información en el sitio web de TDI en www.tdi.texas.gov.
4. **Recursos para ayudarlo a comprar seguro.** La Oficina del Asesor Público de Seguros (OPIC) y TDI establecieron el sitio web www.HelpInsure.com para ayudarlo a comparar tarifas y coberturas de diferentes compañías de seguros. OPIC también tiene una herramienta en línea para ayudarlo a comparar las pólizas. Puede encontrar esta herramienta de comparación de pólizas en www.opic.texas.gov.

Lo que debería saber al presentar una reclamación

5. **Selección del taller de reparación y las piezas de repuesto.** Tiene derecho a elegir el taller de reparación y las piezas para su vehículo. La compañía de seguros no puede especificar la marca, el estilo, el tipo, la edad, el surtidor, el proveedor o la condición de las piezas o productos utilizados para reparar su auto, pero la aseguradora no está obligada a pagar más del costo razonable.
6. **Avisos requeridos sobre la reparación de autos.** La compañía de seguros tiene que entregarle un documento acerca de sus derechos respecto a la reparación de autos, como se indica a continuación:
 - **Reclamaciones presentadas por teléfono:** Aviso por escrito dentro de los 3 días hábiles o aviso verbal durante la llamada, seguido de un aviso por escrito dentro de los 15 días hábiles;
 - **Reclamaciones presentadas en persona:** Aviso por escrito en el momento en que presente su vehículo a la compañía aseguradora, al ajustador de seguros o a cualquier otra persona acerca de una reclamación sobre reparaciones; o
 - **Reclamaciones presentadas por escrito (incluyendo correo electrónico y fax):** Aviso por escrito dentro de los 3 días hábiles a partir de la fecha en que la compañía de seguros recibe la notificación de la reclamación.
7. **Plazos para tramitar reclamaciones y pagos.** Cuando presente una reclamación bajo su propia póliza, la compañía de seguros tendrá que cumplir con los siguientes plazos:
 - **Dentro de los 15 días después de la presentación de una reclamación:** La compañía tendrá que informarle que recibió su reclamación. La compañía también tendrá que comenzar su investigación y pedirle cualquier otra información que necesita.
 - **Dentro de los 15 días hábiles después de recibir toda la información necesaria:** La compañía tendrá que aprobar o rechazar su reclamación por escrito. Pueden extender este plazo hasta 45 días a partir de la fecha en que: (a) le informan que necesitan más tiempo y (b) le indican la razón.
 - **Dentro de 5 días hábiles después de que le informen que su reclamación ha sido aprobada:** La compañía tendrá que pagar la reclamación.

Nota: TDI puede extender estos plazos por 15 días más si ocurre una catástrofe relacionada con el clima.

Si la compañía no cumple con estos plazos, podría recibir la cantidad especificado en la reclamación, así como los intereses y los honorarios de los abogados.

- 8. Explicación por escrito de la denegación de la reclamación.** La compañía de seguros tendrá que informarle por escrito por qué se rechazó su reclamación o alguna parte de su reclamación.
- 9. Información no requerida para procesar su reclamación.** La compañía de seguros puede solicitar únicamente información que sea razonablemente necesaria para hacer la investigación de su reclamación. Sin embargo, no pueden solicitar sus declaraciones de impuestos federales, a menos que: (a) obtengan una orden judicial o (b) su reclamación implique una pérdida por incendio, pérdida de ganancias o pérdida de ingresos.
- 10. Investigación razonable.** La compañía de seguros no puede negarse a pagar su reclamación sin hacer una investigación razonable de la reclamación. Debe mantener registros de todas las comunicaciones de reclamos (incluidas las notas de llamadas telefónicas) y otra documentación de reclamos (incluidos los estimados de daños y recibos).
- 11. Recuperación del deducible.** Si otra persona pudiera tener responsabilidad legal por el daño a su auto y usted (a) presentó una reclamación y (b) pagó o está obligado a pagar un deducible bajo su propia póliza, entonces su compañía de seguros tendrá que:
 - Tomar medidas para recuperar su deducible a más tardar 1 año después de que se paga su reclamación; o
 - Reembolsar su deducible; o
 - Informarle que no se tomarán más medidas y que le permitirán que usted trate de cobrar su dinero (a) dentro de 1 año a partir de la fecha en que se paga su reclamación, o (b) al menos 90 días antes de que se venza el plazo para tomar acción legal (lo que suceda primero).
- 12. Aviso de que se llegó a un acuerdo sobre la reclamación de responsabilidad.** Responsabilidad significa que usted es responsable de las lesiones o daños a la propiedad de otras personas. La compañía de seguros tiene que informarle por escrito:
 - Acerca de la primera oferta para resolver una reclamación contra usted dentro de los **10 días** después de la fecha en que se hizo la oferta.
 - Acerca de cualquier reclamación decidida en su contra dentro de los **30 días** después de la fecha del acuerdo.

Con quién hablar si hay desacuerdos sobre las reclamaciones

- 13. Desacuerdos sobre reclamaciones.** Puede disputar la cantidad que le pagan en su reclamación o lo que está cubierto en su póliza. Usted puede:
 - Comunicarse con la compañía de seguros.
 - Comunicarse con el técnico de reparaciones o con el taller.
 - Comunicarse con un abogado para que le aconseje sobre sus derechos bajo la ley. El Colegio de Abogados del Estado de Texas (The State Bar of Texas, por su nombre en inglés) puede ayudarlo a buscar un abogado.
 - Contratar a un tasador calificado para que examine los daños a su propiedad.

- Presentar una queja al Departamento de Seguros de Texas (TDI).

Lo que debería saber sobre la renovación, la cancelación y la no renovación

La **renovación** significa que la compañía de seguros extiende su póliza por un período adicional.

La **cancelación** significa que, **antes de llegar al final del período de la póliza**, la compañía de seguros:

- Termina la póliza;
- Le ofrece menos cobertura o limita su cobertura; o
- Se niega a darle cobertura adicional a la cual tiene derecho bajo su póliza.

"**Negar la renovación**" y "**no renovación**" son términos que significan que su cobertura termina **al final del período de la póliza**. El período de la póliza aparece en la página de declaraciones de su póliza.

14. Oferta de cobertura de protección contra conductores sin seguro/con insuficiente seguro y de protección para reclamaciones de lesiones personales. En una nueva póliza, las compañías de seguros tienen que ofrecerle cobertura de Protección contra Conductores sin Seguro o con Insuficiente Seguro (Uninsured Motorists Coverage (UM/UIM), por su nombre y siglas en inglés) y Protección para Lesiones Personales (Personal Injury Protection (PIP), por su nombre y siglas en inglés). Si rechaza esta cobertura, lo tiene que hacer por escrito. La compañía no está obligada a volver a ofrecerle estas coberturas al momento de la renovación, pero usted puede solicitarlas en cualquier momento.

15. Cancelación por parte de la compañía de seguros de su póliza de auto personal. Si su póliza ha estado vigente por **60 días o más**, la compañía solo puede cancelar su póliza si:

- No paga su prima en la fecha indicada;
- Presenta una reclamación fraudulenta;
- TDI decide que mantener la póliza viola la ley.
- Se le suspende o revoca su licencia de conducir o el registro de su vehículo (a menos que acepte excluirse a sí mismo de la cobertura como conductor bajo la póliza); o
- Se le suspende o revoca la licencia de conducir o el registro de vehículo a cualquier conductor que viva con usted, o que generalmente maneje un vehículo cubierto bajo la póliza (a menos que acepte excluir a esa persona de la cobertura como conductor bajo la póliza).

16. Aviso de cancelación. Si la compañía de seguros cancela su póliza, tendrá que informarle por correo al menos **10 días** antes de la fecha en que se haga efectiva la cancelación. Revise su póliza porque es posible que su compañía de seguros le ofrezca más de 10 días de notificación.

17. Su derecho a cancelar. Puede cancelar su póliza en cualquier momento y obtener un reembolso de la prima no utilizada.

18. Reembolso de la prima. Si usted o la compañía de seguros cancela su póliza, la compañía tendrá que reembolsarle cualquier prima no utilizada dentro de los 15 días hábiles a partir de:

- la fecha en que la compañía recibe la notificación de la cancelación, o
- la fecha de cancelación, la que sea posterior.

Tiene que informarle a la compañía que desea que se le envíe el reembolso. De lo contrario, podrían reembolsarle la prima restante ofreciéndole un crédito de prima en la misma póliza.

- 19. Limitación al uso de su historial de reclamaciones para hacer cambios a la prima.** La compañía de seguros no puede cambiar su prima solo porque presentó una reclamación que no le pagó o que no se le pudo pagar bajo su póliza.
- 20. Fechas relacionadas a la no renovación.** La compañía de seguros está obligada a renovar su póliza hasta que esté en vigencia por un año. Si le renuevan su póliza, la compañía de seguros tiene que seguir renovándola hasta llegar al aniversario de la fecha original en que se hizo efectiva.
- Por ejemplo, si su póliza de seis meses se hizo efectiva originalmente el 1 de enero del 2050, la compañía tiene que renovar su póliza hasta el 1 de enero del 2051. A partir de esa fecha, la compañía solo puede negarse a renovar su póliza en la fecha original en que se hizo efectiva (en este ejemplo, el 1 de enero) de cualquier año futuro.
- 21. Aviso de no renovación.** La compañía de seguros tiene que enviarle un aviso de que no van a renovar su póliza. Tendrá que informarle al menos **30 días** antes del vencimiento de su póliza, o usted puede exigir que renueven su póliza.
- 22. Reclamaciones sin culpa.** La compañía de seguros no puede negarse a renovar su póliza solo por darse uno de los siguientes hechos:
- Reclamaciones referentes a daños por accidentes relacionados al clima que no tienen que ver con un choque, tal como daños por granizo, viento o inundación.
 - Accidentes o reclamaciones que tengan que ver con daños por contacto con animales.
 - Accidentes o reclamaciones que tengan que ver con daños causados por grava voladora, proyectiles o algún otro objeto volador. Sin embargo, si tiene 3 reclamaciones de este tipo en un período de tres años, la compañía puede aumentar su deducible en su próxima fecha de renovación anual.
 - Reclamaciones para cubrir gastos de grúa y de mano de obra. Sin embargo, una vez que haya presentado 4 reclamaciones de este tipo en un período de tres años, la compañía puede eliminar esta cobertura de su póliza en su próxima fecha de renovación anual.
 - Cualquier otro accidente o reclamación que razonablemente no se pueda considerar que haya sido culpa suya, a menos que tenga 2 reclamaciones o accidentes de este tipo en un período de un año.
- 23. Limitación al uso de información crediticia para no renovar su póliza.** La compañía de seguros no puede negarse a renovar su póliza únicamente debido a la condición de su crédito.
- 24. Limitación al uso de la edad para no renovar su póliza.** La compañía de seguros no puede negarse a renovar su póliza basándose únicamente en la edad de cualquier persona cubierta bajo la póliza. Su compañía tampoco puede exigirle que excluya a un miembro de su familia de la cobertura únicamente porque llegó a la edad de conducir.
- 25. Protecciones contra la discriminación.** La compañía de seguros no puede negarse a asegurarle; limitar la cobertura que compra; negar la renovación de su póliza; o cobrarle una tarifa diferente debido a su raza, color, creencia, país de origen o religión.
- 26. Derecho a hacer preguntas.** Puede hacerle una pregunta a la compañía de seguros sobre su póliza. No pueden usar sus preguntas para denegar, no renovar o cancelar su cobertura. Sus preguntas tampoco se pueden utilizar para determinar su prima.
- Por ejemplo, puede hacer:
- Preguntas generales sobre su póliza;

- Preguntas sobre el proceso de presentación de reclamaciones de la compañía; y
- Preguntas sobre si la póliza cubrirá una pérdida, a menos que la pregunta sea sobre un daño: (a) que ocurrió y (b) que resulta en una investigación o reclamación.

27. Aviso de un "cambio material" a su póliza. Si la compañía de seguros no quiere cancelar o no renovar su póliza, pero desea hacer ciertos cambios materiales o importantes, tendrá que explicar los cambios por escrito al menos **30 días** antes de la fecha anual de renovación. Los cambios materiales incluyen:

- Ofrecerle menos cobertura;
- Cambiar una condición de la cobertura; o
- Cambiar lo que se requiere que usted haga.

En lugar de un aviso de "cambio material", la compañía puede optar por no renovar su póliza existente. Si es así, la compañía tiene que enviar una carta de no renovación, pero todavía puede ofrecerle una póliza diferente.

Nota: La compañía no puede reducir la cobertura durante el período de la póliza a menos que usted solicite el cambio. Si usted solicita el cambio, la compañía no tiene que enviarle un aviso.

28. Explicación por escrito de la cancelación o la no renovación. Puede pedirle a la compañía de seguros que le informen por escrito los motivos de su decisión de cancelar o de no renovar su póliza. La compañía tendrá que darle una explicación detallada de por qué cancelaron o no renovaron su póliza.

CONSUMER BILL OF RIGHTS

Homeowners, Dwelling, and Renters Insurance

What is the Bill of Rights?

It is a basic outline of important rights you have under Texas law. Insurance companies must give you this Bill of Rights with your policy. It is important to read and understand your policy.

The Bill of Rights is not:

- A complete list of all your rights,
- Part of your policy, or
- A list of everything that you are responsible for.

Questions about these rights?

- If you are not sure about anything in your policy, ask your agent or insurance company.
- If you have questions or a complaint, contact the Texas Department of Insurance (TDI) at:

Call with a question: 1-800-252-3439

Email with a question: ConsumerProtection@tdi.texas.gov

File a complaint through the website:

www.tdi.texas.gov//consumer/get-help-with-an-insurance-complaint.html

File a complaint by mail: Consumer Protection MC 111-1A

P.O. Box 12030

Austin, TX 78711-2030

- To learn more about insurance, visit www.opic.texas.gov or call the Office of Public Insurance Counsel (OPIC) at 1-877-611-6742.

AVISO: Este documento es un resumen de sus derechos como asegurado. Tiene derecho a llamar a su compañía de seguros y obtener una copia de estos derechos en español. Además, puede ser que su compañía de seguros tenga disponible una versión de su póliza en español.

Table of Contents

Where to Get Information..... 2

- 1. Your insurance company..... 3
- 2. Your declarations page..... 3
- 3. The Texas Department of Insurance (TDI)..... 3
- 4. Resources for shopping for insurance 3

What You Should Know When You File a Claim..... 3

- 5. Deadlines for processing claims and payments..... 3
- 6. Written explanation of claim denial 3
- 7. Reasonable investigation..... 3
- 8. Information not required for processing your claim 3
- 9. Release of claim payments from lenders..... 4
- 10. Notice of liability claim settlement 4

Who to Contact for Claim Disagreements 4

- 11. Claim disagreements 4

What You Should Know about Renewal, Cancellation and Nonrenewal 4

- 12. Notice of premium increase 4
- 13. Insurance company cancellation of homeowners policies 4
- 14. Insurance company cancellation of other residential property policies 5
- 15. Notice of cancellation..... 5
- 16. Your right to cancel..... 5
- 17. Refund of premium 5
- 18. Limits on using claims history for nonrenewal..... 5
- 19. Limits on using claims history to increase premium 6
- 20. Right to ask questions..... 6
- 21. Limit on using credit information to nonrenew your policy 6
- 22. Protections from discrimination 6
- 23. Protection for low-value property 6
- 24. Protection for older houses..... 6
- 25. Notice of nonrenewal 7
- 26. Notice of a “material change” to your policy..... 7
- 27. Written explanation of cancellation or nonrenewal..... 7

Where to Get Information

1. **Your insurance company.** When you get a copy of your policy you will also get an “Important Notice” from the company. The notice explains how to contact your company and how to file a complaint. You may request a complete copy of your policy from your company at any time.
2. **Your declarations page.** The declarations page, also called the “dec page,” shows: (a) the name and address of your insurance company, (b) the location of the insured property, (c) the dates your policy is in effect, and (d) the amounts and types of coverage.

