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Secretary of State - Jane Nelson

Director - Je T'aime Swindell

Editor-in-Chief - Jill S. Ledbetter

Editors

Leti Benavides

Jay Davidson

Brandy M. Hammack

Belinda Kirk

Laura Levack

Joy L. Morgan

Matthew Muir

Breanna Mutschler

IN THIS ISSUE

GOVERNOR

Appointments2547

EMERGENCY RULES

HEALTH AND HUMAN SERVICES COMMISSION

LIMITED SERVICES RURAL HOSPITALS

26 TAC §600.12549

PROPOSED RULES

TEXAS EDUCATION AGENCY

PLANNING AND ACCOUNTABILITY

19 TAC §97.10012551

19 TAC §97.10052555

CHARTERS

19 TAC §100.10192556

TEXAS MUNICIPAL RETIREMENT SYSTEM

MISCELLANEOUS RULES

34 TAC §§127.1 - 127.4, 127.6 - 127.102558

34 TAC §§127.1, 127.3 - 127.132559

WITHDRAWN RULES

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

PRACTICE AND PROCEDURE

22 TAC §575.262565

ADOPTED RULES

TEXAS ANIMAL HEALTH COMMISSION

RURAL VETERINARIAN INCENTIVE PROGRAM

4 TAC §§42.1, 42.3, 42.5, 42.7, 42.9, 42.11, 42.13, 42.15, 42.17, 42.19, 42.21, 42.232567

PRESCRIBED BURNING BOARD

GENERAL PROVISIONS

4 TAC §§225.1 - 225.42568

REQUIREMENTS FOR CERTIFICATION BY THE BOARD

4 TAC §§226.1 - 226.3, 226.5 - 226.72568

REQUIREMENTS FOR CERTIFIED AND INSURED PRESCRIBED BURN MANAGERS

4 TAC §227.1, §227.42569

4 TAC §227.32569

PROCEDURES FOR CERTIFIED AND INSURED PRESCRIBED BURN MANAGERS

4 TAC §§228.1 - 228.42569

CONTINUING FIRE TRAINING

4 TAC §§229.1 - 229.42570

LEAD BURN INSTRUCTOR REQUIREMENTS

4 TAC §§230.1 - 230.42570

TEXAS HISTORICAL COMMISSION

TEXAS HOLOCAUST, GENOCIDE, AND ANTISEMITISM ADVISORY COMMISSION

13 TAC §18.92571

HISTORY PROGRAMS

13 TAC §21.132571

STATE BOARD OF DENTAL EXAMINERS

CONTINUING EDUCATION

22 TAC §104.22572

TEXAS OPTOMETRY BOARD

THERAPEUTIC OPTOMETRY

22 TAC §280.12573

22 TAC §§280.2, 280.3, 280.6, 280.8, 280.92574

22 TAC §280.52575

22 TAC §280.102576

TEXAS STATE BOARD OF PHARMACY

LICENSING REQUIREMENTS FOR PHARMACISTS

22 TAC §283.22576

22 TAC §283.42576

PHARMACIES

22 TAC §291.1212577

PHARMACISTS

22 TAC §295.82577

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

PRACTICE AND PROCEDURE

22 TAC §575.292578

22 TAC §575.292578

TEXAS MEDICAL DISCLOSURE PANEL

INFORMED CONSENT

25 TAC §601.5, §601.92578

RULE REVIEW

Proposed Rule Reviews

Texas Education Agency2581

Texas Commission on Environmental Quality2581

Adopted Rule Reviews

Texas Historical Commission	2582
State Board of Dental Examiners.....	2582
Texas Commission on Law Enforcement	2582

TABLES AND GRAPHICS

.....	2585
-------	------

IN ADDITION

Coastal Bend Workforce Development Board

Reissue of Invitation for Bids for Airframe Equipment (IFB No. 23-08).....	2599
--	------

Office of Consumer Credit Commissioner

Notice of Rate Ceilings.....	2599
------------------------------	------

Court of Criminal Appeals

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 6.....	2599
--	------

Texas Education Agency

Correction of Error.....	2603
Notice of Extension Concerning Request for Student Reading Instrument, Grade 7.....	2603
Request for Applications Concerning the 2024-2025 Stronger Connections Grant.....	2604

Texas Commission on Environmental Quality

Agreed Orders.....	2604
Enforcement Orders.....	2606
Enforcement Orders.....	2607
Notice of Correction to Agreed Order Number 2.....	2608
Notice of District Petition.....	2608
Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action.....	2609
Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions	2609

Notice of Public Meeting Proposed Air Quality Permit No. 78606 2610

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program	2610
--	------

Texas Department of Insurance

Company Licensing	2611
-------------------------	------

Texas Lottery Commission

Scratch Ticket Game Number 2474 "\$250 GRAND"	2611
Scratch Ticket Game Number 2495 "PLATINUM MILLIONS" ..	2617
Scratch Ticket Game Number 2512 "PREMIER WINNINGS"	2624

Middle Rio Grande Workforce Development Board

Public Notice Request for Proposals (RFP) Operation and Management of Child Care Services Program	2631
Public Notice Request for Qualifications (RFQ) Proposal Reading Services	2632

North Central Texas Council of Governments

Request for Proposals	2632
-----------------------------	------

Texas State Board of Pharmacy

Correction of Error.....	2632
--------------------------	------

Public Utility Commission of Texas

Notice of Application for Approval of the Provision of Non-Emergency 311 Service.....	2632
---	------

South East Texas Regional Planning Commission

Mass Notification System Vendor Invitation for Bid.....	2633
---	------

Supreme Court of Texas

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 6 (Joint Order, Court of Criminal Appeals Misc. Docket No. 23-002).....	2633
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THE GOVERNOR

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

Appointments

Appointments for May 1, 2023

Appointed as District Attorney of the 118th Judicial District, Howard, Martin and Glasscock Counties, for a term until December 31, 2024, or until his successor shall be duly elected and qualified, Joshua A. Hamby of Big Spring, Texas.

Appointments for May 3, 2023

Appointed to the Correctional Managed Health Care Committee for a term to expire February 1, 2027, Kristen S. "Kris" Coons of San Antonio, Texas (Ms. Coons is being reappointed).

Appointed to the Upper Guadalupe River Authority for a term to expire February 1, 2025, Frances N. Lovett of Comfort, Texas (replacing Lynda L. Ables of Kerrville, who resigned).

Appointed to the Upper Guadalupe River Authority for a term to expire February 1, 2029, William R. "Bill" Rector, M.D. of Kerrville, Texas (Dr. Rector is being reappointed).

Appointed to the Upper Guadalupe River Authority for a term to expire February 1, 2029, Margaret B. "Maggie" Snow of Kerrville, Texas (Ms. Snow is being reappointed).

Appointed to the Upper Guadalupe River Authority for a term to expire February 1, 2029, Jeanne C. Stacy of Ingram, Texas (replacing David M. "Mike" Hughes of Ingram, whose term expired).

Appointments for May 4, 2023

Appointed to the Gulf Coast Authority Board of Directors for a term to expire August 31, 2024, Lamont E. Meaux of Stowell, Texas (Mr. Meaux is being reappointed).

Appointed to the Gulf Coast Authority Board of Directors for a term to expire August 31, 2024, Kevin M. Scott of Santa Fe, Texas (Mr. Scott is being reappointed).

Appointments for May 5, 2023

Appointed to the Trinity River Authority Board of Directors for a term to expire March 15, 2027, John W. Jenkins of Hankamer, Texas (Mr. Jenkins is being reappointed).

Appointed to the Trinity River Authority Board of Directors for a term to expire March 15, 2027, Robert F. McFarlane, M.D. of Tennessee Colony, Texas (Dr. McFarlane is being reappointed).

Appointed to the Trinity River Authority Board of Directors for a term to expire March 15, 2027, William O. "Will" Rodgers of Fort Worth, Texas (Mr. Rodgers is being reappointed).

Appointed to the Trinity River Authority Board of Directors for a term to expire March 15, 2027, Frank H. Steed, Jr. of Kerens, Texas (Mr. Steed is being reappointed).

Appointed to the Trinity River Authority Board of Directors for a term to expire March 15, 2027, Gregory S. "Greg" Wassberg of Grapeland, Texas (replacing Ronald "Kevin" Maxwell of Grapeland, whose term expired).

Appointments for May 9, 2023

Designating Brian A. Bailey of Austin as presiding officer of the Texas Facilities Commission for a term to expire annually. Mr. Bailey is replacing Steven D. "Steve" Alvis of Hockley as presiding officer.

Appointments for May 10, 2023

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2029, Stephen F. "Steve" Cooper of El Campo, Texas (Mr. Cooper is being reappointed).

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2029, Thomas L. "Tom" Kelley of Eagle Lake, Texas (Mr. Kelley is being reappointed).

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2029, Hatch C. Smith, Jr. of Boerne, Texas (replacing Laura D. Figueroa of Brenham, whose term expired).

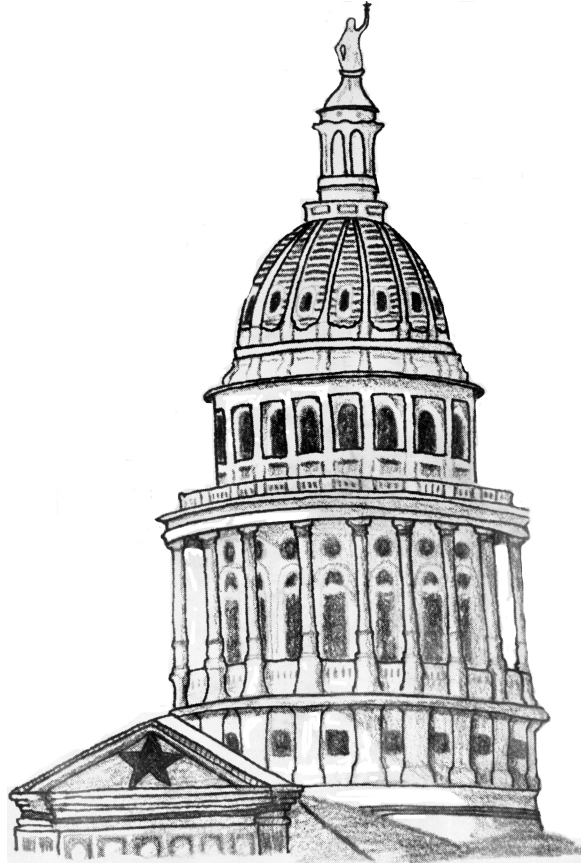
Appointed to the Lower Colorado River Authority for a term to expire February 1, 2029, David R. Willmann of Llano, Texas (replacing Raymond A. "Ray" Gill of Horseshoe Bay, whose term expired).

Appointed to the Lower Colorado River Authority for a term to expire February 1, 2029, Nancy E. Yeary of Lampasas, Texas (Ms. Yeary is being reappointed).

Greg Abbott, Governor

TRD-202301685





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 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 600. LIMITED SERVICES RURAL HOSPITALS

26 TAC §600.1

The Health and Human Services Commission is renewing the effectiveness of emergency new §600.1 for a 60-day period. The text of the emergency rule was originally published in the January 27, 2023, issue of the *Texas Register* (48 TexReg 265).

Filed with the Office of the Secretary of State on May 4, 2023.

TRD-202301636

Karen Ray

Chief Counsel

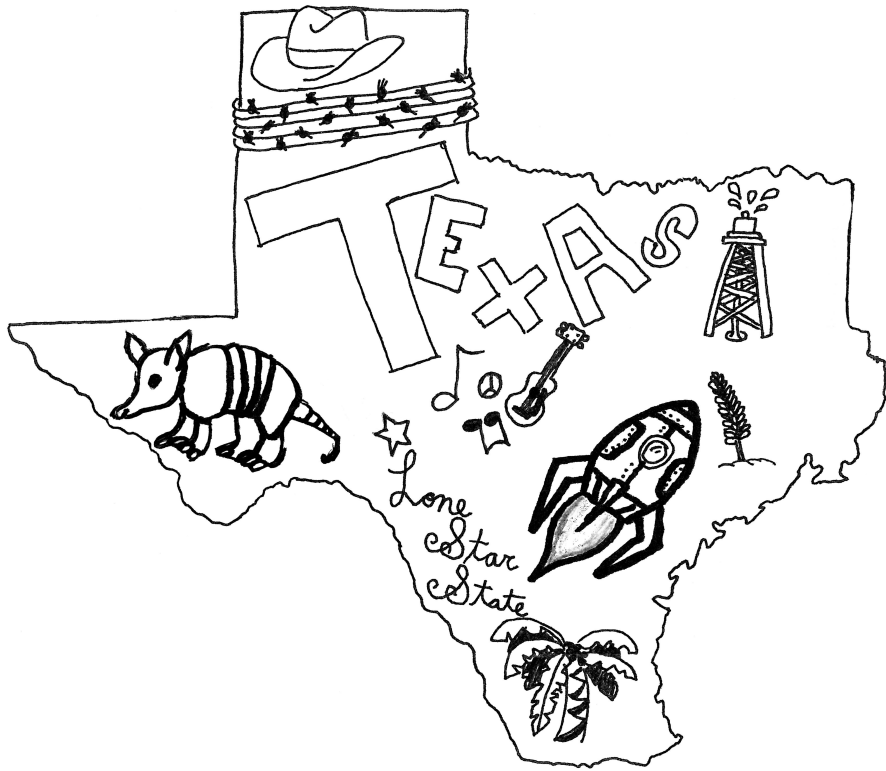
Health and Human Services Commission

Original effective date: January 13, 2023

Expiration date: July 11, 2023

For further information, please call: (512) 834-4591





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 2. TEXAS EDUCATION AGENCY

CHAPTER 97. PLANNING AND ACCOUNTABILITY

SUBCHAPTER AA. ACCOUNTABILITY AND PERFORMANCE MONITORING

19 TAC §97.1001

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 19 TAC §97.1001(b) is not included in the print version of the Texas Register. The figure is available in the on-line version of the May 19, 2023, issue of the Texas Register.)

The Texas Education Agency (TEA) proposes an amendment to §97.1001 and the repeal of 97.1005, concerning accountability and performance monitoring. The proposed revisions would amend §97.1001, Accountability Rating System, to adopt in rule applicable excerpts of the *2023 Accountability Manual* and incorporate provisions from §97.1005, Results Driven Accountability, which would be repealed. Earlier versions of the manuals will remain in effect with respect to the school years for which they were developed.

BACKGROUND INFORMATION AND JUSTIFICATION: TEA has adopted its academic accountability manual in rule since 2000 under §97.1001. The accountability system evolves from year to year, so the criteria and standards for rating and acknowledging schools in the most current year differ to some degree from those applied in the prior year.

House Bill 3459, 78th Texas Legislature, 2003, added Texas Education Code (TEC), §7.027, which limits and redirects monitoring done by TEA to that required to ensure school district and charter school compliance with federal law and regulations; financial accountability, including compliance with grant requirements; and data integrity for purposes of the Texas Student Data System Public Education Information Management System and accountability under TEC, Chapter 39. Legislation passed in 2005 renumbered TEC, §7.027, to TEC, §7.028. To meet this monitoring requirement, TEA developed the Performance Based Monitoring Analysis System (PBMAS) Manual, renamed the Results Driven Accountability (RDA) Manual in 2019, which is used in conjunction with other evaluation systems to monitor performance of certain populations of students and the effectiveness of special programs in school districts and charter schools.

TEA has adopted its PBMAS Manual/RDA Manual in rule since 2005 under §97.1005. The manual outlines a dynamic system

that evolves over time, so the specific criteria and calculations for monitoring student performance and program effectiveness may differ from year to year.

In order to streamline information related to the data, criteria, and methodologies used in both the academic accountability and RDA systems, the agency will include information in the RDA system in the accountability manual beginning with the *2023 Accountability Manual*. The proposed revisions would repeal §97.1005 and incorporate applicable language from §97.1005 into §97.1001.

The proposed amendment to §97.1001 would adopt excerpts of the *2023 Accountability Manual* into rule as a figure. The excerpts, Chapters 1-12 of the *2023 Accountability Manual*, specify the indicators, standards, and procedures used by the commissioner of education to determine accountability ratings for districts, campuses, and charter schools. These chapters also specify indicators, standards, and procedures used to determine distinction designations on additional indicators for Texas public school campuses and districts. Chapter 12 describes the specific criteria and calculations that will be used to assign 2023 RDA performance levels. Ratings may be revised as a result of investigative activities by the commissioner as authorized under TEC, §39.056 and §39.057.

Following is a chapter-by-chapter summary of the changes for this year's manual. In every chapter, dates and years for which data are considered would be updated to align with 2023 accountability and RDA. English/language arts references would be updated to reading/language arts. References related to district ratings in all chapters would reflect conforming changes in alignment with the proposed proportional district rating calculations.

Chapter 1 gives an overview of the entire accountability system. Language would be added to add the Texas Accountability Advisory and Education Service Center groups in the advisory section. Language would be added to clarify the updated methodology for School Progress. District ratings language would be updated to clarify that ratings would be based on proportional results of their campuses. Language referring to the Not Rated: Senate Bill 1365 label that was applied in 2022 would be removed and replaced with references to D and F ratings. Language about Not Rated: Data Under Review and data-related compliance reviews would be updated and clarified. Language referencing the STAAR Progress Measure would be removed.

Chapter 2 describes the "Student Achievement" domain. Language describing the proposed sunset industry-based certifications limit would be added. Language describing the proposed phase-in for the alignment of programs of study and industry-based certifications would be added. Language clarifying the statutory requirements for college prep courses would be added.

Language related to the enlistment in the Armed Forces or Texas National Guard would be updated. Clarification on the use of the four-, five-, or six-year graduation rate would be added. Language would be added describing the proposed alternative education College, Career, and Military Readiness, and graduation rate calculations would be added.

Chapter 3 describes the "School Progress" domain. Language would be updated describing the proposed modified methodology for Part A: Academic Growth. Example calculations and technical details would be updated. Language for Part B: Relative Performance would be updated to incorporate the proposed update to the College, Career, and Military Readiness table for high schools and Kindergarten-Grade 12 schools. Language describing the alternative education accountability methodology for Retest Growth would be added.

Chapter 4 describes the "Closing the Gaps" domain. Language describing how each student group would be identified and evaluated in the domain would be added. Language describing how points would be awarded for each component would be updated and examples would be added. Language describing the methodology for growth would be updated to align with Chapter 2. The methodology for English Language Proficiency would be updated. Language clarifying the statutory requirements for college prep courses would be added. The student group performance targets at the end of the chapter would be updated.

Chapter 5 describes how the overall ratings are calculated. Language would be updated to align with Chapter 2 updates. Language about how ratings are calculated for districts would be added. Language would be added that if three of four domains have a scaled score below 70, the highest overall rating could be a 69. Any previous reference to alternative education accountability bonus points would be removed. Scaling and lookup tables would be updated.

Chapter 6 describes distinction designations. Language for the reading/language arts and mathematics distinction designations would be updated to include an accelerated learning indicator. Language would be updated for all subject area distinction designations to include a retester growth indicator. Language clarifying the statutory requirements for college prep courses would be added.

Chapter 7 describes the pairing process and the alternative education accountability (AEA) provisions. Language relating to how the district rating is assigned to a paired campus would be updated. Alternative education accountability processing for 2023 would be updated to clarify that campuses designated as dropout recovery campuses in 2022 would continue to be registered. Alternative education accountability charter school language would be removed to align with the proposed district proportional ratings methodology in Chapter 5.