Your company must list the exact dollar amount of each deductible in your policy. The declarations page, or a separate page, must also list any part of your policy that changes any deductible amount.

3. **The Texas Department of Insurance (TDI).** You have the right to call TDI for free at 1-800-252-3439 for information and help with a complaint against an insurer. You can also find information on the TDI website at www.tdi.texas.gov.
4. **Resources for shopping for insurance.** The Office of Public Insurance Counsel (OPIC) and TDI developed www.HelpInsure.com to help you compare rates and coverages for different insurance companies. OPIC also has an online tool to help you compare policies. You can find this policy comparison tool at www.opic.texas.gov.

What You Should Know When You File a Claim

5. **Deadlines for processing claims and payments.** You should file your claim with your insurance company as soon as possible. When you file a claim on your own policy, the insurance company must meet these deadlines:
 - **Within 15 days after you file a claim:** The company must let you know they received your claim. The company must also start their investigation and ask you for any other information they need.
 - **Within 15 business days after they get all the information they need:** The company must approve or deny your claim in writing. They can extend this deadline up to **45 days** from the date they: (a) let you know they need more time and (b) tell you why.
 - **Within 5 business days after they let you know your claim is approved:** The company must pay the claim.

Note: TDI can extend these deadlines by 15 more days if there is a weather-related catastrophe.

If your company fails to meet these deadlines, you may be able to collect the claim amount, interest, and attorney’s fees.

6. **Written explanation of claim denial.** Your insurance company must tell you in writing why your claim or part of your claim was denied.
7. **Reasonable investigation.** Your insurance company cannot refuse to pay your claim without a reasonable investigation of the claim. You should keep records of all claim communications (including notes from phone calls) and other claim documentation (including damage estimates and receipts).
8. **Information not required for processing your claim.** Your insurance company can only ask for information reasonably needed for their claim investigation. However, they cannot ask for your federal income tax returns unless: (a) they get a court order or (b) your claim involves a fire loss, loss of profits, or lost income.

9. Release of claim payments from lenders. Often an insurance company will make a claim payment to you and your lender. If your lender gets the payment:

- **No later than 10 days after receiving it they must:** (a) notify you and (b) tell you what you must do so the money can be released.
- **No later than 10 days after you ask for the money, they must:** (a) send the money to you, or (b) tell you how to get the money released.

If your lender does not: (a) provide the notices mentioned above or (b) pay the money after all the requirements have been met, the lender must pay you interest on the money.

10. Notice of liability claim settlement. Liability means you are responsible for other people's injuries or damage to their property. Your insurance company must let you know in writing:

- About the first offer to settle a claim against you within **10 days** after the offer is made.
- About any claim settled against you within **30 days** after the date of the settlement.

Who to Contact for Claim Disagreements

11. Claim disagreements. You can dispute the amount of your claim payment or what is covered under your policy. You can:

- Contact your insurance company.
- Contact an attorney to advise you of your rights under the law. The State Bar of Texas can help you find an attorney.
- Pay a licensed public adjuster to review the damage and handle the claim.
- File a complaint with TDI.

What You Should Know about Renewal, Cancellation and Nonrenewal

Renewal means that your insurance company is extending your policy for another term.

Cancellation means that, **before the end of the policy period**, the insurance company:

- Terminates the policy;
- Gives you less coverage or limits your coverage; or
- Refuses to give additional coverage that you are entitled to under the policy.

“Refusal to renew” and **“nonrenewal”** are terms that mean your coverage ends **at the end of the policy period**. The policy period is shown on the declarations page of your policy.

12. Notice of premium increase. If your insurance company plans to increase your premium by 10 percent or more on renewal, your company must send you notice of the rate increase at least **30 days** before your renewal date.

13. Insurance company cancellation of homeowners policies. If your homeowners policy has been in effect for **60 days or more**, your company can only cancel your policy if:

- You don't pay your premium when it is due;
- You file a fraudulent claim;

- There is an increase in the risk covered by the policy that is: (a) within your control and (b) would make your premium go up; or
- TDI decides that keeping the policy violates the law.

If your policy has been in effect for **less than 60 days**, your company can only cancel your policy if:

- One of the reasons listed above applies;
- They reject a required inspection report within **10 days** after getting the report. The report must be done by a licensed or authorized inspector and cannot be more than 90 days old; or
- They find something that creates an increase in risk that you did not include in your application and is not related to a prior claim.

14. Insurance company cancellation of other residential property policies. After your policy has been in effect for **90 days**, your company can only cancel your policy if:

- You don't pay your premium when it is due;
- You file a fraudulent claim;
- There is an increase in the risk covered by the policy that is: (a) within your control and (b) would make your premium go up; or
- TDI decides that keeping the policy violates the law.

15. Notice of cancellation. If your insurance company cancels your policy, they must let you know by mail at least **10 days** before the effective date of the cancellation. Check your policy because your company may give you more than 10 days' notice.

16. Your right to cancel. You can cancel your policy at any time and get a refund of the unused premium.

17. Refund of premium. If you or your insurance company cancel your policy, the company must refund any unused premium within 15 business days from:

- the date the company receives notice of the cancellation or
- the date of cancellation, whichever is later.

You must let your company know you want the refund sent to you. If not, they may refund the remaining premium by giving you a premium credit on the same policy.

18. Limits on using claims history for nonrenewal. Your insurance company cannot refuse to renew your policy based on claims for damage from natural causes, including weather-related damage; or claims that are filed but not paid or payable under the policy.

Appliance-related water damage claims. Your insurance company cannot refuse to renew your policy based on an appliance-related water damage claim if:

- The damage has been properly repaired or remediated; and
- The repair or remediation was inspected and certified.

However, your insurance company may refuse to renew your policy based on appliance-related water damage claims if:

- Three or more claims were filed and paid (including a claim filed by a prior owner on your property); or
- You: (a) file 2 claims within a three-year period; and (b) after the second claim, your company gives

you written notice that filing a third appliance-related claim could result in your policy not being renewed; and

- You file a third claim.

Claims other than appliance-related water damage claims. Your insurance company cannot refuse to renew your policy based on other claims unless:

- You: (a) file 2 claims within a three-year period; and (b) after the second claim, your company gives you written notice that filing a third claim could result in your policy not being renewed; and
- You file a third claim.

19. Limits on using claims history to increase premium. Your insurance company cannot increase your premium based on claims for damage from natural causes, including weather-related damage; or claims that are filed but not paid or payable under your policy.

Appliance-related water damage claims. Your company cannot increase your premium based on a prior appliance-related water damage claim if:

- The damage has been properly repaired or remediated; and
- The repair or remediation was inspected and certified.

However, your insurance company may increase your premium based on prior appliance-related water damage claims if:

- Three or more claims were filed and paid (including a claim filed by a prior owner on your property)

Claims other than appliance-related water damage claims. Your insurance company cannot increase your premium based on other claims unless:

- You file 2 or more claims within a three-year period.

20. Right to ask questions. You can ask your insurance company a question about your policy. They cannot use your questions to deny, nonrenew, or cancel your coverage. Your questions also cannot be used to determine your premium.

For example, you may ask:

- General questions about your policy;
- Questions about the company's claims filing process; and
- Questions about whether the policy will cover a loss, unless the question is about damage: (a) that occurred and (b) that results in an investigation or claim.

21. Limit on using credit information to nonrenew your policy. An insurance company cannot refuse to renew your policy solely because of your credit.

22. Protections from discrimination. An insurance company cannot refuse to insure you; limit the coverage you buy; refuse to renew your policy; or charge you a different rate based on your race, color, creed, country of origin, or religion.

23. Protection for low-value property. An insurance company cannot refuse to renew your policy because the property value is low.

24. Protection for older houses. An insurance company cannot refuse to renew your policy based on the age

of your property. However, they can refuse to renew your policy based on the condition of your property, including your plumbing, heating, air conditioning, wiring, or roof.

25. Notice of nonrenewal. Your insurance company must send you a notice that they are not renewing your policy. They must let you know at least **30 days** before your policy expires, or you can require them to renew your policy.

26. Notice of a “material change” to your policy. If your insurance company does not want to cancel or nonrenew your policy, but wants to make certain material changes, then they must explain the changes in writing at least **30 days** before the renewal date. Material changes include:

- Giving you less coverage;
- Changing a condition of coverage; or
- Changing what you are required to do.

Instead of a notice of “material change” a company may choose to not renew your existing policy. If so, the company has to send a nonrenewal letter, but may still offer you a different policy.

Note: A company cannot reduce coverage during the policy period unless you ask for the change. If you ask for the change, the company does not have to send you a notice.

27. Written explanation of cancellation or nonrenewal. You can ask your insurance company to tell you in writing the reasons for their decision to cancel or not renew your policy. The company must explain in detail why they cancelled or nonrenewed your policy.

DECLARACIÓN DE DERECHOS DEL CONSUMIDOR

Seguro de hogar, de propiedad residencial y para inquilinos

¿Qué es la Declaración de Derechos?

Es un resumen básico de los derechos importantes que tiene bajo la ley de Texas. Las compañías de seguros tienen que darle una copia de esta Declaración de Derechos junto con su póliza. Es importante leer y entender su póliza.

La Declaración de Derechos no es:

- Una lista completa de todos sus derechos,
- Parte de su póliza, o
- Una lista de todas sus obligaciones.

¿Tiene preguntas sobre estos derechos?

- Si tiene una duda sobre algún aspecto de su póliza, consulte a su agente o a la compañía de seguros.
- Si tiene preguntas o alguna queja, comuníquese con el Departamento de Seguros de Texas (Texas Department of Insurance (TDI), por su nombre y siglas en inglés):

Para preguntas por teléfono, llame al: 1-800-252-3439

Para preguntas por correo electrónico: ConsumerProtection@tdi.texas.gov

Para presentar una queja a través del sitio web:

www.tdi.texas.gov/consumer/get-help-with-an-insurance-complaint.html

Para presentar una queja por correo: Consumer Protection MC 111-1A
P.O. Box 12030
Austin, TX 78711-2030

- Para obtener más información sobre seguros, visite www.opic.texas.gov/eses/pagina-principales/pagina-principal.html o llame a la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel (OPIC), por su nombre y siglas en inglés) al 1-877-611-6742.

AVISO: Si recibe algún documento en inglés, llame a su agente o compañía de seguros y pregunte si lo tienen disponible en español.

Tabla de Contenido

Dónde obtener información:	3
1. La compañía de seguros	3
2. La página de declaraciones.....	3
3. El Departamento de Seguros de Texas (TDI)	3
4. Recursos para ayudarlo a comprar seguro.....	3
Lo que debería saber al presentar una reclamación.....	3
5. Plazos para tramitar reclamaciones y pagos	3
6. Explicación por escrito de la denegación de la reclamación.....	3
7. Investigación razonable	3
8. Información no requerida para procesar su reclamación.....	4
9. Liberación del pago de la reclamación por parte del prestamista	4
10. Aviso de que se llegó a un acuerdo sobre la reclamación de responsabilidad	4
Con quién hablar si hay desacuerdos sobre las reclamaciones.....	4
11. Desacuerdos sobre reclamaciones	4
Lo que debería saber sobre la renovación, la cancelación y la no renovación.....	4
12. Aviso del aumento de la prima.....	5
13. Cancelación por parte de la compañía de seguros de la póliza de hogar	5
14. Cancelación por la compañía de otras pólizas de propiedad residencial.....	5
15. Aviso de cancelación.....	5
16. Su derecho a cancelar	5
17. Reembolso de la prima	5
18. Limitaciones a usar su historial de reclamaciones para no renovar	6
19. Limitaciones a usar su historial de reclamaciones para aumentarle la prima	6
20. Derecho a hacer preguntas	7
21. Limitación a usar información crediticia para no renovar su póliza	7
22. Protecciones contra la discriminación.....	7
23. Protección para las propiedades de bajo valor	7
24. Protección para casas más antiguas.....	7
25. Aviso de no renovación.....	7
26. Aviso de un "cambio material" a su póliza	7
27. Explicación por escrito de la cancelación o la no renovación.....	7

Dónde obtener información:

1. **La compañía de seguros.** Cuando reciba una copia de su póliza, también recibirá un "Aviso Importante" de la compañía. El aviso explica cómo ponerse en contacto con la compañía y cómo presentar una queja. Puede solicitar una copia completa de su póliza a la compañía en cualquier momento.
2. **La página de declaraciones.** La página de declaraciones, también llamada "página de dec.", muestra: (a) el nombre y la dirección de la compañía de seguros, (b) la localidad de la propiedad asegurada, (c) las fechas en que su póliza está vigente, y (d) las cantidades y tipos de cobertura.

La compañía tendrá que indicar la cantidad exacta en dólares de cada deducible en su póliza. La página de declaraciones, o una página acompañada, también tendrá que incluir una lista de las secciones de su póliza que cambien la cantidad de cualquier deducible.

3. **El Departamento de Seguros de Texas (TDI).** Tiene derecho a llamar gratis a TDI al 1-800-252-3439 para obtener información y ayuda sobre una queja contra una aseguradora. También puede encontrar información en el sitio web de TDI en www.tdi.texas.gov.
4. **Recursos para ayudarlo a comprar seguro.** La Oficina del Asesor Público de Seguros (OPIC) y TDI establecieron el sitio web www.HelpInsure.com para ayudarlo a comparar tarifas y coberturas de diferentes compañías de seguros. OPIC también tiene una herramienta en línea para ayudarlo a comparar las pólizas. Puede encontrar esta herramienta de comparación de pólizas en www.opic.texas.gov.

Lo que debería saber al presentar una reclamación

5. **Plazos para tramitar reclamaciones y pagos.** Debe presentar su reclamación a la compañía de seguros lo más pronto posible. Cuando presente una reclamación bajo su propia póliza, la compañía de seguros tendrá que cumplir con los siguientes plazos:
 - **Dentro de los 15 días después de la presentación de una reclamación:** La compañía tendrá que informarle que recibió su reclamación. La compañía también tendrá que comenzar su investigación y pedirle cualquier otra información que necesita.
 - **Dentro de los 15 días hábiles después de recibir toda la información necesaria:** La compañía tendrá que aprobar o rechazar su reclamación por escrito. Pueden extender este plazo hasta 45 días a partir de la fecha en que: (a) le informan que necesitan más tiempo y (b) le indican la razón.
 - **Dentro de los 5 días hábiles después de que le informen que su reclamación ha sido aprobada:** La compañía tendrá que pagar la reclamación.

Nota: TDI puede extender estos plazos por 15 días más si ocurre una catástrofe relacionada con el clima.

Si la compañía no cumple con estos plazos, podría recibir la cantidad especificada en la reclamación, así como los intereses y los honorarios de los abogados.

6. **Explicación por escrito de la denegación de la reclamación.** La compañía de seguros tendrá que informarle por escrito por qué se rechazó su reclamación o alguna parte de su reclamación.
7. **Investigación razonable.** La compañía de seguros no puede negarse a pagar su reclamación debido a la edad de su propiedad. Debe mantener registros de todas las comunicaciones de reclamos (incluidas las notas de llamadas telefónicas) y otra documentación de reclamos (incluidos los estimados de daños y recibos).