Chapter 8 describes the process for appealing ratings. Language about the Texas Assessment Management System would be updated to the Test Information Distribution Engine. Language would be added to describe an upload process available in fall 2023 for appeal submissions. Language related to unfavorable appeals would be expanded. References to Performance Based Monitoring would be updated to RDA.

Chapter 9 describes the responsibilities of TEA, the responsibilities of school districts and open-enrollment charter schools, and the consequences to school districts and open-enrollment charter schools related to accountability and interventions. The "Determination of Count of Consecutive School Years of Unac-

ceptable Performance Ratings" and the description below the section title would be updated to include 2022 ratings language. Language would be added indicating that PEG campuses would be identified based on an F overall rating. The Campus Identification Numbers would be updated to align with current procedures.

Chapter 10 provides information on the federally required identification of schools for improvement. The identification and exit criteria for comprehensive support and improvement, targeted support and improvement, and additional targeted support would be updated to align with changes proposed in Chapter 4. Language would be added describing how student groups would be evaluated for comprehensive support and improvement, targeted support and improvement, and additional targeted support. Example charts would be updated.

Chapter 11 describes the local accountability system. The changes to this chapter would be restricted to updating date and year references.

Chapter 12 describes the RDA system. This chapter would include all new language.

FISCAL IMPACT: Lily Laux, deputy commissioner of school programs, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would limit an existing regulation due to its effect on school accountability for 2023. Additionally, it would repeal an existing regulation by consolidating information from §97.1005 into §97.1001.

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 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. Laux has determined that for each year of the first five years the proposal

is in effect, the public benefit anticipated as a result of enforcing the proposal would be to ensure the public continues to be informed of the existence of annual manuals specifying rating procedures for public schools by including this rule in the Texas Administrative Code. The proposal would also streamline information related to the data, criteria, and methodologies used in both the academic accountability and RDA systems. 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 19, 2023, and ends June 20, 2023. A public hearing to solicit testimony and input on the proposed revisions is scheduled for 9:00 a.m. on June 6, 2023. The public may participate in the hearing virtually by linking to the meeting at <https://zoom.us/join/zoom/register/tJMsc-GppjwJE9WnHUXp-BLHgjTbzk9WCjMrt>. Parties interested in testifying must register online by 9:00 a.m. on the day of the hearing and are encouraged to also send written testimony to performance.reporting@tea.texas.gov. Individuals in need of a translator or sign language services should contact the TEA Division of Performance Reporting by May 30, 2023. The hearing will conclude once all who have registered have been given the opportunity to comment. Questions about the hearing should be directed to the TEA Division of Performance Reporting at (512) 463-9704 or performance.reporting@tea.texas.gov. 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 (TEC), §7.021(b)(1), which authorizes the Texas Education Agency (TEA) to administer and monitor compliance with education programs required by federal or state law, including federal funding and state funding for those programs; TEC, §7.028, which authorizes TEA to monitor as necessary to ensure school district and charter school compliance with federal law and regulations, financial integrity, and data integrity and authorizes the agency to monitor school districts and charter schools through its investigative process; TEC, §7.028(a), which authorizes TEA to monitor special education programs for compliance with state and federal laws; TEC, §12.056, which requires that a campus or program for which a charter is granted under TEC, Chapter 12, Subchapter C, is subject to any prohibition relating to the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with TEC, Chapter 12, Subchapter C, as determined by the commissioner; high school graduation under TEC, §28.025; special education programs under TEC, Chapter 29, Subchapter A; bilingual education under TEC, Chapter 29, Subchapter B; and public school accountability under TEC, Chapter 39, Subchapters B, C, D, F, and J, and Chapter 39A; TEC, §12.104, which states that a charter granted under TEC, Chapter 12, Subchapter D, is subject to a prohibition, restriction, or requirement, as applicable, imposed by TEC, Title 2, or a rule adopted under TEC, Title 2, relating to PEIMS to the extent necessary to monitor compliance with TEC, Chapter 12,

Subchapter D, as determined by the commissioner; high school graduation requirements under TEC, §28.025; special education programs under TEC, Chapter 29, Subchapter A; bilingual education under TEC, Chapter 29, Subchapter B; discipline management practices or behavior management techniques under TEC, §37.0021; public school accountability under TEC, Chapter 39, Subchapters B, C, D, F, G, and J, and Chapter 39A; and intensive programs of instruction under TEC, §28.0213; TEC, §29.001, which authorizes TEA to effectively monitor all local education agencies (LEAs) to ensure that rules relating to the delivery of services to children with disabilities are applied in a consistent and uniform manner, to ensure that LEAs are complying with those rules, and to ensure that specific reports filed by LEAs are accurate and complete; TEC, §29.0011(b), which authorizes TEA to meet the requirements under (1) 20 U.S.C. §1418(d) and its implementing regulations to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the state and in the school districts and open-enrollment charter schools in the state with respect to the (a) identification of children as children with disabilities, including the identification of children as children with particular impairments; (b) placement of children with disabilities in particular educational settings; and (c) incidence, duration, and type of disciplinary actions taken against children with disabilities, including suspensions or expulsions; or (2) 20 U.S.C. §1416(a)(3)(C) and its implementing regulations to address in the statewide plan the percentage of schools with disproportionate representation of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification; TEC, §29.010(a), which authorizes TEA to adopt and implement a comprehensive system for monitoring LEA compliance with federal and state laws relating to special education, including ongoing analysis of LEA special education data; TEC, §29.062, which authorizes TEA to evaluate and monitor the effectiveness of LEA programs and apply sanctions concerning emergent bilingual students; TEC, §29.066, which authorizes PEIMS reporting requirements for school districts that are required to offer bilingual education or special language programs to include the following information in the district's PEIMS report: (1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs; (2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and (3) the number and percentage of emergent bilingual students who do not receive specialized instruction; TEC, §29.081(e), (e-1), and (e-2), which define criteria for alternative education programs for students at risk of dropping out of school and subjects those campuses to the performance indicators and accountability standards adopted for alternative education programs; TEC, §29.201 and §29.202, which describe the Public Education Grant (PEG) program and eligibility requirements; TEC, §39.003 and §39.004, which authorize the commissioner to adopt procedures relating to special investigations; TEC, §39.003(d), allows the commissioner to take appropriate action under Chapter 39A, to lower the district's accreditation status or the district's or campus's accountability rating based on the results of the special investigation; TEC, §39.051 and §39.052, which authorize the commissioner to determine criteria for accreditation statuses and to determine the accreditation status of each school district and open-enrollment charter school; TEC, §39.053, which authorizes the commissioner to adopt a set of indicators of the quality of learning and achievement and

requires the commissioner to periodically review the indicators for consideration of appropriate revisions; TEC, §39.054, which requires the commissioner to adopt rules to evaluate school district and campus performance and to assign a performance rating; TEC, §39.0541, which authorizes the commissioner to adopt indicators and standards under TEC, Chapter 39, Subchapter C, at any time during a school year before the evaluation of a school district or campus; TEC, §39.0543, which describes acceptable and unacceptable performance as referenced in law; TEC, §39.0546, which requires the commissioner to assign a school district or campus a rating of "Not Rated" for the 2021-2022 school year, unless, after reviewing the district or campus under the methods and standards adopted under TEC, §39.054, the commissioner determines the district or campus should be assigned an overall performance rating of C or higher; TEC, §39.0548, which requires the commissioner to designate campuses that meet specific criteria as dropout recovery schools and to use specific indicators to evaluate them; TEC, §39.055, which prohibits the use of assessment results and other performance indicators of students in a residential facility in state accountability; TEC, §39.056, which authorizes the commissioner to adopt procedures relating to monitoring reviews and special accreditation investigations; TEC, §39.151, which provides a process for a school district or an open-enrollment charter school to challenge an academic or financial accountability rating; TEC, §39.201, which requires the commissioner to award distinction designations to a campus or district for outstanding performance; TEC, §39.2011, which makes open-enrollment charter schools and campuses that earn an acceptable rating eligible for distinction designations; TEC, §39.202 and §39.203, which authorize the commissioner to establish criteria for distinction designations for campuses and districts; TEC, §39A.001, which authorizes the commissioner to take any of the actions authorized by TEC, Chapter 39, Subchapter A, to the extent the commissioner determines necessary if a school does not satisfy the academic performance standards under TEC, §39.053 or §39.054, or based upon a special investigation; TEC, §39A.002, which authorizes the commissioner to take certain actions if a school district becomes subject to commissioner action under TEC, §39A.001; TEC, §39A.004, which authorizes the commissioner to appoint a board of managers to exercise the powers and duties of a school district's board of trustees if the district is subject to commissioner action under TEC, §39A.001, and has a current accreditation status of accredited-warned or accredited-probation; or fails to satisfy any standard under TEC, §39.054(e); or fails to satisfy any financial accountability standard; TEC, §39A.005, which authorizes the commissioner to revoke school accreditation if the district is subject to TEC, §39A.001, and for two consecutive school years has received an accreditation status of accredited-warned or accredited-probation, failed to satisfy any standard under TEC, §39.054(e), or failed to satisfy a financial performance standard; TEC, §39A.007, which authorizes the commissioner to impose a sanction designed to improve high school completion rates if the district has failed to satisfy any standard under TEC, §39.054(e), due to high school completion rates; TEC, §39A.051, which authorizes the commissioner to take action based on campus performance that is below any standard under TEC, §39.054(e); and TEC, §39A.063, which authorizes the commissioner to accept substantially similar intervention measures as required by federal accountability measures in compliance with TEC, Chapter 39A.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§7.021(b)(1); 7.028; 12.056;

12.104; 29.001; 29.0011(b); 29.010(a); 29.062; 29.066; 29.081(e), (e-1), and (e-2); 29.201; 29.202; 39.003; 39.004; 39.051; 39.052; 39.053; 39.054; 39.0541; 39.0543; 39.0546; 39.0548; 39.055; 39.056; 39.151; 39.201; 39.2011; 39.202; 39.203; 39A.001; 39A.002; 39A.004; 39A.005; 39A.007; 39A.051; and 39A.063.