- 8. Información no requerida para procesar su reclamación.** La compañía de seguros puede solicitar únicamente información que sea razonablemente necesaria para hacer la investigación de su reclamación. Sin embargo, no pueden solicitar sus declaraciones de impuestos federales, a menos que: (a) obtengan una orden judicial o (b) su reclamación implique una pérdida por incendio, pérdida de ganancias o pérdida de ingresos.
- 9. Liberación del pago de la reclamación por parte del prestamista.** Muchas veces, la compañía de seguros le enviará el pago de una reclamación a usted y a su prestamista. Si su prestamista recibe el pago:
- **A más tardar 10 días después de recibirlo, el prestamista tiene que:** (a) notificarle y (b) informarle lo que tiene que hacer para que el dinero pueda ser liberado.
 - **A más tardar 10 días después de que solicite el dinero, el prestamista tiene que:** (a) enviárselo a usted, o (b) decirle qué tiene que hacer para lograr que se libere el dinero.
- Si su prestamista no: (a) le notifica lo mencionado anteriormente o (b) no le paga el dinero después de que se hayan cumplido todos los requisitos, el prestamista tendrá que pagarle intereses sobre el dinero.
- 10. Aviso de que se llegó a un acuerdo sobre la reclamación de responsabilidad.** Responsabilidad significa que usted es responsable de las lesiones o daños a la propiedad de otras personas. La compañía de seguros tiene que informarle por escrito:
- Acerca de la primera oferta para resolver una reclamación contra usted dentro de los **10 días** después de la fecha en que se hizo la oferta.
 - Acerca de cualquier reclamación decidida en su contra dentro de los **30 días** después de la fecha del acuerdo.

Con quién hablar si hay desacuerdos sobre las reclamaciones

- 11. Desacuerdos sobre reclamaciones.** Puede disputar la cantidad que le pagan en su reclamación o lo que está cubierto en su póliza. Usted puede:
- Comunicarse con la compañía de seguros.
 - Comunicarse con un abogado para que le aconseje sobre sus derechos bajo la ley. El Colegio de Abogados del Estado de Texas (The State Bar of Texas, por su nombre en inglés) puede ayudarlo a buscar un abogado.
 - Pagar a un ajustador público con licencia para que revise el daño y se haga cargo del reclamo.
 - Presentar una queja al Departamento de Seguros de Texas (TDI).

Lo que debería saber sobre la renovación, la cancelación y la no renovación

La **renovación** significa que la compañía de seguros extiende su póliza por un período adicional.

La **cancelación** significa que, **antes de llegar al final del período de la póliza**, la compañía de seguros:

- Se termina la póliza;
- Le ofrece menos cobertura o limita su cobertura; o
- Se niega a darle cobertura adicional que le corresponde bajo su póliza.

"**Negar la renovación**" y "**no renovación**" son términos que significan que su cobertura termina **al final del período de la póliza**. El período de la póliza aparece en la página de declaraciones de su póliza.

- 12. Aviso del aumento de la prima.** Si su compañía de seguros tiene planes de aumentar su prima en un 10 por ciento o más al renovar, tendrá que informarle al menos **30 días** antes de la fecha de renovación.
- 13. Cancelación por parte de la compañía de seguros de la póliza de hogar.** Si su póliza de hogar ha estado vigente por **60 días o más**, la compañía solo puede cancelar su póliza si:
- No paga su prima en la fecha indicada;
 - Presenta una reclamación fraudulenta;
 - Hay un aumento en el riesgo cubierto por la póliza que: (a) está bajo su control y (b) aumentaría su prima; o
 - TDI decide que mantener la póliza viola la ley.

Si su póliza ha estado vigente por **menos de 60 días**, su compañía solo puede cancelar su póliza si:

- Una de las razones enumeradas anteriormente se aplica;
 - Le rechazan el informe obligatorio de la inspección dentro de los **10 días** después de la recepción del informe. El informe lo tiene que ser preparado por un inspector con licencia o un inspector autorizado y no puede haber pasado más de 90 días desde que se preparó; o
 - Descubren algo que aumenta los riesgos que usted no incluyó en su solicitud y que no tiene que ver con una reclamación anterior.
- 14. Cancelación por la compañía de otras pólizas de propiedad residencial.** Una vez que su póliza haya estado vigente por **90 días**, la compañía solo puede cancelar su póliza si:
- No paga su prima en la fecha indicada;
 - Presenta una reclamación fraudulenta;
 - Hay un aumento en el riesgo cubierto por la póliza que: está bajo su control y aumentaría su prima; o
 - TDI decide que mantener la póliza viola la ley.
- 15. Aviso de cancelación.** Si la compañía de seguros cancela su póliza, tendrá que informarle por correo al menos 10 días antes de la fecha en que se haga efectiva la cancelación. Revise su póliza porque es posible que su compañía le ofrezca más de 10 días de notificación.
- 16. Su derecho a cancelar.** Puede cancelar su póliza en cualquier momento y obtener un reembolso de la prima no utilizada.
- 17. Reembolso de la prima.** Si usted o la compañía de seguros cancela su póliza, la compañía tendrá que reembolsarle cualquier prima no utilizada dentro de los 15 días hábiles a partir de:
- la fecha en que la compañía recibe la notificación de la cancelación, o
 - la fecha de cancelación, la que sea posterior.

Tiene que informarle a la compañía que desea que se le envíe el reembolso. De lo contrario, podrían reembolsarle la prima restante ofreciéndole un crédito de prima en la misma póliza.

18. Limitaciones a usar su historial de reclamaciones para no renovar. La compañía de seguros no puede negarse a renovar su póliza basándose en las reclamaciones de daños por causas naturales, incluidos daños relacionados con el clima; o reclamaciones que se presentan pero que no se le pagó o que no se le pudo pagar bajo su póliza.

Reclamaciones de daños de agua relacionados a electrodomésticos. La compañía de seguros no puede negarse a renovar su póliza basándose en una reclamación de daños de agua relacionado a electrodomésticos, si:

- El daño ha sido reparado o remediado adecuadamente; y
- La reparación o la remediación fue inspeccionada y certificada.

Sin embargo, la compañía de seguros puede negarse a renovar su póliza basándose en reclamaciones de daños de agua relacionados a electrodomésticos si:

- Ya se presentaron y pagaron tres o más reclamaciones (incluyendo reclamaciones a su propiedad presentadas por un propietario anterior); o
- Usted: (a) presenta 2 reclamaciones dentro de un período de tres años; y (b) después de la segunda reclamación, la compañía le notifica por escrito que presentar una tercera reclamación relacionada con un electrodoméstico podría resultar en que su póliza no se renueve; y
- Usted presenta una tercera reclamación.

Reclamaciones que no sean reclamaciones de daños de agua relacionadas a electrodomésticos. La compañía de seguros no puede negarse a renovar su póliza basándose en otras reclamaciones a menos que:

- Usted: (a) presente 2 reclamaciones dentro de un período de tres años; y (b) después de la segunda reclamación, la compañía le notifica por escrito que presentar una tercera reclamación podría resultar en que su póliza no se renueve; y
- Usted presenta una tercera reclamación.

19. Limitaciones a usar su historial de reclamaciones para aumentarle la prima. La compañía de seguros no puede aumentar su prima basándose en las reclamaciones de daños por causas naturales, incluidos daños relacionados con el clima; o reclamaciones que se presentan pero que no se le pagó o que no se le pudo pagar bajo su póliza.

Reclamaciones de daños de agua relacionados a electrodomésticos. La compañía de seguros no puede aumentar su prima basándose en una reclamación anterior de daños de agua relacionados a electrodomésticos si:

- El daño ha sido reparado o remediado adecuadamente; y
- La reparación o la remediación fue inspeccionada y certificada.

Sin embargo, la compañía de seguros puede aumentar su prima basándose en reclamaciones anteriores de daños de agua relacionados a electrodomésticos si:

- Ya se presentaron y pagaron tres o más reclamaciones (incluyendo reclamaciones a su propiedad presentadas por un propietario anterior).

Reclamaciones que no sean reclamaciones de daños de agua relacionados a electrodomésticos. La compañía de seguros no puede aumentar su prima basándose en otras reclamaciones a menos que:

- Usted presente 2 o más reclamaciones dentro de un período de tres años.

20. Derecho a hacer preguntas. Puede hacerle una pregunta a la compañía de seguros sobre su póliza. No pueden usar sus preguntas para denegar, no renovar o cancelar su cobertura. Sus preguntas tampoco se pueden utilizar para determinar su prima.

Por ejemplo, puede hacer:

- Preguntas generales sobre su póliza;
- Preguntas sobre el proceso de presentación de reclamaciones de la compañía; y
- Preguntas sobre si la póliza cubrirá una pérdida, a menos que la pregunta sea sobre un daño: (a) que ocurrió y (b) que resulta en una investigación o reclamación.

21. Limitación a usar información crediticia para no renovar su póliza. La compañía de seguros no puede negarse a renovar su póliza únicamente debido a la condición de su crédito.

22. Protecciones contra la discriminación. La compañía de seguros no puede negarse a asegurarle; limitar la cobertura que compra; negar la renovación de su póliza; o cobrarle una tarifa diferente debido a su raza, color, creencia, país de origen o religión.

23. Protección para las propiedades de bajo valor. La compañía de seguros no puede negarse a renovar su póliza porque el valor de la propiedad es bajo.

24. Protección para casas más antiguas. La compañía de seguros no puede negarse a renovar su póliza debido a la edad de su propiedad. Sin embargo, puede negarse a renovar su póliza debido a la condición de su propiedad, incluso, la condición de la plomería, calentador, aire acondicionado, alambrado o techo.

25. Aviso de no renovación. La compañía de seguros tendrá que enviarle un aviso de que no van a renovar su póliza. Tendrá que informarle al menos 30 días antes del vencimiento de su póliza, o usted les puede exigir que renueven su póliza.

26. Aviso de un "cambio material" a su póliza. Si la compañía de seguros no quiere cancelar o no renovar su póliza, pero desea hacer ciertos cambios materiales o importantes, tendrá que explicar los cambios por escrito al menos 30 días antes de la fecha de renovación. Los cambios materiales incluyen:

- Ofrecerle menos cobertura;
- Cambiar una condición de la cobertura; o
- Cambiar lo que se requiere que usted haga.

En lugar de un aviso de "cambio material", la compañía puede optar por no renovar su póliza existente. Si es así, la compañía tiene que enviar una carta de no renovación, pero todavía puede ofrecerle una póliza diferente.

Nota: La compañía no puede reducir la cobertura durante el período de la póliza a menos que usted solicite el cambio. Si usted solicita el cambio, la compañía no tiene que enviarle un aviso.

27. Explicación por escrito de la cancelación o la no renovación. Puede pedirle a la compañía de seguros que le informen por escrito los motivos de su decisión de cancelar o de no renovar su póliza. La compañía tendrá que darle una explicación detallada de por qué cancelaron o no renovaron su póliza.



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005 and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/10/21 - 05/16/21 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 05/10/21 - 05/16/21 is 18% for Commercial over \$250,000.

The monthly ceiling as prescribed by §303.005 and 303.009³ for the period of 05/01/21 - 05/31/21 is 18% or Consumer/Agricultural/Commercial credit through \$250,000.

The monthly ceiling as prescribed by §303.005 and 303.009 for the period of 05/01/21 - 05/31/21 is 18% for Commercial over \$250,000.

¹Credit for personal, family or household use.

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

³For variable rate commercial transactions only.

TRD-202101750

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 4, 2021

Court of Criminal Appeals

Availability of Grant Funds for Training on Mental Health Issues and Pre-trial Diversion

The Court of Criminal Appeals announces the availability of funds to be provided in the form of grants to entities for the purpose of developing a training program to educate and inform judges and their staff on mental health care resources available in the State of Texas. Funds are subject to the provisions of Chapter 56 of the Texas Government Code and the General Appropriations Act (Article IV, Court of Criminal Appeals, Strategy B.1.1, Judicial Education).

The Court of Criminal Appeals also announces the availability of funds to be provided in the form of grants to statewide professional associations and other entities whose purposes include providing continuing legal education, courses, and programs for judges and court staff, prosecuting attorneys, and criminal defense attorneys on mental health issues and pre-trial diversion. Judicial education shall include information for judges and staff on mental health care resources available in the court's geographic region. Funds are subject to the provisions of Chapter 56 of the Texas Government Code and the General Appropriations Act (Article IV, Court of Criminal Appeals, Strategy B.1.1, Judicial Education).

The grant period is September 1, 2021 through August 31, 2022. The deadline for applications is July 1, 2021. Applicants may request

application instructions by contacting the Judicial Education Section of the Texas Court of Criminal Appeals: 201 West 14th Street, Suite 103, Austin, Texas 78701, (512) 475-2312, judicial.education@txcourts.gov.

TRD-202101759

Megan Molleur

Grant Attorney & Administrator

Court of Criminal Appeals

Filed: May 4, 2021

Availability of Judicial and Court Personnel Training Funds

The Court of Criminal Appeals announces the availability of funds to be provided in the form of grants to entities for the purpose of providing continuing legal education courses, programs, and technical assistance projects for prosecutors, prosecutor office personnel, criminal defense attorneys and criminal defense attorney office personnel who regularly represent indigent defendants in criminal matters, clerks, judges, and other court personnel of the appellate courts, district courts, county courts at law, county courts, justice courts and municipal courts of this State, individuals responsible for providing court security, or other persons as provided by statute.

The Court of Criminal Appeals also announces the availability of funds to be provided in the form of grants to entities for the purpose of providing continuing legal education courses, programs, and technical assistance projects on actual innocence for law enforcement officers, law students, criminal defense attorneys, prosecuting attorneys, judges, or other persons as provided by statute.

Funds are subject to the provisions of Chapter 56 of the Texas Government Code and the General Appropriations Act (Article IV, Court of Criminal Appeals, Strategy B.1.1, Judicial Education). The grant period is September 1, 2021, through August 31, 2022. The deadline for applications is July 1, 2021. Applicants may request an application packet by contacting the Judicial Education Section of the Texas Court of Criminal Appeals: 201 West 14th Street, Suite 103, Austin, Texas 78701, (512) 475-2312, judicial.education@txcourts.gov.

TRD-202101758

Megan Molleur

Grant Attorney & Administrator

Court of Criminal Appeals

Filed: May 4, 2021

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 15, 2021**. 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 15, 2021**. 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: City of Gatesville; DOCKET NUMBER: 2020-1504-PWS-E; IDENTIFIER: RN101388932; LOCATION: Gatesville, Coryell County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j) and Texas Health and Safety Code, §341.0351, by failing to notify the executive director (ED) prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 30 TAC §290.44(h)(4)(C), by failing to properly complete a test report by the recognized backflow prevention assembly tester for each assembly tested and on a form approved by the ED; and 30 TAC §290.46(m), by failing to initiate maintenance and house-keeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; PENALTY: \$888; ENFORCEMENT COORDINATOR: Julianne Dewar, (817) 588-5861; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: City of Munday; DOCKET NUMBER: 2020-1480-PWS-E; IDENTIFIER: RN101268829; LOCATION: Munday, Knox County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(h)(4), by failing to have all backflow prevention assemblies (BPAs) tested upon installation and on an annual basis by a recognized BPA tester and certified that they are operating within specifications; 30 TAC §290.45(b)(1)(D)(ii) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; 30 TAC §290.46(e) and THSC, §341.033(a), by failing to use a water works operator who holds an applicable, valid license issued by the executive director; 30 TAC §290.46(l), by failing to flush all dead-end mains at monthly intervals; 30 TAC §290.46(m)(1)(A), by failing to inspect the facility's elevated storage tank annually; 30 TAC §290.46(t), by failing to post a legible sign at the facility's production, treatment, and storage facilities that contains the same name of the facility and an emergency telephone number where a responsible official can be contacted; 30 TAC §290.46(u), by failing to plug an abandoned public water supply well with cement in accordance with 16 TAC Chapter 76 or submit test results proving that the well is in a non-deteriorated condition; 30 TAC §290.46(z), by failing to create a nitrification

action plan for all systems distributing chloraminated water; and 30 TAC §290.110(c)(4)(B), by failing to monitor the disinfectant residual at representative locations in the distribution system at least once per day; PENALTY: \$8,238; ENFORCEMENT COORDINATOR: Aaron Vincent, (512) 239-0855; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(3) COMPANY: City of Quanah; DOCKET NUMBER: 2020-1451-PWS-E; IDENTIFIER: RN101389013; LOCATION: Quanah, Hardeman County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(B) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.5 milligrams per liter of chloramine (measured as total chlorine) throughout the distribution system at all times; and 30 TAC §290.46(q)(1) and (2), by failing to issue a boil water notice to the customers of the facility within 24 hours after a water outage using the prescribed format in 30 TAC §290.47(c)(1); PENALTY: \$2,063; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3421; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(4) COMPANY: City of Wilson; DOCKET NUMBER: 2020-1453-PWS-E; IDENTIFIER: RN101388635; LOCATION: Wilson, Lynn County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.106(f)(2) and Texas Health and Safety Code, §341.031(a), by failing to comply with the acute maximum contaminant level of ten milligrams per liter for nitrate; PENALTY: \$3,210; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(5) COMPANY: Clarke Products, Incorporated; DOCKET NUMBER: 2020-1482-AIR-E; IDENTIFIER: RN104635032; LOCATION: Waco, McLennan County; TYPE OF FACILITY: fiberglass reinforced plastic products manufacturing plant; RULES VIOLATED: 30 TAC §122.143(4) and §122.146(2), Federal Operating Permit Number O2856, General Terms and Conditions and Special Terms and Conditions Number 9, and Texas Health and Safety Code, §382.085(b), by failing to submit a permit compliance certification within 30 days of any certification period; PENALTY: \$3,638; ENFORCEMENT COORDINATOR: Toni Red, (512) 239-1704; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(6) COMPANY: Covia Holdings Corporation; DOCKET NUMBER: 2020-1476-IWD-E; IDENTIFIER: RN100219120; LOCATION: Troup, Cherokee County; TYPE OF FACILITY: ball clay mine; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0002973000, Effluent Limitations and Monitoring Requirements Number 1, Outfall Numbers 002, 005, 006, and 206, by failing to comply with permitted effluent limitations; PENALTY: \$9,563; ENFORCEMENT COORDINATOR: Stephanie Frederick, (512) 239-1001; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(7) COMPANY: East Texas Imperial Petroleum LLC dba Race Runner 5; DOCKET NUMBER: 2020-1495-PST-E; IDENTIFIER: RN103140729; LOCATION: Winnsboro, Wood 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 in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(8) COMPANY: Enterprise Precast Concrete of Texas, LLC; DOCKET NUMBER: 2020-1464-WQ-E; IDENTIFIER: RN105384432; LOCATION: Corsicana, Navarro County; TYPE OF FACILITY: concrete production facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG111300, Permit Requirements, Section A.1, by failing to comply with permitted effluent limitations; 30 TAC §305.125(1), §319.5(b), and TPDES General Permit Number TXG111300, Permit Requirements, Sections A.1 and A.5, by failing to collect and analyze effluent samples at the intervals specified in the permit; and 30 TAC §305.125(1) and (17) and §319.7(d), and TPDES General Permit Number TXG111300, Standard Permit Conditions Number 7.f, by failing to accurately complete discharge monitoring reports; PENALTY: \$13,509; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: ExxonMobil Oil Corporation; DOCKET NUMBER: 2020-1438-AIR-E; IDENTIFIER: RN100542844; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 83702, PSDTX843M2, PSDTX860M2, PAL15, and GHGPSDTX176, Special Conditions Number 1, Federal Operating Permit Number O2292, General Terms and Conditions and Special Terms and Conditions Number 25, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Toni Red, (512) 239-1704; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(10) COMPANY: GUL ENTERPRISES LLC dba Texaco Corner; DOCKET NUMBER: 2020-1477-PST-E; IDENTIFIER: RN102352911; LOCATION: Tyler, Smith County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(c)(1) and (a), by failing to monitor the underground storage tanks (USTs) in a manner which will detect a release 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; PENALTY: \$4,625; ENFORCEMENT COORDINATOR: Courtney Atkins, (512) 534-6862; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(11) COMPANY: Hitchcock Business Ventures Limited Liability Company dba Roadway; DOCKET NUMBER: 2020-1478-PST-E; IDENTIFIER: RN102253036; LOCATION: Hitchcock, Galveston County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.7(d)(1)(A) and §334.8(c)(4)(C), by failing to renew a previously issued underground storage tank (UST) delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of ownership or operator change; and 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the regulated USTs; PENALTY: \$2,501; ENFORCEMENT COORDINATOR: Courtney Atkins, (512) 534-6862; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(12) COMPANY: KEP-RMA, LLC; DOCKET NUMBER: 2020-0684-IHW-E; IDENTIFIER: RN100653138; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: industrial hazardous waste landfill; RULES VIOLATED: 30 TAC §335.8(b) and §335.174(b)(1), by failing to properly complete closure and remediation obligations of an industrial hazardous waste facility, and failing to

maintain proper post-closure care of the site, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events; PENALTY: \$10,125; ENFORCEMENT COORDINATOR: Ken Moller, (512) 534-7550; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(13) COMPANY: MDC Texas Operator LLC; DOCKET NUMBER: 2020-1485-AIR-E; IDENTIFIER: RN110681939; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: tank battery; RULES VIOLATED: 30 TAC §101.221(a) and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain all emissions control equipment in good condition and operated properly during operation of the site; and 30 TAC §116.110(a) and THSC, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$6,563; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(14) COMPANY: Motiva Chemicals LLC; DOCKET NUMBER: 2020-1275-AIR-E; IDENTIFIER: RN100217389; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(3), 116.715(a), and 122.143(4), Flexible Permit Numbers 16989 and PSD-TX-794, Special Conditions Number 1, Federal Operating Permit Number O1317, General Terms and Conditions and Special Terms and Conditions Number 23, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$22,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$8,850; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(15) COMPANY: MURPHY OIL USA, INCORPORATED dba Murphy Express 8679; DOCKET NUMBER: 2020-1013-PST-E; IDENTIFIER: RN106304546; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.51(b)(2)(C) and TWC, §26.3475(c)(2), by failing to equip the underground storage tanks with adequate spill and overflow prevention equipment; PENALTY: \$1,750; ENFORCEMENT COORDINATOR: Tyler Richardson, (512) 239-4872; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(16) COMPANY: North Runnels Water Supply Corporation; DOCKET NUMBER: 2020-1446-PWS-E; IDENTIFIER: RN101222081; LOCATION: Winters, Runnels 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 levels of 0.060 milligrams per liter (mg/L) for haloacetic acids and 0.080 mg/L for total trihalomethanes based on the locational running annual average; PENALTY: \$2,025; ENFORCEMENT COORDINATOR: Carlos Molina, (512) 239-2557; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(17) COMPANY: Parking Spot Irving, LLC; DOCKET NUMBER: 2020-1479-PST-E; IDENTIFIER: RN101056034; LOCATION: Irving, Dallas County; TYPE OF FACILITY: fleet refueling facility; RULES VIOLATED: 30 TAC §334.50(d)(9)(A)(v) and §334.72, by failing to report a suspected release to the TCEQ within 72 hours of discovery; and 30 TAC §334.74, by failing to investigate and confirm all suspected releases of regulated substances requiring reporting under 30 TAC §334.72 within 30 days; PENALTY: \$19,177; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(18) COMPANY: Primexx Operating Corporation; DOCKET NUMBER: 2020-1337-AIR-E; IDENTIFIER: RN111018800; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: oil and gas production; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$3,350; ENFORCEMENT COORDINATOR: Abigail Lindsey, (512) 239-2576; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(19) COMPANY: Quality Automotive Center, LLC; DOCKET NUMBER: 2020-1096-MSW-E; IDENTIFIER: RN103152658; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: used tire shop; RULES VIOLATED: 30 TAC §328.60(a) and Texas Health and Safety Code, §361.112(a), by failing to obtain a scrap tire storage site registration for the facility prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers; PENALTY: \$3,937; ENFORCEMENT COORDINATOR: Berenice Munoz, (915) 834-4976; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

(20) COMPANY: RIVER BEND WATER SERVICES, INCORPORATED; DOCKET NUMBER: 2020-1468-PWS-E; IDENTIFIER: RN102681467; LOCATION: Matagorda, Matagorda County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average; PENALTY: \$1,050; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(21) COMPANY: Riviera Water Control and Improvement District; DOCKET NUMBER: 2020-1452-PWS-E; IDENTIFIER: RN101251999; LOCATION: Riviera, Kleberg County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; PENALTY: \$425; ENFORCEMENT COORDINATOR: Aaron Vincent, (512) 239-0855; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(22) COMPANY: S Clements Homes Incorporated (Built to Perfection); DOCKET NUMBER: 2020-1486-WQ-E; IDENTIFIER: RN111082848; LOCATION: Royse City, Hunt County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a construction general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(23) COMPANY: Specht's Operations, LLC; DOCKET NUMBER: 2020-1444-PWS-E; IDENTIFIER: RN101217370; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the executive director (ED) and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 30 TAC §290.42(d)(11)(F)(vi), by failing to install an atmospheric vacuum breaker or a reduced pressure principle backflow assembly in the filter wash system supply line; 30 TAC §290.45(d)(3)(E) and THSC, §341.0315(c), by failing to provide two or more service pumps with a total capacity of three times the maximum daily demand; and 30

TAC §290.46(f)(2) and (3)(A)(i)(I), and (B)(iv), by failing to properly maintain water works operation and maintenance records and make them available for review to the ED upon request; PENALTY: \$1,237; ENFORCEMENT COORDINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(24) COMPANY: VADHWANI ENTERPRISES INCORPORATED; DOCKET NUMBER: 2020-1183-PWS-E; IDENTIFIER: RN106241375; LOCATION: Canyon Lake, Comal County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(O) and TCEQ Agreed Order Docket Number 2015-0950-PWS-E, Ordering Provision Number 2.e.iv, by failing to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers; 30 TAC §290.43(d)(2), by failing to provide the facility's three pressure tanks with an easily readable pressure gauge; 30 TAC §290.44(h)(4), by failing to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow prevention assembly tester and certify that they are operating within specifications; 30 TAC §290.46(f)(2) and (3)(B)(v), and (E)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the executive director upon request; 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)(3), by failing to keep on file copies of well completion data, as defined in 30 TAC §290.41(c)(3)(A), for as long as the well remains in service; 30 TAC §290.46(s)(1), by failing to calibrate the facility's well meter at least once every three years; and 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; PENALTY: \$13,914; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3421; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(25) COMPANY: WILLCO PETROLEUM COMPANY dba Willco 1; DOCKET NUMBER: 2020-1473-PST-E; IDENTIFIER: RN102965712; LOCATION: Gladewater, Gregg County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,499; ENFORCEMENT COORDINATOR: Tyler Richardson, (512) 239-4872; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

TRD-202101745
Charmaine Backens
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: May 4, 2021

◆ ◆ ◆
Enforcement Orders

An agreed order was adopted regarding ASAA ENTERPRISES INC dba Stop & Save, Docket No. 2018-1717-PST-E on May 4, 2021, assessing \$5,512 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Roslyn Dubberstein, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202101763
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 5, 2021



Notice of Amendment Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls: Proposed Air Quality Registration Number 81298

APPLICATION. Ratliff Ready-Mix LP has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 81298 to authorize at modification of a permanent concrete batch plant with enhanced controls. The facility is located at 1900 Taylors Valley Drive, Belton, Bell County, Texas 76513. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.442694%2C31.053996&level=12>. This application was submitted to the TCEQ on April 1, 2021. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on April 16, 2021.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

The Public Hearing is to be held:

Tuesday, June 8, 2021 at 6:00 p.m.

Members of the public who would like to ask questions or provide comments during the hearing may access the hearing via webcast by following this link: <https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 415-905-603. It is recommended that you join the

webinar and register for the public hearing at least 15 minutes before the hearing begins. You will be given the option to use your computer audio or to use your phone for participating in the webinar.

Those without internet access may call (512) 239-1201 at least one day prior to the hearing for assistance in accessing the hearing and participating telephonically. Members of the public who wish to only listen to the hearing may call, toll free, (562) 247-8422 and enter access code 582-763-562.

Additional information will be available on the agency calendar of events at the following link:

<https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

RESPONSE TO COMMENTS. A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Waco Regional Office, located at 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Ratliff Ready-Mix, LP, 1503 LBJ Freeway, Suite 400, Dallas, Texas 75234-6007, or by calling Ms. Shannon Bennett, Environmental Engineer at (254) 227-2773.

Notice Issuance Date: April 27, 2021

TRD-202101740

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 3, 2021



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 164453

APPLICATION. Buendia Concrete, LLC, 32731 Egypt Lane, Suite 401, Magnolia, Texas 77354-3662 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 164453 to authorize the operation of a permanent concrete batch plant. The facility is proposed to be located at 1301 Superior Road, Magnolia, Montgomery County, Texas 77354. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.236388&lng=-95.635833&zoom=13&type=r>. This application was submitted to the TCEQ on March 23, 2021. The

primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on April 15, 2021.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Please be aware that any contact information you provide, including your name, phone number, email address and physical address, will become part of the agency's public record.

A public hearing has been scheduled that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

The Public Hearing is to be held:

Monday, June 7, 2021, at 6:00 p.m.

Members of the public who would like to ask questions or provide comments during the hearing may access the hearing via webcast by following this link: [https://www.gotomeeting.com/webinar/join-webinar-and-entering Webinar ID 877-487-019](https://www.gotomeeting.com/webinar/join-webinar-and-entering-Webinar-ID-877-487-019). It is recommended that you join the webinar and register for the public hearing at least 15 minutes before the hearing begins. You will be given the option to use your computer audio or to use your phone for participating in the webinar.

Those without internet access may call (512) 239-1201 at least one day prior to the hearing for assistance in accessing the hearing and participating telephonically. Members of the public who wish to only listen to the hearing may call, toll free, (562) 247-8321 and enter access code 369-844-122.

Additional information will be available on the agency calendar of events at the following link:

<https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

RESPONSE TO COMMENTS. A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Houston Regional Office, located at 5425 Polk Street, Suite H, Houston, Texas 77023-1452, during the hours of 8:00 a.m. to 5:00 p.m.,

Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Buendia Concrete, LLC, 32731 Egypt Lane, Suite 401, Magnolia, Texas 77354-3662, or by calling Mr. Venkata Godasi, Graduate Engineer at (713) 974-2272.

Notice Issuance Date: April 23, 2021

TRD-202101701

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 28, 2021



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 164639

APPLICATION. Lauren Concrete Inc, 2001 Picadilly Drive, Round Rock, Texas 78664-9511 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 164639 to authorize the operation of a permanent concrete batch plant. The facility is proposed to be located at 901 West State Highway 71, Ellinger, Fayette County, Texas 78938. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=29.8375&lng=-96.727777&zoom=13&type=r>. This application was submitted to the TCEQ on March 31, 2021. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on April 19, 2021.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Please be aware that any contact information you provide, including your name, phone number, email address and physical address, will become part of the agency's public record.

A public hearing has been scheduled that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of

a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

The Public Hearing is to be held:

Wednesday, June 16, 2021, at 6:00 p.m.

Members of the public who would like to ask questions or provide comments during the hearing may access the hearing via webcast by following this link: <https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 799-880-251. It is recommended that you join the webinar and register for the public hearing at least 15 minutes before the hearing begins. You will be given the option to use your computer audio or to use your phone for participating in the webinar.

Those without internet access may call (512) 239-1201 at least one day prior to the hearing for assistance in accessing the hearing and participating telephonically. Members of the public who wish to only listen to the hearing may call, toll free, (415) 655-0060 and enter access code 958-835-832.

Additional information will be available on the agency calendar of events at the following link:

<https://www.tceq.texas.gov/agency/decisions/hearings/calendar.html>.