§97.1001. *Accountability Rating System.*

(a) The rating standards established by the commissioner of education under Texas Education Code (TEC), §§39.052(a) and (b)(1)(A); 39.053, 39.054, 39.0541, 39.0548, 39.055, 39.151, 39.201, 39.2011, 39.202, 39.203, 29.081(e), (e-1), and (e-2), and 12.104(b)(2)(L), shall be used to evaluate the performance of districts, campuses, and charter schools. The indicators, standards, and procedures used to determine ratings will be annually published in official Texas Education Agency publications. These publications will be widely disseminated and cover the following:

- (1) indicators, standards, and procedures used to determine district ratings;
- (2) indicators, standards, and procedures used to determine campus ratings;
- (3) indicators, standards, and procedures used to determine distinction designations; and
- (4) procedures for submitting a rating appeal.

(b) The procedures by which districts, campuses, and charter schools are rated and acknowledged for 2023 [2022] are based upon specific criteria and calculations, which are described in excerpted sections of the 2023 [2022] *Accountability Manual* provided in this subsection.

Figure: 19 TAC §97.1001(b)

[Figure: 49 TAC §97.1001(b)]

(c) Ratings may be revised as a result of investigative activities by the commissioner as authorized under TEC, §39.057.

(d) The specific criteria and calculations used in the accountability manual are established annually by the commissioner and communicated to all school districts and charter schools.

(e) The specific criteria and calculations used in the annual accountability manual adopted for prior school years remain in effect for all purposes, including accountability, data standards, and audits, with respect to those school years.

(f) In accordance with TEC, §7.028(a), the purpose of the Results Driven Accountability (RDA) framework is to evaluate and report annually on the performance of school districts and charter schools for certain populations of students included in selected program areas. The performance of a school district or charter school is included in the RDA report through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner.

(g) The assignment of performance levels for school districts and charter schools in the 2023 RDA report is based on specific criteria and calculations, which are described in the 2023 Accountability Manual provided in subsection (b) of this section.

(h) The specific criteria and calculations used in the RDA framework are established annually by the commissioner and communicated to all school districts and charter schools.

(i) The specific criteria and calculations used in the annual RDA manual adopted for prior school years remain in effect for all purposes, including accountability and performance monitoring, data standards, and audits, with respect to those school years.

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 8, 2023.

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: June 18, 2023

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



19 TAC §97.1005

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §7.021(b)(1), which authorizes the Texas Education Agency (TEA) to administer and monitor compliance with education programs required by federal or state law, including federal funding and state funding for those programs; TEC, §7.028, which authorizes TEA to monitor as necessary to ensure school district and charter school compliance with federal law and regulations, financial integrity, and data integrity and authorizes the agency to monitor school districts and charter schools through its investigative process; TEC, §7.028(a), which authorizes TEA to monitor special education programs for compliance with state and federal laws; TEC, §12.056, which requires that a campus or program for which a charter is granted under TEC, Chapter 12, Subchapter C, is subject to any prohibition relating to the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with TEC, Chapter 12, Subchapter C, as determined by the commissioner; high school graduation under TEC, §28.025; special education programs under TEC, Chapter 29, Subchapter A; bilingual education under TEC, Chapter 29, Subchapter B; and public school accountability under TEC, Chapter 39, Subchapters B, C, D, F, and J, and Chapter 39A; TEC, §12.104, which states that a charter granted under TEC, Chapter 12, Subchapter D, is subject to a prohibition, restriction, or requirement, as applicable, imposed by TEC, Title 2, or a rule adopted under TEC, Title 2, relating to PEIMS to the extent necessary to monitor compliance with TEC, Chapter 12, Subchapter D, as determined by the commissioner; high school graduation requirements under TEC, §28.025; special education programs under TEC, Chapter 29, Subchapter A; bilingual education under TEC, Chapter 29, Subchapter B; discipline management practices or behavior management techniques under TEC, §37.0021; public school accountability under TEC, Chapter 39, Subchapters B, C, D, F, G, and J, and Chapter 39A; and intensive programs of instruction under TEC, §28.0213; TEC, §29.001, which authorizes TEA to effectively monitor all local education agencies (LEAs) to ensure that rules relating to the delivery of services to children with disabilities are applied in a consistent and uniform manner, to ensure that LEAs are complying with those rules, and to ensure that specific reports filed by LEAs are accurate and complete; TEC, §29.0011(b), which authorizes TEA to meet the requirements under (1) 20 U.S.C. §1418(d) and its implementing regulations to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the state and in the school districts and open-enrollment charter schools in the state with respect to the (a) identification of children as children with disabilities, including the identification of children as children with particular impairments; (b) placement of children with

disabilities in particular educational settings; and (c) incidence, duration, and type of disciplinary actions taken against children with disabilities, including suspensions or expulsions; or (2) 20 U.S.C. §1416(a)(3)(C) and its implementing regulations to address in the statewide plan the percentage of schools with disproportionate representation of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification; TEC, §29.010(a), which authorizes TEA to adopt and implement a comprehensive system for monitoring LEA compliance with federal and state laws relating to special education, including ongoing analysis of LEA special education data; TEC, §29.062, which authorizes TEA to evaluate and monitor the effectiveness of LEA programs and apply sanctions concerning emergent bilingual students; TEC, §29.066, which authorizes PEIMS reporting requirements for school districts that are required to offer bilingual education or special language programs to include the following information in the district's PEIMS report: (1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs; (2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and (3) the number and percentage of emergent bilingual students who do not receive specialized instruction; TEC, §29.081(e), (e-1), and (e-2), which define criteria for alternative education programs for students at risk of dropping out of school and subjects those campuses to the performance indicators and accountability standards adopted for alternative education programs; TEC, §29.201 and §29.202, which describe the Public Education Grant (PEG) program and eligibility requirements; TEC, §39.003 and §39.004, which authorize the commissioner to adopt procedures relating to special investigations; TEC, §39.003(d), allows the commissioner to take appropriate action under Chapter 39A, to lower the district's accreditation status or the district's or campus's accountability rating based on the results of the special investigation; TEC, §39.051 and §39.052, which authorize the commissioner to determine criteria for accreditation statuses and to determine the accreditation status of each school district and open-enrollment charter school; TEC, §39.053, which authorizes the commissioner to adopt a set of indicators of the quality of learning and achievement and requires the commissioner to periodically review the indicators for consideration of appropriate revisions; TEC, §39.054, which requires the commissioner to adopt rules to evaluate school district and campus performance and to assign a performance rating; TEC, §39.0541, which authorizes the commissioner to adopt indicators and standards under TEC, Chapter 39, Subchapter C, at any time during a school year before the evaluation of a school district or campus; TEC, §39.0543, which describes acceptable and unacceptable performance as referenced in law; TEC, §39.0546, which requires the commissioner to assign a school district or campus a rating of "Not Rated" for the 2021-2022 school year, unless, after reviewing the district or campus under the methods and standards adopted under TEC, §39.054, the commissioner determines the district or campus should be assigned an overall performance rating of C or higher; TEC, §39.0548, which requires the commissioner to designate campuses that meet specific criteria as dropout recovery schools and to use specific indicators to evaluate them; TEC, §39.055, which prohibits the use of assessment results and other performance indicators of students in a residential facility in state accountability; TEC, §39.056, which authorizes the commissioner to adopt procedures relating to

monitoring reviews and special accreditation investigations; TEC, §39.151, which provides a process for a school district or an open-enrollment charter school to challenge an academic or financial accountability rating; TEC, §39.201, which requires the commissioner to award distinction designations to a campus or district for outstanding performance; TEC, §39.2011, which makes open-enrollment charter schools and campuses that earn an acceptable rating eligible for distinction designations; TEC, §39.202 and §39.203, which authorize the commissioner to establish criteria for distinction designations for campuses and districts; TEC, §39A.001, which authorizes the commissioner to take any of the actions authorized by TEC, Chapter 39, Subchapter A, to the extent the commissioner determines necessary if a school does not satisfy the academic performance standards under TEC, §39.053 or §39.054, or based upon a special investigation; TEC, §39A.002, which authorizes the commissioner to take certain actions if a school district becomes subject to commissioner action under TEC, §39A.001; TEC, §39A.004, which authorizes the commissioner to appoint a board of managers to exercise the powers and duties of a school district's board of trustees if the district is subject to commissioner action under TEC, §39A.001, and has a current accreditation status of accredited-warned or accredited-probation; or fails to satisfy any standard under TEC, §39.054(e); or fails to satisfy any financial accountability standard; TEC, §39A.005, which authorizes the commissioner to revoke school accreditation if the district is subject to TEC, §39A.001, and for two consecutive school years has received an accreditation status of accredited-warned or accredited-probation, failed to satisfy any standard under TEC, §39.054(e), or failed to satisfy a financial performance standard; TEC, §39A.007, which authorizes the commissioner to impose a sanction designed to improve high school completion rates if the district has failed to satisfy any standard under TEC, §39.054(e), due to high school completion rates; TEC, §39A.051, which authorizes the commissioner to take action based on campus performance that is below any standard under TEC, §39.054(e); and TEC, §39A.063, which authorizes the commissioner to accept substantially similar intervention measures as required by federal accountability measures in compliance with TEC, Chapter 39A.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§7.021(b)(1); 7.028; 12.056; 12.104; 29.001; 29.0011(b); 29.010(a); 29.062; 29.066; 29.081(e), (e-1), and (e-2); 29.201; 29.202; 39.003; 39.004; 39.051; 39.052; 39.053; 39.054; 39.0541; 39.0543; 39.0546; 39.0548; 39.055; 39.056; 39.151; 39.201; 39.2011; 39.202; 39.203; 39A.001; 39A.002; 39A.004; 39A.005; 39A.007; 39A.051; and 39A.063.

§97.1005. Results Driven Accountability.

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 8, 2023.