RESPONSE TO COMMENTS. A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Austin Regional Office, located at 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753-1808, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Lauren Concrete, Inc., 2001 Picadilly Drive, Round Rock, Texas 78664-9511, or by calling Mr. Paul W Henry P.E., Engineer at (512) 281-6555.

Notice Issuance Date: April 28, 2021

TRD-202101741

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 3, 2021



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 164790

APPLICATION. Chisholm Trail Redi-Mix, LLC, 1948 County Road 1234, Nemo, Texas 76070-3003 has applied to the Texas

Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 164790 to authorize the operation of a permanent concrete batch plant. The facility is proposed to be located at 3348 Peden Road, Fort Worth, Tarrant County, Texas 76179. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=32.938575&lng=-97.434408&zoom=13&type=r>. This application was submitted to the TCEQ on April 13, 2021. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on April 28, 2021.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

The Public Hearing is to be held:

Wednesday, June 30, 2021, at 6:00 p.m.

Members of the public who would like to ask questions or provide comments during the hearing may access the hearing via webcast by following this link: <https://www.gotomeeting.com/webinar/join-webinar> and entering Webinar ID 250-734-475. It is recommended that you join the webinar and register for the public hearing at least 15 minutes before the hearing begins. You will be given the option to use your computer audio or to use your phone for participating in the webinar.

RESPONSE TO COMMENTS. A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Dallas/Fort Worth Regional Office, located at 2309 Gravel Drive, Fort Worth, Texas 76118-6951, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Chisholm Trail Redi-Mix, LLC, 1948 County Road 1234, Nemo, Texas 76070-3003, or by calling Mr. Aaron Hertz, EHS Director at (512) 709-4251.

Notice Issuance Date: May 4, 2021

TRD-202101754

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 4, 2021



Notice of Hearing for JOSEPH FERGUSON: SOAH Docket No. 582-21-2003; TCEQ Docket No. 2021-0370-LIC

APPLICATION.

Joseph Ferguson, P.O. Box 4129, Sargent, Texas 77404, has applied to the Texas Commission on Environmental Quality (TCEQ) for a Water Operator License. The Executive Director denied Mr. Ferguson's application for cause. Mr. Ferguson has requested a formal hearing on the Executive Director's decision. During the review of Mr. Ferguson's application, the Executive Director discovered that Mr. Ferguson received deferred adjudication for a Third-Degree Felony. The Executive Director denied Mr. Ferguson's application because this citation was for an offense that directly relates to the duties and responsibilities of the licensed occupation.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this application at:

10:00 a.m. - June 1, 2021

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, provide an opportunity for settlement discussions, and address other matters as determined by the administrative law judge. The preliminary hearing will be held unless all timely hearing requests are withdrawn or the parties agree to waive the preliminary hearing.

The evidentiary phase of the contested case hearing, to be held at a later date, will be a legal proceeding similar to a civil trial in state district court to determine whether Mr. Ferguson should be issued a Water Operator License. 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. **If Joseph Ferguson fails to appear at the preliminary hearing or evidentiary hearing, the Executive Director will request that the hearing be canceled, and that appeal of the Executive Director's decision be dismissed.**

SOAH's rules allow for participation by telephone or videoconference. Permission must be obtained from SOAH at least ten days before the hearing.

Legal Authority: Texas Water Code Chapters 5 and 37; Texas Occupations Code Chapter 53; Texas Government Code, Chapter 2001; 30 Texas Administrative Code (TAC) Chapter 30, and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapters 70 and 80 and 1 TAC Chapter 155.

INFORMATION.

For information concerning the hearing process, please contact the TCEQ Office of Public Interest Counsel, MC 103, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6363. Further information regarding this hearing may be obtained by contacting Alicia Ramirez, Staff Attorney, TCEQ, Environmental Law Division, MC 173, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0133. General information about the TCEQ can be found at our web site at www.tceq.texas.gov. General information about SOAH can be found on its website at www.soah.texas.gov/index.asp, or by calling (512) 475-4993.

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 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 with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445 at least one week prior to the hearing.

Issued: April 28, 2021

TRD-202101702

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 28, 2021



Notice of Hearing Martin Marietta Materials Southwest, LLC: SOAH Docket No. 582-21-2182; TCEQ Docket No. 2021-0054-AIR; Permit No. 41849

APPLICATION.

Martin Marietta Materials Southwest, LLC, 1503 LBJ Freeway, Suite 400, Dallas, Texas 75234-6007, has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to and renewal of Air Quality Permit Number 41849, which would authorize modification to a Rock Crushing Plant located at 5529 Highway 27, Center Point, Kerr County, Texas 78010. As a public courtesy, we have provided the following Web page to an online map of the site or the facility's general location. The online map is not part of the application or the notice: <https://tceq.maps.ar>

cgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bb-ddd360f8168250f&marker=-99.066111%2C29.956666&level=12.

For the exact location, refer to the application. This application was submitted to the TCEQ on August 16, 2019. The existing facility will emit the following contaminants: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less.

The TCEQ Executive Director has prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, and draft permit is available for viewing and copying at the TCEQ central office, the TCEQ San Antonio regional office, and at Butt-Holdsworth Memorial Library, 505 Water Street, Kerrville, Kerr County. The facility's compliance file, if any exists, is available for public review at the TCEQ San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas.

CONTESTED CASE HEARING.

Considering directives to protect public health, the State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

9:00 a.m. - June 14, 2021

To join the Zoom meeting via computer:

<https://soah-texas.zoomgov.com/j/1617061786?pwd=N2cvenlrRzBz-ZWVRajd5RU1EUW5wdz09>

Meeting ID: 160 328 0333

Password: R3e61u

or

To join the Zoom meeting via telephone:

(346) 248-7799

Meeting ID: 160 328 0333

Password: 753354

Visit the SOAH website for registration at: <http://www.soah.texas.gov/> or call SOAH at (512) 475-4993.

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on April 6, 2021. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with the Chapter 2001, Texas Government Code; Chapter 382, Texas Health and Safety Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 116, Subchapters A, B and D; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be affected by the application in a way not common to the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

MAILING LIST.

You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION.

Public comments and requests must be submitted either electronically at www.tceq.texas.gov/agency/decisions/cc/comments.html, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. If you communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record. For more information about this permit application, the permitting process, or the contested case hearing process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040. General information regarding the TCEQ may be obtained electronically at www.tceq.texas.gov

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."

INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information regarding the TCEQ can be found at www.tceq.texas.gov.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Further information may also be obtained from Martin Marietta Materials Southwest, LLC at the address stated above or by calling Mrs. Leslie Mackay, Environmental Engineer at (210) 208-4067.

Issued: April 30, 2021

TRD-202101743

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 3, 2021



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 15, 2021**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that

indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 15, 2021**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Scott W. Gray dba Larry's Mobile Home Service & Supplies; DOCKET NUMBER: 2019-0967-MSW-E; TCEQ ID NUMBER: RN106410640; LOCATION: 1255 Highway 12, Vidor, Orange County; TYPE OF FACILITY: mobile home service and supply facility and waste service provider; RULES VIOLATED: 30 TAC §330.7(a), by failing to obtain authorization from TCEQ prior to engaging in any activity of storage, processing, removal, or disposal of municipal solid waste (MSW); and 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$5,010; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202101748
Charmaine Backens
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: May 4, 2021



Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475, authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overflow prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill and overflow prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations, the proposed penalty, the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of the proposed order and the opportunity to comment is published in

the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 15, 2021**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 15, 2021**. Written comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission attorney is available to discuss the S/DO and/or the comment procedure at the listed phone number; however, comments on the S/DO shall be submitted to the commission in **writing**.

(1) COMPANY: QAAF INC dba The King mart; DOCKET NUMBER: 2020-0437-PST-E; TCEQ ID NUMBER: RN102901766; LOCATION: 3430 East Interstate Highway 10, San Antonio, Bexar County; TYPE OF FACILITY: UST system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1), 30 TAC §334.50(b)(1)(A), and TCEQ Agreed Order Docket Number 2018-0675-PST-E, Ordering Provision Number 2.a., by failing to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$18,000; STAFF ATTORNEY: Christopher Mullins, Litigation, MC 175, (512) 239-0141; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202101746
Charmaine Backens
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: May 4, 2021



Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 15, 2021**. 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 the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 15, 2021**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: City of Spur; DOCKET NUMBER: 2020-0321-PWS-E; TCEQ ID NUMBER: RN101392264; LOCATION: 402 Burlington Avenue, Spur, Dickens County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.110(c)(5), by failing to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled; 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 §290.42(f)(1)(E)(ii), by failing to provide adequate containment facilities for the facility's liquid chemical storage tank - specifically, liquid ammonium sulfate was being stored in a high-density polyethylene bulk tank without secondary containment; and 30 TAC §290.42(e)(3)(D), by failing to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use - specifically, the scale for the chlorine gas cylinders was broken; PENALTY: \$900; STAFF ATTORNEY: Chris Mullins, Litigation, MC 175, (512) 239-0141; REGIONAL OFFICE: Lubbock Regional Office, 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

TRD-202101747
Charmaine Backens
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: May 4, 2021



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of C & D Waste, LTD. and Zahn Enterprises, Inc.: SOAH Docket No. 582-21-2059; TCEQ Docket No. 2019-1128-MSW-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 3, 2021
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 December 14, 2020 concerning assessing administrative penalties against and requiring certain actions of C & D WASTE, LTD. and ZAHN ENTERPRISES, INC., for violations in Lubbock County, Texas, of: 30 Texas Administrative Code §§330.15(c), 330.133(b), 330.141(a), and 330.543(a).

The hearing will allow C & D WASTE, LTD. and ZAHN 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 C & D WASTE, LTD. and ZAHN 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 C & D WASTE, LTD. and ZAHN 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.** C & D WASTE, LTD. and ZAHN 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: Tex. Water Code § 7.054 and Tex. Water Code ch. 7, Tex. Health & Safety Code ch. 361, and 30 Texas Administrative Code chs. 70 and 330; 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 Ryan Rutledge, 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 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: May 4, 2021
TRD-202101764
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 5, 2021



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Charles Robert Collins: SOAH Docket No. 582-21-1906; TCEQ Docket No. 2020-0307-MSW-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 27, 2021

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 July 21, 2020, concerning assessing administrative penalties against and requiring certain actions of Charles Robert Collins, for violations in Newton County, Texas, of: 30 Texas Administrative Code §330.15(a) and (c).

The hearing will allow Charles Robert Collins, 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 Charles Robert Collins, 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 Charles Robert Collins 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.** Charles Robert Collins, 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 ch. 7, Tex. Health & Safety Code ch. 361, and 30 Texas Administrative Code chs. 70 and 330; 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 Taylor Pearson, 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 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 27, 2021

TRD-202101765

Laurie Gharis
Chief Clerk

Texas Commission on Environmental Quality

Filed: May 5, 2021



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Daniel Ramirez dba San Antonio Auto & Truck and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck: SOAH Docket No. 582-21-1918; TCEQ Docket No. 2020-0507-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 20, 2021

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 30, 2020, concerning assessing administrative penalties against and requiring certain actions of Daniel Ramirez dba San Antonio Auto & Truck and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck, for violations in Bexar County, Texas, of: 30 Texas Administrative Code §§324.1, 324.4(1), 324.6, 328.56(d)(2), 335.261(a) and 40 C.F.R. §§273.32(a)(1), 273.33(a)(1), 273.34(a), 273.35(c), 273.36, 273.37(a) and (b), 273.39(b), and 279.22(c)(1) and (d)(3).

The hearing will allow Daniel Ramirez dba San Antonio Auto & Truck and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck, 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 Daniel Ramirez dba San Antonio Auto & Truck and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck, 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 Daniel Ramirez dba San Antonio Auto & Truck and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck 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 al-**

legations 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. Daniel Ramirez dba San Antonio Auto & Truck and D. D. RAMIREZ, INC. dba San Antonio Auto & Truck, 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 ch. 7, Tex. Health & Safety Code chs. 361 and 371, and 30 Texas Administrative Code chs. 70, 324, and 335; 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 Taylor Pearson, 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 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 20, 2021

TRD-202101766

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 5, 2021



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Iftkhar Ali dba Food Stop: SOAH Docket No. 582-21-1922; TCEQ Docket No. 2019-1020-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 3, 2021

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 February 28, 2020 concerning assessing administrative penalties against and requiring certain actions of Iftkhar Ali dba Food Stop, for violations in Jefferson County, Texas, of: Texas Water Code § 26.3475(c)(1) and 30 Texas Administrative Code §§ 37.815(a) and (b), 334.50(b)(1)(A), 334.54(c)(1) and (e)(5).

The hearing will allow Iftkhar Ali dba Food Stop, 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 Iftkhar Ali dba Food Stop, 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 Iftkhar Ali dba Food Stop 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.** Iftkhar Ali dba Food Stop, 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 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 Benjamin Warms, 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 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: May 4, 2021

TRD-202101767

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: May 5, 2021



Notice of Public Hearing on Assessment of Administrative Penalties and Requiring Certain Actions of Port Mansfield Public Utility District: SOAH Docket No. 582-21-1901; TCEQ Docket No. 2020-0625-PWS-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 20, 2021

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 15, 2020, concerning assessing administrative penalties against and requiring certain actions of Port Mansfield Public Utility District, for violations in Willacy County, Texas, of: 30 Texas Administrative Code §§290.117(i)(6) and (j) and 290.122(c)(2)(A) and (f).

The hearing will allow Port Mansfield Public Utility District, 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 Port Mansfield Public Utility District, 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 Port Mansfield Public Utility District 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.** Port Mansfield Public Utility District, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Health & Safety Code ch. 341 and 30 Texas Administrative Code chs. 70 and 290; 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 Roslyn Dubberstein, 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 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 20, 2021

TRD-202101768

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 5, 2021



Notice of Water Quality Application

The following notices were issued on April 30, 2021.

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin Texas 78711-3087 WITHIN 10 DAYS OF THE ISSUED DATE OF THE NOTICE.

INFORMATION SECTION

Travis County Water Control and Improvement District No. 17 has applied to the Texas Commission on Environmental Quality (TCEQ) for a minor amendment to the TCEQ permit to authorize a change in the phasing for the disposal sites of the existing permit. The existing permit authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 0.386 million gallons per day (MGD) via surface irrigation of 113.79 acres of Flintrock Estates Golf Course (FEGC) greens and fairways and a daily average flow not to exceed 0.1 MGD of effluent transfer through a pipe to an off-channel storage pond in the Interim I phase, a daily average flow not to exceed 0.5015 MGD via surface irrigation of the Interim I irrigation areas and additional public access subsurface area drip dispersal irrigation of 3.5582 acres of Lakeway Regional irrigation system in the Interim II phase; a daily average flow not to exceed 0.6498 MGD via surface and subsurface irrigation of the Interim II irrigation areas and additional public access subsurface area drip dispersal irrigation of 30.2607 acres or public access surface irrigation of 38.856 acres of FEGC rough areas and additional public access subsurface area drip dispersal irrigation of 3.8 acres of Creekside areas in the Interim III phase; and an annual average flow not to exceed 1.00 MGD via surface and subsurface irrigation of the Interim III irrigation areas and additional public access subsurface area drip dispersal irrigation of 12.3966 acres of Serene Hills A-1, 11.5 acres of Serene Hills A-2, 15.6795 acres of Serene Hills A-3, 8.8843 acres of Serene Hills A-4, 24.5045 acres of Serene Hills A-5, 6.0147 acres of Thomas Tract, and surface irrigation of 6.86 acres of Serene Hills Drive area in the Final phase. This permit will not authorize a

discharge of pollutants into water in the state. The wastewater treatment facility is located at 2200 Lohmans Spur, in the City of Lakeway, Travis County, Texas 78734. The effluent disposal areas are located from approximately one mile northwest of the intersection of Serene Hills Drive and State Highway 71, to approximately 1,700 feet northwest of the intersection of Flintrock Road and Ranch-to-Market Road 620, in Travis County, Texas 78734. The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin Texas 78711-3087 WITHIN 30 DAYS OF THE ISSUED DATE OF THE NOTICE.