TRD-202301660

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: June 18, 2023

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



CHAPTER 100. CHARTERS

SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING OPEN-ENROLLMENT CHARTER SCHOOLS

DIVISION 1. GENERAL PROVISIONS

19 TAC §100.1019

The Texas Education Agency (TEA) proposes new §100.1019, concerning application to adult high school charters. The proposed new rule would implement Senate Bill (SB) 1615, 87th Texas Legislature, Regular Session, 2021, by providing requirements for the administration of the adult high school open-enrollment charter application process.

BACKGROUND INFORMATION AND JUSTIFICATION: Proposed new §100.1019 would implement SB 1615, 87th Texas Legislature, Regular Session, 2021, which added Texas Education Code (TEC), §12.265, regarding adult high school charters. The new rule would specify which portions of the open-enrollment charter application process codified in 19 TAC §100.1002, Application and Selection Procedures and Criteria, apply to adult high school charters.

The proposed new rule is constructed to mirror 19 TAC §100.1004 that provides application process requirements for public senior college or university charters and junior college charters. This construction is intended to provide consistency in rule among each program's authorization and administration.

FISCAL IMPACT: Kelvey Oeser, deputy commissioner for educator systems and 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, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation to implement TEC, §12.265, regarding adult high school charters.

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. 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 to provide requirements for the administration of the adult high school charter school process described in SB 1615, 87th Texas Legislature, Regular Session, 2021. The intention of the program under TEC, §12.253, is to "meet industry needs for a sufficiently trained workforce within the state and strengthen the economic and educational prosperity of the state," which would provide a direct benefit to the public. 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 19, 2023, and ends June 20, 2023. 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 19, 2023. 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 new rule is proposed under Texas Education Code, §12.265, as added by Senate Bill 1615, 87th Texas Legislature, Regular Session, 2021, which requires the commissioner to adopt rules to administer the adult high school charter school program.

CROSS REFERENCE TO STATUTE. The new rule implements Texas Education Code, §12.265, as added by SB 1615, 87th Texas Legislature, Regular Session, 2021.

§100.1019. Application to Adult High School Charters.

The following provisions apply as indicated in this section to an adult education charter school as though the adult education charter school was granted a charter under Texas Education Code, Chapter 12, Subchapter D.

(1) Section 100.1002(a) of this title (relating to Application and Selection Procedures and Criteria) applies, except that the commissioner of education may adopt a separate application form for applicants seeking a charter to operate an adult education charter school, which need not be similar to the application form adopted under that subsection for other charter applicants. The commissioner may approve or amend this separate application form without regard to the selection cycle referenced in that subsection.

(2) Section 100.1002(b)(1), (c)-(g), (h)(1)-(3) and (6)-(8), (i), and (m)-(q) of this title apply unless provided otherwise in the charter contract.

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

Filed with the Office of the Secretary of State on May 8, 2023.

TRD-202301658

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: June 18, 2023

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



TITLE 34. PUBLIC FINANCE

PART 6. TEXAS MUNICIPAL RETIREMENT SYSTEM

CHAPTER 127. MISCELLANEOUS RULES

The Board of Trustees (Board) of the Texas Municipal Retirement System (TMRS or the System) proposes the repeal of current 34 TAC Chapter 127 (Chapter 127), relating to miscellaneous rules. TMRS is also proposing to replace current Chapter 127 with proposed new Chapter 127, also relating to miscellaneous rules.

REPEAL OF CURRENT CHAPTER 127

TMRS proposes the repeal of current 34 TAC Chapter 127, which includes the following sections: 34 TAC §127.1, Procedures for Release of Board Records; 34 TAC §127.2, Payment to Beneficiaries of Decedents; 34 TAC §127.3, Conformity with Internal Revenue Code: Preservation of Benefits; 34 TAC §127.4, Credited Service under the Uniformed Services Employment and Reemployment Rights Act; 34 TAC §127.6, Acceptance of Rollovers and Transfers; 34 TAC §127.7, Rollovers of Plan Distributions; 34 TAC §127.8, Plan Limitations; 34 TAC §127.9, Authorization of Certain Payments in Accordance with the Pension Protection Act of 2006; and 34 TAC §127.10, Conformity with Internal Revenue Code: Additional Provisions.

PROPOSAL OF NEW CHAPTER 127

As proposed, the new Chapter 127 will address: 34 TAC §127.1, Procedures for Release of Board Records; 34 TAC §127.3, Conformity with Internal Revenue Code: Preservation of Benefits; 34 TAC §127.4, Credited Service under the Uniformed Services Employment and Reemployment Rights Act; 34 TAC §127.5, Prorating of Contributions Based on Compensation Limited by Internal Revenue Code §401(a)(17); 34 TAC §127.6, Acceptance of Rollovers and Transfers; 34 TAC §127.7, Rollovers of Plan Distributions; 34 TAC §127.8, Plan Limitations; 34 TAC §127.9, Authorization of Certain Payments in Accordance with the Pension Protection Act of 2006; 34 TAC §127.10, Conformity with Internal Revenue Code: Additional Provisions; 34 TAC §127.11, Required Minimum Distributions: General Rule, Forfeiture and Reinstatement; 34 TAC §127.12, Refund of Unrecovered Contributions; and 34 TAC §127.13, Late Contributions Sent Electronically.

BACKGROUND AND PURPOSE

TMRS proposes to repeal and replace Chapter 127 to update, modernize, and provide clarification to its rules relating to miscellaneous subjects. Statutes specific to TMRS are found in Title 8, Subtitle G, Chapters 851 through 855, Texas Government Code (the "TMRS Act"). TMRS may promulgate rules it deems necessary to implement the TMRS Act. In addition, the repeal and replacement of Chapter 127 is being proposed as a result

of TMRS' rule review, which was conducted pursuant to Texas Government Code §2001.039.

Six provisions of the proposed new Chapter 127 rules are unchanged from existing rules; these six rules are found in new 34 TAC §127.3, Conformity with Internal Revenue Code: Preservation of Benefits; 34 TAC §127.4, Credited Service under the Uniformed Services Employment and Reemployment Rights Act; 34 TAC §127.6, Acceptance of Rollovers and Transfers; 34 TAC §127.7, Rollovers of Plan Distributions; 34 TAC §127.8, Plan Limitations; and 34 TAC §127.9, Authorization of Certain Payments in Accordance with the Pension Protection Act of 2006. Two proposed new rules are amendments to the current rules to better clarify how the System interprets and administers benefits and to update references to laws or other TMRS rules that have been amended; these are 34 TAC §127.1, Procedures for Release of Board Record and 34 TAC §127.10, Conformity with Internal Revenue Code: Additional Provisions. Two proposed new rules are new clarifications of internal procedures: 34 TAC §127.12, Refund of Unrecovered Contributions and 34 TAC §127.13, Late Contributions Sent Electronically. Substantive changes, however, are proposed in the two remaining proposed new rules, which changes are described as follows: adds a provision clarifying current practice for the proration of contributions subject to the compensation limit in Internal Revenue Code §401(a)(17) (in §127.5, Prorating of Contributions Based on Compensation Limited by Internal Revenue Code §401(a)(17)); and adds new procedures to comply with Internal Revenue Code §401(a)(9) and related regulations regarding required minimum distributions (in §127.11, Required Minimum Distributions: General Rule, Forfeiture and Reinstatement).

Current rule §127.2, Payment to Beneficiaries of Decedents, is being repealed as it is no longer necessary for the administration of the System.

At a Board meeting on March 23, 2023, the TMRS Board approved the publication for comment of the proposed repeal of current Chapter 127 and the proposed replacement of current Chapter 127 with the new Chapter 127 rules.

FISCAL NOTE

Debbie Munoz, TMRS Chief Services Officer, has determined that for the first five-year period the proposed new rules are in effect there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed rules.

PUBLIC COST/BENEFIT

Christine Sweeney, TMRS Chief Legal Officer, has determined that for each year of the first five years the proposed new rules are in effect, the public benefit of Chapter 127 will be: (i) a clearer and more accurate statement of the administrative rules of TMRS regarding applicable Internal Revenue Code provisions and miscellaneous subjects under the TMRS Act; and, (ii) to modernize and conform these administrative rules with the System's interpretation and administration of the TMRS Act and Internal Revenue Code provisions.

LOCAL EMPLOYMENT IMPACT STATEMENT

TMRS has determined that there will be no adverse economic effects on local economies or local employment because of the proposed new rules, which are proposed for the modernization, clarification and implementation of provisions relating to applicable Internal Revenue Code provisions and miscellaneous

subjects under the TMRS Act. Therefore, no local employment impact statement is required under Texas Government Code §2001.022.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TMRS has determined that there will be no adverse economic effects on small businesses, micro-businesses, or rural communities because the proposed new rules are proposed for modernization, clarification and implementation of provisions relating to applicable Internal Revenue Code provisions and miscellaneous subjects under the TMRS Act. Rural communities include municipalities under a certain population, but the proposed rules do not differentiate between municipalities on the basis of population, and the proposed rules relate to miscellaneous subjects involved in the administration of the System. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Texas Government Code §2006.002.

GOVERNMENT GROWTH IMPACT STATEMENT

TMRS has determined that for each year of the first five years the proposed new rules are in effect, the proposed rules: will not create or eliminate any TMRS programs; will not require either the creation of or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TMRS (TMRS does not receive any legislative appropriations); will not require an increase or decrease in fees paid to TMRS; will not create a new regulation (because new Chapter 127 updates and replaces existing Chapter 127); do not expand, limit or repeal an existing regulation (because new Chapter 127 updates and replaces existing Chapter 127); do not increase or decrease the number of individuals subject to the rules' applicability; and, do not affect this state's economy.

TAKINGS IMPACT ASSESSMENT

TMRS has determined that there are no private real property interests affected by the proposed new rules, therefore a takings impact assessment is not required under Texas Government Code §2007.043.