INFORMATION SECTION

Forest Glen Utility Company has applied for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0015030001 to authorize the addition of an Interim III phase at a daily average flow not to exceed 144,000 gallons per day (gpd). The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 240,000 gpd. The facility is located approximately 3.54 miles west of State Highway 211, on south side of Farm-to-Market Road 1957 (Potranco Road), in Medina County, Texas 78009.

If you need more information about these permit applications or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040. General information about the TCEQ can be found at our website at www.TCEQ.texas.gov. Si desea información en español, puede llamar al (800) 687-4040.

TRD-202101742

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 3, 2021



Texas Ethics Commission

List of Late Filers

April 20, 2021

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 Scarlett Scalzo at (512) 463-5800.

Deadline: Semiannual report due January 15, 2021 for committees

Tommy J. Azopardi, Texans for Economic Development, P.O. Box 685138, Austin, Texas 78768

Charles Blain, Texas Liberty Law, 1615 Hermann Dr. #1437, Houston, Texas 77004

Janice L. Burkholder, Pathfinders Republican Women's Club, 21 Towering Pines Dr., The Woodlands, Texas 77381

Ryan Cagney, Texans for Ethical Leadership, 823 Congress Ave., Ste. 150, Austin, Texas 78701

Kimberly K. Chavez, Taylor County Democratic PAC (CEC), 121 East St., Tye, Texas 79563

Sandra Crenshaw, Democrats Choice For The People's Voice, P.O. Box 150888, Dallas, Texas 75315

Wendy R. Davis, Wendy R. Davis for Governor, Inc., P.O. Box 1039, Fort Worth, Texas 76101

Joshua S. Finkenbinder, Texas Combat Veterans, 909 Hampshire, Grand Prairie, Texas 75050

Susan R. Fowler, Texas Motion Picture Alliance PAC, c/o Susan Fowler, 4809 Comal St., Pearland, Texas 77581

Ashlei D. Gradney, Black Women Attorneys PAC, 8150 N. Central Expressway 10th Fl., Dallas, Texas 75206

Philip A. Harris, Dark Money PAC, 7001 Boulevard 26, Ste. 331, North Richland Hills, Texas 76180

Steven B. Hendershot, International Association of Fire Fighters Local #1259 Free Money Fund, 1705 Yuma Ct., League City, Texas 77573

Brandon W. Hodges, Better Bond for Midland, 2502 Stutz Pl., Midland, Texas 79705

Cindy Jackson, 1836 PAC, 1128 Hidden Ridge Dr. #2163, Irving, Texas 75038

Angela G. Johnson, Robin J. Anderson, P.O. Box 38427, Houston, Texas 77238

William T. Jones, Urban Justice and Equity PAC, P.O. Box 571422, Houston, Texas 77257

Dallas S. Jones, Empower PAC, 315 W. Alabama, Ste. 103, Houston, Texas 77006

Eric Knustrom, The Texas PAC, 1122 Colorado St., Ste. 102, Austin, Texas 78701

Lamonty S. Lott Sr., Black Firefighters United PAC, 2448 Tan Oak Dr., Dallas, Texas 75212

Amanda M. Miller, Texas Industries, Inc. Political Action Committee, 1503 LBJ Fwy., Ste. 400, Dallas, Texas 75234

Eustacio Mireles, Building Better Communities Political Action Committee, P.O. Box 720693, McAllen, Texas 78504

J. M. Phillips Jr., Harris County African-American Deputy's Union PAC, 3333 Fannin, Ste. 103A, Houston, Texas 77004

Francisco Sanchez, Team Donna 2020, 800 N. 11th St., Donna, Texas 78537

James Stewart, Texans Against Taxes, 780 W FM 1626, Manchaca, Texas 78652

Ward Tisdale, CAFAPAC, 4701 Gillis St., Austin, Texas 78745

Basilio D. Villareal IV, STARR COUNTY STRONG, 610 Bluebonnet, Rio Grande City, Texas 78582

Phillip A. Webb Jr., Red Wave Texas - Galveston County, 16318 Forest Bend Ave., Friendswood, Texas 77546

TRD-202101705

Anne Temple Peters

Executive Director

Texas Ethics Commission

Filed: April 29, 2021



List of Late Filers

April 22, 2021

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 Scarlett Scalzo at (512) 463-5800.

Deadline: Semiannual Report due January 15, 2021 for Committees

Richard Ash Wright, Republican Mayors and Local Officials, 1216 Brenham Ln., Leander, Texas 78641

Gary I. Dixon, Port Arthur Community Political Action Committee, 2302 Bayou Dr., Port Arthur, Texas 77640

Charles Biltz, Vote YES Corsicana ISD, 1617 Princeton Dr., Corsicana, Texas 75110

Malinda A. Gaul, PromesaPAC, 315 E. Euclid, San Antonio, Texas 78212

Taylor L. Hogeland, A Better Hays PAC, 2022 Ford St., Austin, Texas 78704

Steve Mickelson, Citizens For A Better Farmers Branch, 701 Longspur Blvd., Austin, Texas 78753

Muralidharan Vasudevan, US INDO American Members Political Action Committee, 4444 Big Sky Dr., Plano, Texas 75024

Bruce L. Owdley, African American Police Officers League Texas PAC, 5330 Griggs Road #43 St. A112, Houston, Texas 77021

Juan Roberto Hernandez, Bexar County Tejano Democrats SD26, P.O. Box 29275, San Antonio, Texas 78229

Blair Brogan, Texans For Medical Relief, 1001 Texas Avenue Suite 820, Houston, Texas 77002

Marquis Hawkins, Dallas County Young Dems, 123 E. Woodin Blvd., Dallas, Texas 75216

Jeanie M. Davilla, Heart Of Texas Apartment Assoc., 4201 Lake Short Dr. Ste. H, Waco, Texas 78710

Matt Armstrong, We Love Aubrey, 1011 Surrey Ln. Bldg. 200, Flower Mound, Texas 75022

Stephanie Phillips, Justice For All PAC, 6115 Reamer St., Houston, Texas 77074

Ashley R. Kamrath, Keep Texas Great PAC, 6301 Riverside Dr., Irving, Texas 75039

Matthew Mackowiak, Fight for Tomorrow, 807 Brazos St., Ste. 408, Austin, Texas 78701

Nati R. Saldivar, Big Spring Issues PAC, 707 N. Gregg St., Big Spring, Texas 79720

Anna Golden, Focus On The Kids PAC, 2100 E Gann Hill Dr, Cedar Park, Texas 78613

Logan M. Cheney, Fight for Austin, 5609 Tura Ln. Unit B, Austin, Texas 78721

Jacquy C. Pearson, Washington County Property Owners Association, P.O. Box 102, Burton, Texas 77835

Maureen Ball, Freedom and Liberty Conservatives PAC, P.O. Box 3, Montgomery, Texas 77356

Latasha Henderson, Black Girl Magic, 2413 Mesa Oak Trail, Plano, Texas 75025

Charles G. Rencher, Fort Bend Breakfast Club Political Action Committee, 1730 Hodge Lake Ln., Sugar Land, Texas 77478

Mary Ann Neely, Austin Environmental Democrats Political Action Committee, 1908 Barton Pkwy., Austin, Texas 78704

Victor Garza, Hispanic Pac of Dallas, 1705 Yorkshire Dr., Richardson, Texas 75082

Morris Estepa, Philippine American Coalition of Texas, 9711 Sumter Court, Richmond, Texas 77469

James D. Blume, The Committee to Elect Gena Slaughter and Dorothea Ocker, 111 W. Spring Valley Rd., Ste. 250, Richardson, Texas 75081

Deadline: Lobby Activities Report due January 11, 2021

David Marshall Coover III, 1122 Colorado St. Ste. 102, Austin, Texas 78701

John C. Heal, 500 W. 13th S., Austin, Texas 78701

Anthony Haley, 1212 Guadalupe Ste. 1003, Austin, Texas 78701

Hunter S. Hughes, 5600 Lovers Ln. Ste. 116 #111, Dallas, Texas 75209

Thomas Todd Morgan, 400 W. 15th St. Ste. 1400, Austin, Texas 78701

Bhatti Strategies LLC, Attn.. Ben Bhatti, 5101 Edgewater Ct., Parker, Texas 75094

Amber Burton, 3693 Southwest Pkwy., Houston, Texas 77027

Byron Andrew Campbell, 6508 Kenwood Ave., Dallas, Texas 75214

John-Peter Lund, P.O. Box 12982, Austin, Texas 78711

Helen Kent Davis, 401 W. 15th St., Austin, Texas 78701

Karen G. Batory, 401 W 15th St., Austin, Texas 78701-1670

TRD-202101706

Anne Temple Peters

Executive Director

Texas Ethics Commission

Filed: April 29, 2021



General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 501. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of April 19, 2021, to April 30, 2021. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§506.25, 506.32, and 506.41, the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, May 7, 2021. The public comment period for this project will close at 5:00 p.m. on Sunday, June 6, 2021.

FEDERAL AGENCY ACTIONS:

Applicant: Renaissance Offshore

Location: The project site is located in the Sabine-Neches Waterway, 31 miles southeast of Port Arthur, in Jefferson County, Texas.

Latitude & Longitude (NAD 83): 29.719747, -93.903717

Project Description: The applicant is proposing to remove a segment of an 8-inch pipeline and decommission in place the remaining segment. Specifically, the applicant proposes to excavate approximately 16,398 cubic yards of the sea floor to facilitate the removal of a segment of an 8-inch pipeline crossing the Sabine Bank Channel at Station

82+800 to the limits of the standard channel set-back. The excavated material will be spread on both sides of the pipe trench so not to raise the sea floor elevation. The applicant states that the remaining pipe east of the channel will be decommissioned in place. The remaining pipe west of the channel will also be decommissioned in place. The purpose of the proposed activity is to remove the existing pipeline segment crossing the Sabine Bank Channel to accommodate navigation improvements associated with the Sabine-Neches Waterway Improvement Project.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2021-00042. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

CMP Project No: 21-1284-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202101769

Mark A. Havens

Chief Clerk

General Land Office

Filed: May 5, 2021



Texas Department of Insurance

Company Licensing

Application for North American Title Insurance Company, a foreign title company, to change its name to Doma Title Insurance, Inc. The home office is in Miami, Florida.

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 Robert Rudnai, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

TRD-202101770

James Person

General Counsel

Texas Department of Insurance

Filed: May 5, 2021



Texas Lottery Commission

Scratch Ticket Game Number 2343 "MILLION DOLLAR LOTERIA"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2343 is "MILLION DOLLAR LOTERIA". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2343 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2343.

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:

THE ARMADILLO SYMBOL, THE BAT SYMBOL, THE BICYCLE SYMBOL, THE BLUEBONNET SYMBOL, THE BOAR SYMBOL, THE BUTTERFLY SYMBOL, THE CACTUS SYMBOL, THE CHILE PEPPER SYMBOL, THE CORN SYMBOL, THE COVERED WAGON SYMBOL, THE COW SYMBOL, THE COWBOY SYMBOL, THE COWBOY HAT SYMBOL, THE DESERT SYMBOL, THE FIRE SYMBOL, THE FOOTBALL SYMBOL, THE GEM SYMBOL, THE GUITAR SYMBOL, THE HEN SYMBOL, THE HORSE SYMBOL, THE HORSESHOE SYMBOL, THE JACKRABBIT SYMBOL, THE LIZARD SYMBOL, THE LONE STAR SYMBOL, THE MARACAS SYMBOL, THE MOCKINGBIRD SYMBOL, THE MOONRISE SYMBOL, THE MORTAR PESTLE SYMBOL, THE NEWSPAPER SYMBOL, THE OIL RIG SYMBOL, THE PECAN TREE SYMBOL, THE PIÑATA SYMBOL, THE RACE CAR SYMBOL, THE RATTLESNAKE SYMBOL, THE ROADRUNNER SYMBOL, THE SADDLE SYMBOL, THE SHIP SYMBOL, THE SHOES SYMBOL, THE SOCCERBALL SYMBOL, THE SPEAR SYMBOL, THE SPUR SYMBOL, THE STRAWBERRY SYMBOL, THE SUNSET SYMBOL, THE WHEEL SYMBOL, THE WINDMILL SYMBOL, CHECK SYMBOL, COINS SYMBOL, HEART SYMBOL, MONEYBAG SYMBOL, STAR SYMBOL, ARMORED CAR SYMBOL, BANK SYMBOL, GOLD BAR SYMBOL, STACK OF BILLS SYMBOL, VAULT SYMBOL, \$10.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$20,000 and \$1,000,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2343 - 1.2D

PLAY SYMBOL	CAPTION
THE ARMADILLO SYMBOL	THEARMADILLO
THE BAT SYMBOL	THE BAT
THE BICYCLE SYMBOL	THE BICYCLE
THE BLUEBONNET SYMBOL	THEBLUEBONNET
THE BOAR SYMBOL	THE BOAR
THE BUTTERFLY SYMBOL	THEBUTTERFLY
THE CACTUS SYMBOL	THE CACTUS
THE CARDINAL SYMBOL	THECARDINAL
THE CHERRIES SYMBOL	THECHERRIES
THE CHILE PEPPER SYMBOL	THECHILEPEPPER
THE CORN SYMBOL	THE CORN
THE COVERED WAGON SYMBOL	THECOVEREDWAGON
THE COW SYMBOL	THE COW
THE COWBOY SYMBOL	THECOWBOY
THE COWBOY HAT SYMBOL	THECOWBOYHAT
THE DESERT SYMBOL	THE DESERT
THE FIRE SYMBOL	THE FIRE
THE FOOTBALL SYMBOL	THEFOOTBALL
THE GEM SYMBOL	THE GEM
THE GUITAR SYMBOL	THE GUITAR
THE HEN SYMBOL	THE HEN
THE HORSE SYMBOL	THE HORSE
THE HORSESHOE SYMBOL	THEHORSESHOE
THE JACKRABBIT SYMBOL	THEJACKRABBIT
THE LIZARD SYMBOL	THELIZARD
THE LONE STAR SYMBOL	THELONESTAR
THE MARACAS SYMBOL	THEMARACAS

THE MOCKINGBIRD SYMBOL	THEMOCKINGBIRD
THE MOONRISE SYMBOL	THE MOONRISE
THE MORTAR PESTLE SYMBOL	THEMORTARPESTLE
THE NEWSPAPER SYMBOL	THENEWSPAPER
THE OIL RIG SYMBOL	THEOILRIG
THE PECAN TREE SYMBOL	THEPECANTREE
THE PIÑATA SYMBOL	THE PIÑATA
THE RACE CAR SYMBOL	THERACECAR
THE RATTLESNAKE SYMBOL	THERATTLESNAKE
THE ROADRUNNER SYMBOL	THEROADRUNNER
THE SADDLE SYMBOL	THESADDLE
THE SHIP SYMBOL	THE SHIP
THE SHOES SYMBOL	THE SHOES
THE SOCCERBALL SYMBOL	THESOCCERBALL
THE SPEAR SYMBOL	THE SPEAR
THE SPUR SYMBOL	THE SPUR
THE STRAWBERRY SYMBOL	THESTRAWBERRY
THE SUNSET SYMBOL	THE SUNSET
THE WHEEL SYMBOL	THE WHEEL
THE WINDMILL SYMBOL	THEWINDMILL
CHECK SYMBOL	CHECK
COINS SYMBOL	COINS
HEART SYMBOL	HEART
MONEYBAG SYMBOL	MONEYBAG
STAR SYMBOL	STAR
ARMORED CAR SYMBOL	ARMCAR
BANK SYMBOL	BANK
GOLD BAR SYMBOL	GOLD BAR
STACK OF BILLS SYMBOL	STACKOFBILLS

VAULT SYMBOL	VAULT
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$40.00	FRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$20,000	20TH
\$1,000,000	TPPZ

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 (2343), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2343-0000001-001.

H. Pack - A Pack of the "MILLION DOLLAR LOTERIA" Scratch Ticket Game contains 025 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 025 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 025 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 "MILLION DOLLAR LOTERIA" Scratch Ticket Game No. 2343.

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. Each Scratch Ticket contains exactly 78 (seventy-eight) Play Symbols. A prize winner in the "MILLION DOLLAR LOTERIA" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose Play Symbols as follows: PLAYBOARD 1: 1) The player completely scratches the CALLER'S CARD area to reveal 27 symbols. 2) The player scratches ONLY the symbols on the PLAYBOARD that exactly match the symbols revealed on the CALLER'S CARD. 3) If the player reveals a complete row, column or diagonal line, the player wins the prize for that line. PLAYBOARDS 2: The player scratches ONLY the symbols on each PLAYBOARD that exactly match the symbols revealed on the CALLER'S CARD. If the player reveals all 4 symbols in a column, the player wins the PRIZE for that column. PLAY AREA 3 (BONUS GAMES): The player scratches ONLY the symbols on the BONUS GAMES that exactly match the symbols revealed on the CALLER'S CARD. If the player reveals 2 symbols in the same GAME, the player wins the PRIZE for that GAME. PLAY AREA 4 (BONUS): If the player reveals 2 matching symbols in the BONUS \$100, the player wins \$100. If the player reveals 2 matching symbols in the BONUS \$200, the player wins \$200. TABLA DE JUEGO 1: 1) El jugador raspa completamente la CARTA DEL GRITÓN para revelar 27 símbolos. 2) El jugador SOLAMENTE raspa los símbolos en la TABLA DE JUEGO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. 3) Si el jugador revela una línea completa horizontal, vertical o diagonal, el jugador gana el premio para esa línea. TABLAS DE JUEGO 2: El jugador SOLAMENTE raspa los símbolos en cada de las TABLAS

DE JUEGO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. Si el jugador revela todos los 4 símbolos en una columna, el jugador gana el PREMIO para esa columna. ÁREA DE JUEGO 3 (JUEGOS DE BONO): El jugador SOLAMENTE raspa los símbolos en los JUEGOS DE BONO que son exactamente iguales a los símbolos revelados en la CARTA DEL GRITÓN. Si el jugador revela 2 símbolos en el mismo JUEGO, el jugador gana el PREMIO para ese JUEGO. ÁREA DE JUEGO 4 (BONO): Si el jugador revela 2 símbolos iguales en el área de BONO \$100, el jugador gana \$100. Si el jugador revela 2 símbolos iguales en el área de BONO \$200, el jugador gana \$200. 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 78 (seventy-eight) 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 78 (seventy-eight) 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 78 (seventy-eight) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the 78 (seventy-eight) 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. GENERAL: A Ticket can win up to fourteen (14) times in accordance with the approved prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. PLAYBOARD 1/TABLA DE JUEGO 1: No matching Play Symbols in the CALLER'S CARD/CARTA DEL GRITÓN play area.

D. PLAYBOARD 1/TABLA DE JUEGO 1: At least eight (8) but no more than twelve (12) CALLER'S CARD/CARTA DEL GRITÓN Play Symbols will match a Play Symbol on the PLAYBOARD 1/TABLA DE JUEGO 1 play area.

E. PLAYBOARD 1/TABLA DE JUEGO 1: CALLER'S CARD/CARTA DEL GRITÓN Play Symbols will have a random distribution on the Ticket, unless restricted by other parameters, play action or prize structure

F. PLAYBOARD 1/TABLA DE JUEGO 1: No matching Play Symbols are allowed on the same PLAYBOARD 1/TABLA DE JUEGO 1 play area.

2.3 Procedure for Claiming Prizes.

A. To claim a "MILLION DOLLAR LOTERIA" Scratch Ticket Game prize of \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$150, \$200, \$250 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 \$30.00, \$40.00, \$50.00, \$100, \$150, \$200, \$250 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be

forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "MILLION DOLLAR LOTERIA" Scratch Ticket Game prize of \$1,000, \$5,000, \$20,000 or \$1,000,000, 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 "MILLION DOLLAR LOTERIA" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery 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 "MILLION DOLLAR LOTERIA" 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 "MILLION DOLLAR LOTERIA" 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 25,200,000 Scratch Tickets in Scratch Ticket Game No. 2343. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2343 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20	3,024,000	8.33
\$30	1,764,000	14.29
\$40	504,000	50.00
\$50	1,008,000	25.00
\$100	991,200	25.42
\$150	201,600	125.00
\$200	132,090	190.78
\$250	65,520	384.62
\$500	11,760	2,142.86
\$1,000	1,680	15,000.00
\$5,000	336	75,000.00
\$20,000	42	600,000.00
\$1,000,000	12	2,100,000.00

*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 3.27. 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. 2343 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. 2343, 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-202101744

Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: May 4, 2021

◆ ◆ ◆

Motor Vehicle Crime Prevention Authority
 Fiscal Year 2022 Request for Applications - Taskforce Grants
May 4, 2021

Notice of Request for Applications

The Motor Vehicle Crime Prevention Authority (MVCPA) authorized the issuance of the Fiscal Years 2022 and 2023 (FY22-23) **Request for Applications (RFA)** at its regularly scheduled meeting held on February 25, 2021. MVCPA is authorized in statute to provide grants to local law enforcement to combat motor vehicle theft, burglary from a motor vehicle and/or fraud-related motor vehicle crime. Eligible applicants may request funds for program operation by submission of an appli-

cation consistent with the information, including the requirements and conditions stated in this RFA. This RFA is posted in the *Texas Register* as required by law for at least thirty (30) days prior to the due date for Applications.

All applications submitted will be for FY2022. If awarded an FY2022 grant the MVCPA may provide a FY2023 grant subject to availability of funding and grantees' positive program performance. The MVCPA will use the same FY2022 application and budget values as originally submitted for the extended period. Any ongoing program (scope) changes or budget changes will be submitted by grantees through the grant adjustment process after the creation of the second-year grants.

Due Date

Grant Applications from eligible applicants must be completely submitted online at <https://MVCPA.tamu.edu> on or before **5:00 p.m., July 9, 2021**. **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://MVCPA.tamu.edu> on or before **5:00 p.m., July 9, 2021**.

Applicable Authority and Rules

Motor Vehicle Crime Prevention Authority grant programs are governed by the following statutes, rules, standards and guidelines:

- Texas Transportation Code Chapter 1006
- Texas Administrative Code (TAC): Title 43; Part 3; Chapter 57
- Texas Grant Management Standards (TxGMS) as promulgated by the Texas Comptroller of Public Accounts
- The current Motor Vehicle Crime Prevention Authority Grant Administrative Manual and subsequent adopted grantee instruction manuals

This Request for Applications issued on May 4, 2021

Eligible Applicants

Only Texas law enforcement agencies through their city or county are eligible to apply for Motor Vehicle Crime Taskforce Grants.

Application Category

Applicants meeting the eligibility requirements may submit a new grant subject to the priority established by the MVCPA in the FY22 RFA. FY22 is the first year of the new Taskforce grant category.

New Grant - Available only to law enforcement agencies. These are annual grants that require a minimum cash match of 20% for the program described in the application. New applicants shall email MVCPA to GrantsMVCPA@txdmv.gov from an official governmental agency account to request an account and access be established.

Grant Type

Reimbursement - This is a total program budget reimbursement grant. Applicants that are awarded grants will expend local (agency) funds and then will be reimbursed quarterly at the agreed rate for all allowable, reasonable and necessary program costs incurred.

Grant Term

The FY22 grant cycle is a one (1) year funding cycle to begin on September 1, 2021 and end August 31, 2022.

Subject to availability of funding and grantees' positive program performance the MVCPA may provide a FY2023 grant using the same online application systems and budget values as originally submitted. No obligations or expenses may be incurred or made outside of the grant period(s).

Method of Application

Grant Applications from eligible applicants shall be completely submitted online at <https://MVCPA.tamu.edu> on or before 5:00 PM, July 9, 2021. All forms will be completed online. The Resolution and all supporting documents must be submitted as attachments.

Resolution Required

A Resolution (Order or Ordinance) by the applicant governing body is required to make application for these funds. The resolution shall provide that the governing body applies for the funds for the purpose provided in statute (*Texas Transportation Code, Chapter 1006*) to return the grant funds in the event of loss or misuse, and designate the officials that the governing body chooses as its agents to make uniform assurances and administer the grant if awarded.

Only the governing body that submits an application needs to adopt and submit a Resolution. Participating jurisdictions in multi-agency taskforces shall agree and commit to the grant through interagency agreements as provided under Texas Local Government Code Chapter 362, Texas Government Code Chapter 791 and TxGMS.

In the event a governing body has delegated the application authority to a city manager, chief of police, sheriff or other official then applicants must submit online a copy of the delegation order (documentation) along with the Resolution signed by the official. A sample Resolution is attached as Appendix A.

Program Category

To be eligible for consideration for funding, a taskforce grant application must be designed to support one or more of the following MVCPA program categories (43 TAC §57.14):

Law Enforcement, Detection, and Apprehension - provide financial support to law enforcement agencies for economic motor vehicle theft and fraud-related motor vehicle crime enforcement teams (referred to as taskforces). Taskforces will develop organized methods to combat motor vehicle theft, burglary of a motor vehicle and fraud-related motor vehicle crime through the enforcement of law. This may include recovery of vehicles, clearance of cases, arrest of law violators and disruption of organized motor vehicle crime. This category includes development of uniform programs to prevent stolen motor vehicles from entering into Mexico or being removed from Texas through outbound seaports.

Prosecution/Adjudication/Conviction - provide financial support for taskforces to work with prosecutors and judicial agencies to implement programs designed to reduce the incidence of motor vehicle theft, burglary of a motor vehicle and fraud-related motor vehicle crime.

Prevention, Anti-Theft Devices and Automobile Registration - provide financial support for taskforces to work with organizations and communities to reduce the incidence of motor vehicle theft, burglary of a motor vehicle and/or fraud-related motor vehicle crime. The application shall demonstrate how the financial support will assist automobile owners to reduce motor vehicle theft, burglary of a motor vehicle and fraud-related motor vehicle crime.

Reduction of the Sale of Stolen Vehicles or Parts - provide financial support for taskforces to work with businesses, organizations and communities to reduce the sale of stolen parts. Applicants will develop organized methods to combat the sale of stolen vehicles and parts using any of the following: vehicle identification number (VIN) inspection; inspections of motor vehicle part and component distribution enterprises; parts labeling and etching methods; and means to detect fraudulent selling of stolen parts.

Educational Programs and Marketing - provide financial support for taskforces to work with individuals, businesses, organizations and communities to assist automobile owners in preventing motor vehicle theft, burglary of a motor vehicle and fraud-related motor vehicle crime. Develop and provide specialized training or education program(s) to: the public on motor vehicle crime prevention, law enforcement on interdiction and prosecution, and government officials on fraud related motor vehicle crime prevention, including title and registration fraud.

Priority Funding

The statute provides that "The authority shall allocate grant funds primarily based on the number of motor vehicles stolen in, or the motor vehicle burglary or theft rate across, and the number of fraud-related motor vehicle crimes committed in the state rather than based on geographic distribution." (TTC Section 1006.151, (c)). In addition, the following grant features will be given priority consideration in evaluating **new** grant applications:

Continuing Funded Programs in Compliance with MVCPA Grant Conditions - Applications that provide for the continuation of existing programs that currently meet the program and fiscal reporting conditions of the MVCPA. Applicants must provide ongoing need and evidence of their progress toward combatting motor vehicle theft, burglary of a motor vehicle and/or fraud-related motor vehicle crime. The applicant must describe the experience and qualifications of investigators used in the program and how utilization of current grant inventory and resources for continued operation of these specialized investigative grant programs are useful for the state and local governments.

Programs to Combat Organized Economic Crime - Applications for economic motor vehicle theft and fraud-related motor vehicle crime enforcement teams that introduce, increase, or expand efforts to combat organized crime. This includes efforts by criminals that commit or conspire to commit motor vehicle theft, burglary of a motor vehicle and/or fraud-related motor vehicle crime. Grant applications that include specific initiatives to target pattern, organized and economic crime will receive prioritization.

Supporting Documents

Documents that provide evidence of local support or commitment from other officials or agencies for the application may be submitted following the same instructions as the Resolution. Interagency agreements shall be submitted prior to payments being authorized if an award is made. MVCPA recommends that interagency agreements be completed after award determinations are made to ensure correct amounts are reflected in those agreements. All interagency agreements must meet the conditions and elements required in the TxGMS.

Supplanting Prohibited

Grant funds provided by the Authority under this RFA shall not be used to supplant federal, state or local funds that otherwise would be available for the same purposes (Texas Administrative Code Title 43, §57.9). Supplanting means the replacement of other funds with MVCPA grant funds. This shall include using existing resources already available to a program activity as cash match.

Cash Match Requirement

All applications for programs must provide at least a twenty (20%) percent cash match (Texas Administrative Code Title 43, §57.36). Multijurisdictional agencies must provide details for the method of cash match in intergovernmental agreements (*Texas Government Code, Chapter 791*). Cash match must meet the requirements provided in TxGMS.

Formulas to calculate cash match:

1. Total MVCPA grant funds requested multiplied by percent of match required = Total Amount of Cash Match Required

2. Total Program Cost minus Total Cash Match Required = Total Authority Grant Request

NICB in Lieu of Cash - Applicants may enter into formal agreements with the National Insurance Crime Bureau (NICB) to work on grant funded activities. The amount of salary and other direct costs related to the work on grant activity provided by the NICB may be counted and reported as in lieu of cash match. Time certifications are required to be made by the employee for these positions every month for part-time and every six months for full-time employees. Applicants must meet the obligation expressed as cash match in the event NICB cannot meet its obligation.

In-Kind Match

Only include in-kind if necessary for the local jurisdiction. In-kind contributions shall not be considered cash match. In-kind match may be used to: 1) reflect the total level of jurisdictions' effort/costs to combat motor vehicle crime; 2) reflect how the grant program fits into jurisdictions' operation; 3) effectively operate a single program with multiple funding streams; and/or 4) contributions from the applicant or third-parties that are for grant funded activity. Costs in detail line items shall not be split between in-kind match and cash match or grant funding. For example, the entire salary of an officer shall be placed in one expense type rather than split between grant/cash match costs and in-kind.

Reporting and Webinar Attendance Requirements

Applicants that are awarded grants will be required to provide:

Quarterly Progress Reports - The MVCPA requires submission of quarterly progress reports to demonstrate progress toward meeting goals and activities provided in the grant application. These include: 1) Monthly progress toward statutorily required performance measures; 2) Monthly progress recorded on the *Goals, Strategies and Activities Report*; and 3) Quarterly Summary and Success section. Grantees designated as Border/Port Security grants are required to complete additional sections required by the Texas Legislature.

Quarterly Financial Reports - Reports of actual expenses are provided to request funds. All expenditures must be in accordance with local policies and procedures and grant requirements. Grantees shall review all expenditures, ensure all applicable regulations are followed, and maintain documentation that is true and complete. All expenses must be supported by appropriate documentation.

Webinar Attendance: One grant representative from the applicant agency will attend a monthly session via teleconference or webinar that includes information on MVCPA grant administration.

One law enforcement officer must attend the information sharing and networking sessions on law enforcement issues and other MVCPA issues critical to operating an MVCPA taskforce.