COSTS TO REGULATED PERSONS

TMRS has determined that Texas Government Code §2001.0045(b) does not apply to the proposed new rules because they do not impose a cost on regulated persons (including another state agency, a special district, or a local government).

ENVIRONMENTAL RULE ANALYSIS

The proposed new rules are not a "major environmental rule" as defined by Texas Government Code §2001.0225. The proposed rules are not specifically intended to protect the environment or to reduce risks to human health from environmental exposure. Therefore, a regulatory environmental analysis is not required.

COMMENTS

Written comments on the proposed rules may be submitted to Christine Sweeney, Chief Legal Officer, TMRS, P.O. Box 149153, Austin, Texas 78714-9153, faxed to (512) 225-3786, or submitted electronically to csweeney@tmrs.com. Written comments must be received by TMRS no later than 30 days after publication of this notice in the *Texas Register*.

34 TAC §§127.1 - 127.4, 127.6 - 127.10

STATUTORY AUTHORITY

The repeal of existing Chapter 127 is proposed and implements the authority granted under the following provisions of the TMRS Act or the Texas Government Code: (i) Government Code §851.006, which allows the Board to adopt rules to allow the System to make payments in accordance with Section 845 of the Pension Protection Act of 2006; (ii) Government Code §852.103, which allows the Board to adopt rules to implement withdrawals of contributions and rollover distributions; (iii) Government Code §853.004, which allows the Board to adopt rules necessary or desirable to implement Chapter 853; (iv) Government Code §853.506, which allows the Board to adopt rules to comply with the Uniformed Services Employment and Reemployment Rights Act; (v) Government Code §854.003, which allows the Board to adopt rules to comply with the distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986; and (vi) Government Code §855.102, which allows the Board to adopt rules it finds necessary or desirable for the efficient administration of the System. In addition, the rule changes are proposed as a result of TMRS' rule review, which was conducted pursuant to Texas Government Code §2001.039.

CROSS-REFERENCE TO STATUTES

The proposed rules implement the following sections of the Texas Government Code:

Chapter 552, concerning the Public Information Act; §851.001, concerning the definition of compensation and employee; §851.002, concerning the purpose of the subtitle; §851.006, concerning exemption from execution and making payments in accordance with Section 845 of the Pension Protection Act of 2006; §852.103, concerning withdrawal of contributions and rollover of distributions; §853.003, concerning buyback of credited service previously cancelled; §853.506, concerning current service for reemployed veterans; §854.002, concerning composition of retirement annuity; §854.003 concerning effective date of retirement; §854.004, concerning when an annuity is payable and changes before first payment; §854.007, concerning limitation on payment of benefits; §854.008, concerning partial lump-sum distribution on retirement; §854.103, concerning standard service retirement annuity; §854.502, concerning the refund of unrecovered contributions; §855.103, concerning administering system assets; §855.112, concerning records of the Board; §855.115 concerning the confidentiality of information about members, retirees, annuitants, or beneficiaries; §855.306, concerning member's individual accounts; §855.402, concerning collection of member contributions; and §855.410, concerning interest on late contributions.

- §127.1. *Procedures for Release of Board Records.*
- §127.2. *Payment to Beneficiaries of Decedents.*
- §127.3. *Conformity with Internal Revenue Code: Preservation of Benefits.*
- §127.4. *Credited Service under the Uniformed Services Employment and Reemployment Rights Act.*
- §127.6. *Acceptance of Rollovers and Transfers.*
- §127.7. *Rollovers of Plan Distributions.*
- §127.8. *Plan Limitations.*
- §127.9. *Authorization of Certain Payments in Accordance with the Pension Protection Act of 2006.*

§127.10. *Conformity with Internal Revenue Code: Additional Provisions.*

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 5, 2023.

TRD-202301644

Christine M. Sweeney

Chief Legal Officer

Texas Municipal Retirement System

Earliest possible date of adoption: June 18, 2023

For further information, please call: (512) 225-3710



34 TAC §§127.1, 127.3 - 127.13

STATUTORY AUTHORITY

The new Chapter 127 rules are proposed and implement the authority granted under the following provisions of the TMRS Act or the Texas Government Code: (i) Government Code §851.006, which allows the Board to adopt rules to allow the System to make payments in accordance with Section 845 of the Pension Protection Act of 2006; (ii) Government Code §852.103, which allows the Board to adopt rules to implement withdrawals of contributions and rollover distributions; (iii) Government Code §853.004, which allows the Board to adopt rules necessary or desirable to implement Chapter 853; (iv) Government Code §853.506, which allows the Board to adopt rules to comply with the Uniformed Services Employment and Reemployment Rights Act; (v) Government Code §854.003, which allows the Board to adopt rules to comply with the distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986; (vi) Government Code §855.102, which allows the Board to adopt rules it finds necessary or desirable for the efficient administration of the System; and (vii) Government Code 855.201, which allows the Board to delegate to the executive director powers and duties provided to the Board by the TMRS Act. In addition, the rule changes are proposed as a result of TMRS' rule review, which was conducted pursuant to Texas Government Code §2001.039.

CROSS-REFERENCE TO STATUTES

The proposed rules implement the following sections of the Texas Government Code: Chapter 522, concerning the Public Information Act; §851.001, concerning the definition of compensation and employee; §851.002, concerning the purpose of the subtitle; §851.006, concerning exemption from execution and making payments in accordance with Section 845 of the Pension Protection Act of 2006; §852.103, concerning withdrawal of contributions and rollover of distributions; §853.003, concerning buyback of credited service previously cancelled; §853.506, concerning current service for reemployed veterans; §854.002, concerning composition of retirement annuity; §854.003 concerning effective date of retirement; §854.004, concerning when an annuity is payable and changes before first payment; §854.007, concerning limitation on payment of benefits; §854.008, concerning partial lump-sum distribution on retirement; §854.103, concerning standard service retirement annuity; §854.502, concerning the refund of unrecovered contributions; §855.103, concerning administering system assets; §855.112, concerning records of the Board; §855.115

concerning the confidentiality of information about members, retirees, annuitants, or beneficiaries; §855.306, concerning member's individual accounts; §855.402, concerning collection of member contributions; and §855.410, concerning interest on late contributions.

§127.1. Procedures for Release of Board Records.

(a) The director is the custodian of records of the Texas Municipal Retirement System and may delegate responsibilities as custodian to one or more employees of the system. The custodian shall coordinate release of system records for purposes allowed by law, including but not limited to Government Code Chapter 552 and §855.115, or as allowed by court or administrative rules. The custodian will certify to the authenticity of copies of system records.

(b) Information regarding release of these records will be prominently posted and will contain basic information regarding the rights of the requester, the responsibilities of a governmental body and the procedures for inspecting or obtaining copies of public information.

(c) Each request for information must be made in writing. The system may specify an email address to which requests under Chapter 552, Government Code, must be submitted.

(d) Charges for providing copies of public information shall be the same as those provided by the Office of the Attorney General in the Texas Administrative Code, Title 1, Part 3, §70.3.

(e) Any member of the legislature shall not be charged for one copy of a record while performing his/her duties. Additionally, if it is determined by the director that providing certain records benefits the general public, fees will not be required for these records.

(f) All funds collected from releasing copies of records shall be credited to the expense fund under the administration of the board.

§127.3. Conformity with Internal Revenue Code: Preservation of Benefits.

(a) Pursuant to the authority of the board of trustees to act under the Act, and in accordance with the amendments to §415 of the Internal Revenue Code as set forth in Public Law 104-188, the annual benefit payable under the Act shall not be reduced under §854.007 of the Act except in conformity with those limitations on the payment of benefits set forth in the Internal Revenue Code as that Code applies from time to time to the Texas Municipal Retirement System.

(b) Effective for limitation years beginning on or after January 1, 2010, the following paragraphs (1) - (5) of this subsection shall apply:

(1) The defined benefit payable to a member of the system shall not exceed the applicable limits under Internal Revenue Code §415(b), as periodically adjusted by the Secretary of the Treasury pursuant to Internal Revenue Code §415(d). This limit adjustment shall also apply to a member who has had a severance from employment or, if earlier, an annuity starting date. Benefits that are subject to Internal Revenue Code §415(b) shall comply with the foregoing limit in each year during which payments are made. The foregoing limit shall be adjusted pursuant to the requirements of Internal Revenue Code §415(b)(2)(C) and (D) relating to the commencement of benefits at a date prior to age 62 or after age 65, subject to other applicable rules under Internal Revenue Code §415.

(2) No adjustment shall be required to a benefit subject to an automatic benefit increase feature described in Treasury Regulation §1.415(b)-1(c)(5).

(3) To the extent that Internal Revenue Code §415 and the Treasury Regulations thereunder require that an interest rate under In-

ternal Revenue Code §417(e) apply, the applicable stability period shall be one calendar year beginning January 1, and the look-back month shall be the fourth full calendar month preceding the first day of the stability period (September).

(4) If a member is, or has ever been, a participant in another qualified defined benefit plan (without regard to whether the plan has been terminated) maintained by the member's employer, as determined pursuant to Internal Revenue Code §§414(b), 414(c), and 415, the sum of the participant's benefits payable annually in the form of a straight life annuity from all such plans may not exceed the limit described in paragraph (1) of this subsection. Where the member's employer-provided benefits under all such defined benefit plans (determined as of the same age) would exceed the limit described in paragraph (1) of this subsection applicable at that age, the benefits accrued under all such other plans shall be reduced first in order to avoid exceeding the limit and shall be reduced under the system only to the extent that the reduction under such other plans is insufficient to avoid exceeding the limit.

(5) The defined benefit payable to a member of the system plan shall be determined in accordance with the requirements of Internal Revenue Code §415(b) and the Treasury Regulations thereunder. The limitation year is the calendar year.

§127.4. Credited Service under the Uniformed Services Employment and Reemployment Rights Act.

(a) Definitions.