Funding Requirements and Conditions

a) State Funds Availability - All awards by the MVCPA are subject to availability of state funds.

b) Right of Refusal - The Authority reserves the right to reject any or all of the applications submitted.

c) Awards - Publishing the RFA does not obligate the Authority to fund any programs.

d) Partial Funding - The Authority may choose to offer funds for all or any portion of a program submitted in an Application.

e) Substitution - The Authority may offer alternative funding sources, special conditions or alternative program elements in response to submitted Applications.

f) Application Required - Registration for online access is required. The MVCPA is not responsible for applicants that cannot complete the registration and application process on time.

g) No Alternative Application Submission - Paper applications and requests for funding are not accepted in lieu of the online grant application process.

h) Review Criteria - Authority staff and designated MVCPA Board member(s) will review each grant using subjective and objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Authority.

i) Questions and Clarification - During the review period, the applicant may be contacted by Authority staff to ask questions or seek clarification on information provided in the application. Failure to promptly respond will not disqualify an applicant but information that arrives after the review period cannot be considered.

j) Final Selection - The Authority may select and award programs that best meet the statutory purposes and that reflect its current priorities. No appeal may be made from the Authority's decisions.

k) Changes in Application - If an applicant proposes changes to be made in the program type or participation of jurisdictions after an award is determined, then the Authority will review the changes and make modifications (including the amount) or cancel the award as deemed appropriate to the Authority.

l) Delayed Start - An applicant that is awarded a grant and that does not begin operations within 45 days of the beginning of the grant term is considered terminated.

m) Application instructions - The MVCPA provides additional details and instructions in the online application system that are incorporated by reference as part of this RFA and must be followed during the application and award process.

n) Program Income - It is defined in the TxGMS. Current grantees carrying forward program income from prior years will follow the new rules established by the Texas Comptroller and MVCPA Grant Administrative Manual. Program Income should be specified in the grant budget detail, narrative and source of income table for FY22.

o) TCOLE Certifications Required - All law enforcement agencies regulated by Chapter 1701, Occupations Code must certify that they are in compliance with Texas Commission on Law Enforcement standards or provide a certification from the Commission on Law Enforcement that states that the requesting agency is in the process of achieving compliance with such rules.

Selection Process:

Eligible applications will be reviewed. Grant award decisions by MVCPA are final and not subject to judicial review. Grants will be awarded on or before September 1, 2021.

Applications that do not meet the stated requirements of this RFA and that are not eligible for review will be notified ten (10) working days after the due date.

Application Workshop

Potential applicants are requested to attend an online "Motor Vehicle Crime Prevention Authority Grant Application Workshop" which has been scheduled for: **May 12, 2021 from 9 a.m. to 11 a.m. Join by using the following links:**

THIS MEETING WILL BE HELD REMOTELY VIA TELEPHONE CONFERENCE CALL *

For Attendees to access the meeting via WebEx:

<https://txdmv.webex.com/txdmv/onstage/g.php?MTID=e42380cf8a320b24912cc0932ee20968b>

For Dial-In users:

Phone number for accessing the meeting via phone:

United States Toll Free: 1 (844) 740-1264

US Toll: 1 (415) 655-0003

Event number: 133 438 2267

Event password: 051221 (workshop date)

The informational session will provide details on the grant Application process including grant eligibility requirements, completing the various Application sections, and the grant cycle timeline. At least one representative of the potential grant applicant should be present at this workshop.

Attendees are responsible for making individual hotel reservations.

Contact Person

Bryan E. Wilson, MVCPA Director,

Texas Motor Vehicle Crime Prevention Authority

4000 Jackson Avenue

Austin, Texas 78731

(512) 465-1485

GrantsMVCPA@txdmv.gov

MVCPA Application Checklist

Each Applicant must:

- 1) Complete the on-line Application on or before **5:00 PM, July 9, 2021;**
- 2) Complete the Resolution with the city or county and attach with other supporting documents on or before **5:00 PM, July 9, 2021**

Appendix A
Updated Sample Motor Vehicle Crime Prevention Authority Resolution

Applicants must use the language below to meet the minimum legal elements to execute an agreement with the MVCPA through the grant application process. Cities and counties not wanting to use the sample below must address all the legal elements contained herein.

2022 **Blank City/ County** Resolution or Order or Ordinance

Motor Vehicle Crime Prevention Authority

2022 BLANK Resolution
Taskforce Grant Program

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement agencies for economic motor vehicle theft and fraud-related motor vehicle crime enforcement teams; and

WHEREAS, this grant program will assist this jurisdiction to combat motor vehicle theft, motor vehicle burglary and fraud-related motor vehicle crime; and

WHEREAS, BLANK has agreed that in the event of loss or misuse of the grant funds, BLANK assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

NOW THEREFORE, BE IT RESOLVED and ordered that TITLE, is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that TITLE, is designated as the Program Director and TITLE, is designated as the Financial Officer for this grant.

Adopted this _____ day of _____, 2021.

NAME

TITLE: County Judge /Mayor/ City Manager

TRD-202101749
David Richards
General Counsel
Motor Vehicle Crime Prevention Authority
Filed: May 4, 2021



North Central Texas Council of Governments

Notice of Contract Award - Professional Services to Support
Transit Accounting Models

Pursuant to the provisions of Government Code, Chapter 2254, the
North Central Texas Council of Governments publishes this notice of

contract award. The request appeared in the January 8, 2021, issue of the *Texas Register* (46 TexReg 361). The selected entity will perform technical and professional work for Professional Services to Support Transit Accounting Models.

The entity selected for this project is BKD, LLP, 14241 Dallas Parkway, Suite 1100, Dallas, TX 75254-2961 The amount of the contract is not to exceed \$250,000.

Issued in Arlington, Texas on April 29, 2021

TRD-202101703

R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: April 29, 2021

◆ ◆ ◆
Permian Basin Regional Planning Commission

**Permian Basin Regional Planning Commission - Public Notice
RFP - Comprehensive Economic Development Strategy**

The Permian Basin Regional Planning Commission (PBRPC) seeks a qualified firm to provide research and complete the Permian Basin Comprehensive Economic Development Strategy (CEDS) for the 17-county region of the Permian Basin including Andrews, Borden, Crane, Dawson, Ector, Gaines, Glasscock, Howard, Loving, Martin, Midland, Pecos, Reeves, Terrell, Upton, Ward and Winkler Counties. A hired firm or individual professional will be contracted to work in coordination of the PBRPC Director of Regional Services, the CEDS committee of the Economic Development District and the PBRPC Executive Director to develop a plan for 2021-2025. The CEDS is utilized as a tool that describes the assets of the region with clearly identified priorities for the region in planning for continued economic development and economic resiliency for the region. The CEDS is also utilized to plan for new industry and for prospects as they view the demographics, workforce characteristics and the overall economic opportunities for new business and expansion projects. Complete RFP and Instructions may be accessed at PBRPC.org.

PBRPC is an EEO and LEP services provider.

TRD-202101738
Virginia Belew
Executive Director
Permian Basin Regional Planning Commission
Filed: May 3, 2021

◆ ◆ ◆
Public Utility Commission of Texas

**Notice of Application for Designation as an Eligible
Telecommunications Carrier**

Notice is given to the public of an application filed with the Public Utility Commission of Texas on April 28, 2021, for designation as an eligible telecommunications carrier (ETC) in the State of Texas under 47 U.S.C. §214(e) and 16 Texas Administrative Code §26.418.

Docket Title and Number: Application of Coleman County Telephone Cooperative, Inc. for Designation as an Eligible Telecommunications Carrier, Project Number 52063.

The Application: Coleman County Telephone Cooperative, Inc. seeks designation as an eligible telecommunications carrier (ETC) under 47 U.S.C. §214(e) and 16 Texas Administrative Code §26.418.

Coleman County Telephone Cooperative, Inc. seeks an ETC designation for the purpose of qualifying to receive federal support covering two census blocks and 11 locations in Coleman County. The two census blocks which form the service area for which Coleman County Telephone Cooperative, Inc. seeks eligibility are located in Coleman County and are further identified in exhibit A and the maps depicting the census blocks are found in exhibit A of Coleman County Telephone Cooperative, Inc.'s application.

The proposed effective date is May 28, 2021, or 30 days after notice is published, whichever is later.

Persons wishing to file a motion to intervene or comments on the application should contact the commission no later than May 28, 2021, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Project Number 52063.

TRD-202101704
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: April 29, 2021

◆ ◆ ◆
Rio Grande Council of Governments

Region 14 Upper Rio Grande Flood Planning Group

Nominations for voting membership Region 14 Upper Rio Grande Flood Planning Group

The **Region 14 Upper Rio Grande Flood Planning Group (RFPG)** is seeking nominations to fill voting positions on its Group. The positions are as follows:

- (1) Water Utilities - Term expires July 10, 2023
- (1) Public - Term expires July 10, 2023

The Upper Rio Grande RFPG was established by the Texas Water Development Board on October 1, 2020, through the designation of initial flood planning group members. The Upper Rio Grande RFPG consists of portions of Brewster, Crane, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward, and portions of Andrews, Crockett, Ector, Edwards, Midland, Reagan, Schleicher, Sutton, Upton, Val Verde, and Winkler.

Article V. Section 3 of the adopted Upper Rio Grande RFPG Bylaws states that in order to be eligible for voting membership, a person must be capable of adequately representing the interest for which a member is sought, be willing to participate in the regional flood planning process, attend meetings, and abide by these bylaws.

Nominations (Nomination letter and a résumé or biography of nominee are required) must be received by **May 14, 2021**, by 5:00 p.m., Mountain Standard Time, addressed to:

Annette Gutierrez
Administrative Officer
Region 14 Upper Rio Grande Flood Planning Group
8037 Lockheed Drive, Suite 100
El Paso, Texas 79925

Or

By email to: annetteg@riocog.org
TRD-202101715
Annette Gutierrez
RGCOG Executive Director
Rio Grande Council of Governments
Filed: April 30, 2021

◆ ◆ ◆
Sam Houston State University

Notice of Intent to Seek Consulting Services

In compliance with the provisions of Texas Government Code, Chapter 2254, Sam Houston State University (the "University") in Huntsville, Texas, solicits Request for Qualifications ("RFQ") for consultant services to aid the University in securing a Domestic Wastewater Permit and Authorization for Re-Use of Domestic Reclaimed Water through the Texas Commission on Environmental Quality. The University has made a fact finding that the consulting services are necessary and that the University does not have the in-house expertise to complete the required applications with supporting documentation. Pursuant to Texas Government Code 2254.029(b) notice is given that the University intends to award the contract for the solicited consulting services to KIT Professionals, Inc., 2000 West Sam Houston Pkwy S., Suite 1400, Houston, Texas 77042, unless an offer of better value is received.

Selection criteria will be based on the best value which will be determined by the University, and cover such areas as procedural approach to scope of work, experience with the successful preparation and submission of similar applications, qualifications of consultants, references from other Institutions of Higher Education, and how well the proposer followed the RFQ instructions.

Sam Houston State University, in accordance with applicable federal and state law (including Title VII) and institutional values, prohibits discrimination or harassment on the basis of race, creed, ancestry, mar-

ital status, citizenship, color, national origin, sex, religion, age, disability, veteran's status, sexual orientation, or gender identity.

The closing date for receipt of offers is June 21, 2021. The date of award is anticipated to be on or before June 25, 2021.

Sam Houston State University contact for inquiries is:

William H. Tidwell

Assistant Director Procurement and Business Services

P.O. Box 2028

Huntsville, Texas 77341-2028

Phone: (936) 294-1904

Email: pur_wht@shsu.edu

TRD-202101762

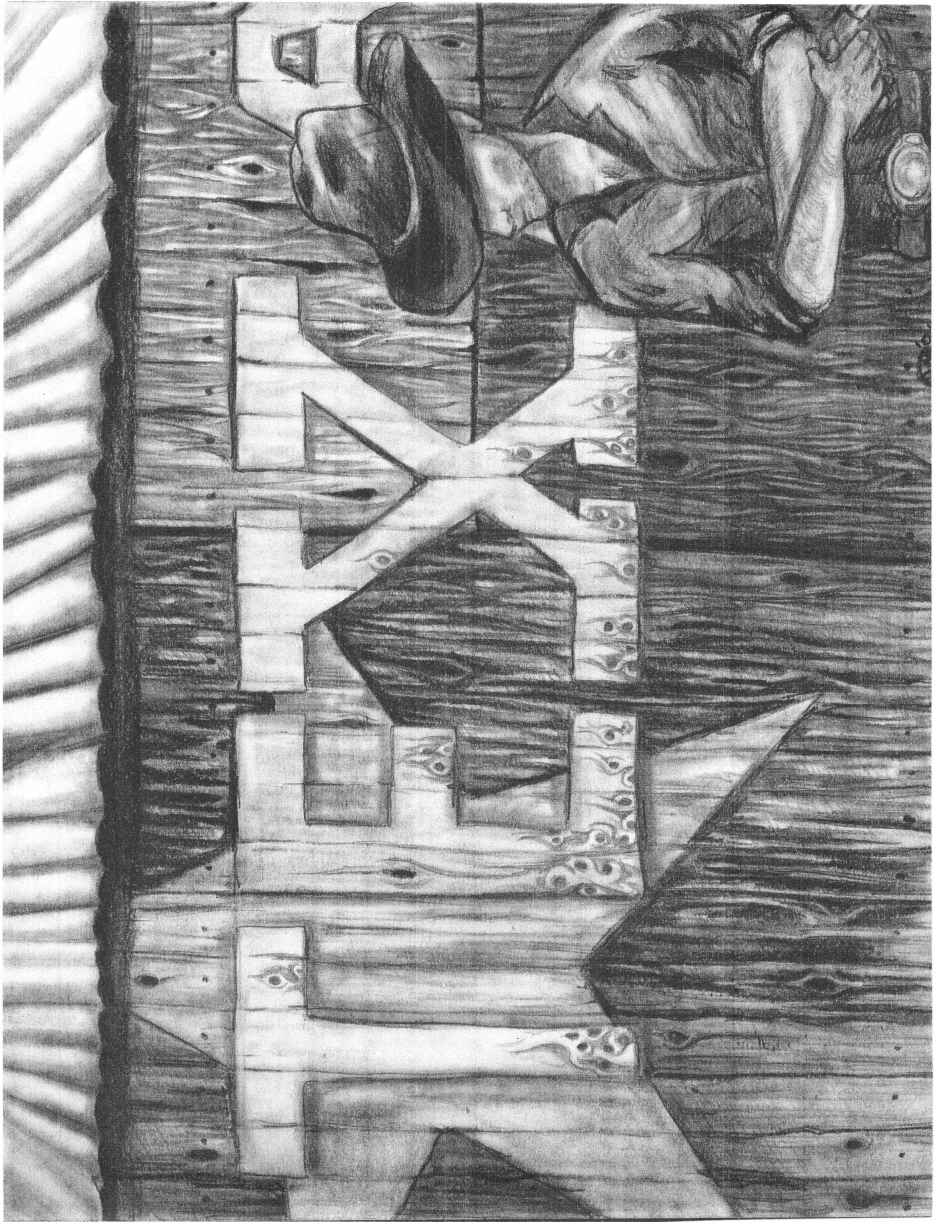
Sandra Horne

Associate General Counsel

Sam Houston State University

Filed: May 4, 2021





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 46 (2021) is cited as follows: 46 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 "46 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 46 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)

SALES AND CUSTOMER SUPPORT

Sales - To purchase subscriptions or back issues, you may contact LexisNexis Sales at 1-800-223-1940 from 7 a.m. to 7 p.m., Central Time, Monday through Friday. Subscription cost is \$502 annually for first-class mail delivery and \$340 annually for second-class mail delivery.

Customer Support - For questions concerning your subscription or account information, you may contact LexisNexis Matthew Bender Customer Support from 7 a.m. to 7 p.m., Central Time, Monday through Friday.

Phone: (800) 833-9844

Fax: (518) 487-3584

E-mail: customer.support@lexisnexis.com

Website: www.lexisnexis.com/printedsc



LexisNexis