(1) Eligible Member--An employee of a participating municipality who is or would be considered to be employed in a position eligible for membership but who leaves employment with that municipality to perform service in the uniformed services; whose employer was notified of the obligation or intention of the employee to perform service in the uniformed services; who is released or discharged from such service on or after December 12, 1994, under honorable conditions; whose cumulative period of service in the uniformed services with respect to that participating municipality does not exceed five years not including periods excluded under 38 USC §4312(c); who applies for reemployment with that participating municipality within 90 days of release or discharge from the uniformed services, or after recovery from an illness or injury incurred in, or aggravated during, the performance of service in the uniformed services (but such recovery period does not exceed two years); and who is reemployed by the participating municipality.

(2) Uniformed Services--The Armed Forces of the United States of America; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency.

(3) Service in the Uniformed Services--The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, inactive duty for training, National Guard duty under Federal statute, and a period for which an employee is absent from a position of employment for the purpose of an examination of to determine the fitness of the employee to perform such duty.

(4) Participating Municipality--A municipality as defined in §851.001(9) of the Act (including entities having the status of a municipality under Government Code, §852.005 of the Act) that is participating in the Texas Municipal Retirement System at the time the eligible member leaves employment with the municipality to perform service in the uniformed services; or a municipality that is not participating in the System at the time the employee leaves employment with

the municipality to perform service in the uniformed services but commences participating during the period of the employee's performance of duty in a uniformed service.

(b) Certification of Eligibility by Participating Municipality. An eligible member will be credited with current service in accordance with the Uniformed Services Employment and Reemployment Rights Act (the USERRA) (38 USC §4301 et seq.) upon certification by the participating municipality on forms provided by the system:

(1) that the eligible member's reemployment application is timely;

(2) that the eligible member has not exceeded the service limitations set forth in the USERRA;

(3) that the eligible member was not released or discharged from the uniformed service under other than honorable conditions;

(4) the period in which the eligible member performed service in the uniformed services;

(5) that the eligible member did not receive service credit for the period of uniformed service;

(6) the estimated compensation that the eligible member would have received from the municipality but for the period of service in the uniformed services; and

(7) the eligible member's date of reemployment with the participating municipality.

(c) Crediting of Current Service under the USERRA.

(1) An eligible member shall be credited with one month of current service credit for each month or part of a month in which:

(A) the eligible member performed service in the uniformed services; and

(B) a person who begins military service prior to the 16th day of a calendar month, or terminates military service after the 15th day of a calendar month is considered to have served a full month; and

(C) the participating municipality participated in the system.

(2) An eligible member may, but is not required to, deposit with the system any or all employee contributions that would have been deposited to his/her individual account for each period during which he/she performed service in the uniformed services if the eligible member had been employed with the participating municipality during the period of uniformed service. Deposits under this provision are subject to the following rules:

(A) The total deposits may not exceed the amount the eligible member would have been required to contribute had the eligible member remained continuously employed by the participating municipality throughout the period of service in the uniformed services.

(B) The compensation upon which allowable deposits will be calculated is the estimated compensation that the eligible member would have received from the participating municipality but for the period of service in the uniformed services.

(C) For purposes of determining the amount of current service credit and allowable monetary deposits, months of uniformed service and estimated compensation shall be calculated from the later of the date the eligible member entered service in the uniformed services or the date the participating municipality commenced participation in the system.

(D) Within the allowable period for making deposits and subject to the maximum total amount of deposits, an eligible member may make deposits at any time and in any amount.

(E) Deposits must be paid directly to the system by the eligible member or by the rollover or transfer of funds in accordance with the provisions of §127.6 of this title (relating to the Acceptance of Rollovers and Transfers). Optional deposits made under this section shall retain the same after-tax or pre-tax characterization that the funds have when deposited and may not be returned until the member terminates from all covered employment in this system.

(F) Deposits will be allocated prospective interest only, and in the same manner as interest is allocated on member contributions to individual accounts.

(G) Deposits, when received by the system, shall be credited to the eligible person's individual account and shall be considered to be contributions attributable to the months of uniformed service performed beginning with the earliest month of uniformed service.

(H) For vesting and funding purposes, current service credit, and any monetary credit arising from voluntary deposits, shall be considered as having been earned through service with the reemploying municipality and as having been credited during the period of uniformed service.

(I) An eligible member receiving service credit for a specific month pursuant to §853.506 may not receive service credit for the same month under any other provision of the Act.

(J) Deposits must be made during a time period starting with the date of an eligible member's reemployment with the participating municipality and continuing for up to three (3) times the length of the member's immediate past period of uniformed service, with the repayment period not to exceed five (5) years. Deposits may be made only during this period and while the member is employed with the post-service reemploying municipality.

(d) Death While on Military Leave. Effective for deaths occurring on or after January 1, 2007, if a member dies while performing qualified military service, the beneficiaries of the member are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the Texas Municipal Retirement System tax-qualified pension plan as if the member had resumed employment and then died, in accordance with §401(a)(37) of the Internal Revenue Code. "Qualified military service" means any service in the uniformed service (as defined in Chapter 43 of Title 38 of the United States Code) by any individual if such individual is entitled to reemployment rights under such Chapter with respect to such service.

(e) Military Differential Pay. For purposes of the Texas Municipal Retirement System, prior to and on and after January 1, 2009, compensation as defined in §851.001(6) of the Act includes payments to an individual by a participating municipality who does not currently perform services for the participating municipality by reason of qualified military service as defined in subsection (d) of this section made in accordance with the participating municipality's current policy with regard to such qualified military service (hereafter referred to as "military differential pay"). For purposes of the Internal Revenue Code as it applies to the Texas Municipal Retirement System tax-qualified pension plan, effective January 1, 2009, a member receiving military differential pay shall be treated as an employee of the employer making the payment and the military differential pay shall be treated as compensation.

(f) Construction. This section is intended to comply with USERRA and Internal Revenue Code §401(a)(37) and §414(u) and shall be construed in a manner consistent with those provisions.

§127.5. Prorating of Contributions Based on Compensation Limited by Internal Revenue Code §401(a)(17).

(a) The system may require participating municipalities to prorate contributions for an employee whose compensation is subject to and exceeds the compensation limit set pursuant to 26 U.S.C. §401(a)(17) ("Compensation Limit") by calculating the employee's contributions based on the Compensation Limit prorated equally over the remaining months in the calendar year.

(b) If an employee for which a municipality is making prorated contributions pursuant to subsection (a) of this section separates from service with the municipality prior to the end of the calendar year, the municipality shall make additional contributions to the system based on the actual compensation paid to the employee, up to the amount of the Compensation Limit, prior to separation from service by the employee.

§127.6. Acceptance of Rollovers and Transfers.

(a) The system may accept the funds described in subsections (b) and (c) of this section, subject to the restrictions of this section.

(b) If permitted under and subject to the provisions of federal law, the system may accept an eligible rollover distribution from another eligible retirement plan in payment of all or a portion of any deposit a member is permitted under applicable law to make with the system for service credit.

(1) An "eligible rollover distribution" is any distribution of all or any portion of the balance to the credit of the member from an eligible retirement plan. An eligible rollover distribution does not include the following:

(A) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the member or the joint lives (or joint life expectancies) of the member and the member's designated beneficiary, or for a specified period of ten years or more;

(B) any distribution to the extent such distribution is required under Internal Revenue Code §401(a)(9);

(C) any distribution which is made upon hardship of the member; or

(D) the portion of any distribution that is not includible in gross income.

(2) An "eligible retirement plan" is any program defined in Internal Revenue Code §401(a)(31) and §402(c)(8)(B), from which the member has a right to an eligible rollover distribution, as follows:

(A) an individual retirement account under Internal Revenue Code §408(a);

(B) an individual retirement annuity under Internal Revenue Code §408(b) (other than an endowment contract);

(C) a qualified trust;

(D) an annuity plan under Internal Revenue Code §403(a);

(E) an eligible deferred compensation plan under Internal Revenue Code §457(b) which is maintained by an eligible employer under Internal Revenue Code §457(e)(1)(A); and

(F) an annuity contract under Internal Revenue Code §403(b).

(c) If permitted under and subject to the provisions of federal law, the system may accept a direct trustee-to-trustee transfer of funds from a plan described under §403(b) or §457(b) of the Internal Revenue Code in payment of all or a portion of any deposit a member is permitted to make with the system for service credit.

(d) In order to authorize the rollover or transfer of funds described in this section, a member shall provide or cause to be provided to the system information sufficient for the system to reasonably conclude that the contribution is a valid rollover or direct trustee-to-trustee transfer as permitted under federal tax law. If the system later determines that a contribution was an invalid rollover or direct trustee-to-trustee transfer or otherwise not permitted under federal tax law, the system may take any action appropriate or required by the Internal Revenue Code or regulations issued thereunder, including return of the invalid contribution and, if applicable, any earnings attributed thereto to the member within a reasonable time after the determination and cancellation of any credit purchased with the returned amounts.

(e) The system shall construe and administer this section in a manner such that the plan will be considered a qualified plan under §401(a) of the Internal Revenue Code of 1986, (United States Code, Title 26, §401).

§127.7. Rollovers of Plan Distributions.

(a) A distributee may elect, at the time and in the manner prescribed by the Board of Trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) The terms "eligible rollover distribution" and "eligible retirement plan" are defined as follows:

(1) An "eligible rollover distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include the following:

(A) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more;

(B) any distribution to the extent such distribution is required under §401(a)(9) of the Internal Revenue Code of 1986, as amended from time to time (the "Internal Revenue Code"); or

(C) the portion of any distribution that is not includible in gross income.

(2) An "eligible retirement plan" includes:

(A) an individual retirement account described in Internal Revenue Code §408(a);

(B) an individual retirement annuity described in Internal Revenue Code §408(b);

(C) an annuity plan described in Internal Revenue Code §403(a);

(D) a qualified trust described in Internal Revenue Code §401(a) that accepts the distributee's eligible rollover distribution;

(E) an annuity contract described in Internal Revenue Code §403(b);

(F) an eligible plan under Internal Revenue Code §457(b), which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan; or

(G) for distributions made after December 31, 2007, a Roth IRA as described in Internal Revenue Code §408A(b).

(3) The definition of eligible retirement plan also shall apply in the case of a distribution to a surviving spouse, or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order as defined in Internal Revenue Code §414(p).

(4) A "distributee" includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Internal Revenue Code §414(p), are distributees with regard to the interest of the spouse or former spouse.

(5) A "direct rollover" is a payment by the plan to the eligible retirement plan specified by the distributee.

(c) Notwithstanding anything in this section to the contrary, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax contributions which are not includible in gross income. However, such portion may be paid only in a direct trustee-to-trustee transfer to an individual retirement account or annuity described in Internal Revenue Code §§408(a) or (b), or to a qualified defined contribution plan described in Internal Revenue Code §401(a) or an Internal Revenue Code §403(b) annuity contract that, in each case, agrees to separately account for amounts so transferred, and the earnings on these amounts, including separate accounting for the portion of such distribution which was includible in gross income (if not for the rollover exclusion) and the portion of such distribution which was not includible in income (determined without regard to the rollover exclusion). Without limiting the foregoing, for distributions made after December 31, 2006, such portion may be also be paid in a direct trustee-to-trustee transfer to any type of qualified plan described in Internal Revenue Code §401(a) (whether or not a defined contribution plan) that agrees to separately account for amounts so transferred, and the earnings on these amounts, including separate accounting for the portion of such distribution which was includible in gross income (if not for the rollover exclusion) and the portion of such distribution which was not includible in income (determined without regard to the rollover exclusion). Without limiting the foregoing, for distributions made after December 31, 2007, a portion of a distribution shall not fail to be an eligible rollover distribution merely because it is paid in a direct trustee-to-trustee transfer to a Roth IRA as described in Internal Revenue Code §408A(b).

(d) Rollovers by Nonspouse Beneficiaries. Effective for distributions on or after January 1, 2010, a member's beneficiary who is not the surviving spouse of the deceased member may elect to have an eligible rollover distribution paid directly to an eligible retirement plan that is an inherited individual retirement account described in Internal Revenue Code §408(d)(3)(C) to the extent permitted by Internal Revenue Code §402(c)(11).

(e) The Board, the system and its employees and agents are not responsible for assuring that the distributee is eligible to make a rollover or for the tax consequences of any such rollover.

§127.8. Plan Limitations.

Effective January 1, 1996, for individuals who first became members of the system on or after January 1, 1996, the amount of compensation used to determine the retirement benefit of a member must not exceed the amount of compensation permitted to be taken into account under the plan and Internal Revenue Code §401(a)(17) as then in effect and as amended, indexed in the same manner and for the same periods as provided by that section. The limits under Internal Revenue Code §401(a)(17) shall not apply to individuals who first became members of the system before January 1, 1996.

§127.9. Authorization of Certain Payments in Accordance with the Pension Protection Act of 2006.

(a) Effective with annuity payments that become due January 2008, the retirement system is authorized to make disbursements in accordance with Section 845 of the Pension Protection Act of 2006, Pub. L. 109-280 and related regulations.

(b) The director is authorized to adopt reasonable policies and procedures to implement and administer this section.

§127.10. Conformity with Internal Revenue Code: Additional Provisions.

(a) The system is a governmental plan within the meaning of §414(d) of the Internal Revenue Code of 1986, as amended from time to time (the "Internal Revenue Code").

(b) The rights of members to benefits accrued, to the extent funded, will become vested to the extent required by, and upon the events set forth in, Treasury Regulation §1.401-6(a)(1).

(c) The term "employee," as defined in §851.001(8) of the Act, shall be limited to common law employees of a municipality, and shall exclude leased employees within the meaning of Internal Revenue Code §414(n).

(d) With respect to §851.002 of the Act, and notwithstanding any provision of the system to the contrary, reversions will be permitted only to the extent allowed under the Internal Revenue Code and any related guidance thereunder, including, but not limited to, a contribution made because of a good faith mistake of fact that is returned within one year of the date the contribution was made as permitted under Revenue Ruling 91-4, or as permitted by subsequent guidance.

(e) Repayments of previously paid out benefits, including the reestablishment of credit under §853.003 of the Act, shall comply with Internal Revenue Code §415(k)(3) and any Treasury Regulations thereunder. For purchases of permissive service credit that are described in Internal Revenue Code §415(n), including any such purchases under Chapter 853 of the Act, the provisions of Internal Revenue Code §415(n) and any Treasury Regulations thereunder shall apply, including the provisions of Internal Revenue Code §415(n)(3)(B) that, except as provided in Internal Revenue Code §415(n)(3)(D):

(1) no more than five years of nonqualified service credit within the meaning of Internal Revenue Code §415(n)(3)(C) may be taken into account under Internal Revenue Code §415(n); and

(2) no nonqualified service credit within the meaning of Internal Revenue Code §415(n)(3)(C) may be taken into account under Internal Revenue Code §415(n) before a member has at least five years of participation in the system.

(f) Notwithstanding any provision of the system to the contrary, the system shall comply with Internal Revenue Code §401(a)(31)(B) and applicable Treasury Regulations thereunder.

§127.11. Required Minimum Distributions: General Rule, Forfeiture and Reinstatement.

(a) "Required beginning date" means that April 1 of the calendar year following the later of (i) the calendar year in which the member attains the applicable age, or (ii) the calendar year in which the member terminates employment with all participating municipalities. For purposes of this section, "applicable age" means the following ages, unless otherwise provided under Section 401(a)(9)(c) of the Internal Revenue Code, as amended from time to time:

(1) age 70 1/2 if born before July 1, 1949;

(2) age 72 if born after June 30, 1949 and before January 1, 1951;

(3) age 73, if born on or after January 1, 1951.

(b) General Rules.

(1) In accordance with Internal Revenue Code Section 401(a)(9), a member must withdraw (refund) or rollover all accumulated contributions credited to that member's individual account pursuant to § 852.103 or retire from TMRS on or before the member's required beginning date.

(2) With respect to §854.003(d) and §854.104(f) of the Act, and notwithstanding any provision of the system to the contrary, the system shall comply with Internal Revenue Code §401(a)(9), including the minimum distribution incidental benefits rule of Internal Revenue Code §401(a)(9)(G), Treasury Regulations §§1.401(a)(9)-2 through 1.401(a)(9)-9 and all additional provisions prescribed in revenue rulings, notices, and other guidance published in the Internal Revenue Bulletins, pursuant to a reasonable and good faith interpretation of Internal Revenue Code §401(a)(9).

(3) The system may establish and revise, from time to time, procedures to locate any member whose information is missing, inaccurate or incomplete.

(c) Forfeiture of Benefits. Pursuant to §854.104(f) of the Act and subject to subsections (b)(2), (b)(3), and (d) of this section, if, after the system has made a reasonable effort to locate a member and obtain a completed application, a member has not refunded or rolled over their individual account or begun to receive payment of a service retirement annuity or disability retirement annuity before their required beginning date, then effective as of the member's required beginning date:

(1) no further interest credits will be applied to the member's individual account pursuant to §855.306(b) of the Act, and

(2) the member's accumulated contributions and eligibility to receive a service retirement annuity or disability retirement annuity under the Act shall be forfeited in accordance with Treasury Regulation §1.411(a)-4(b)(6).

(d) Reinstatement of Benefits. If a member (or a beneficiary of any such member) whose benefits have been forfeited pursuant to subsection (c) of this section, files a complete application for withdrawal (refund) or for retirement from TMRS, the system will reinstate the member's account and right to receive retirement benefits under the Act, without interest or adjustment for earnings after the date of such forfeiture and, as applicable:

(1) refund the amount of accumulated contributions credited to the member's individual account as of the required beginning date in accordance with §852.103 of the Act; or

(2) pay an annuity, pursuant to §§854.103, 854.104 or 854.105 of the Act, calculated in accordance with subsection (e) of this section; provided however, that any annuity payments attributable to the period of time between the required beginning date and the last day the first month following the date that a complete retirement ap-

plication is received ("delayed beginning date"), shall be permanently forfeited and shall not be restored.

(e) To comply with Internal Revenue Code §401(a)(9), the calculation of the retirement annuity payable pursuant to subsection (d) of this section shall modify §§854.002(b) and (c) of the Act to calculate the prior and current service annuity amounts using the member's age and the member's individual account balance as of the member's required beginning date.

(f) An annuity payable pursuant to subsection (d) of this section in accordance with §854.004 of the Act shall become payable as of the delayed beginning date and no payments shall be paid for the period of time from the member's required beginning date to the delayed beginning date.

(g) This section shall apply to any member who is eligible to retire from TMRS and has terminated employment with all participating municipalities, without regard to whether that member is contributing to a system that participates in the Proportionate Retirement Program set forth in Chapter 803 of the Texas Government Code.

(h) The beneficiary of a member who dies after the member's required beginning date but before a member's delayed beginning date may apply for benefits pursuant to §854.105 of the Act, however such benefits shall be calculated in accordance with subsections (e) and (f) of this section.

§127.12. Refund of Unrecovered Contributions.

A lump-sum benefit payment made pursuant to §854.502 of the Act, regarding refund of unrecovered contributions, from an account of a member who had service with more than one participating municipality shall be calculated on a municipality-by-municipality basis for payment from the benefit accumulation fund.

§127.13. Late Contributions Sent Electronically.

Contributions sent electronically to the system's depository shall be considered timely remitted under §855.410 of the Act if the contributions are received by the system's depository by the 15th day of the month.

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 5, 2023.

TRD-202301645

Christine M. Sweeney

Chief Legal Officer

Texas Municipal Retirement System

Earliest possible date of adoption: June 18, 2023

For further information, please call: (512) 225-3710



WITHDRAWN RULES

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

TITLE 22. EXAMINING BOARDS

PART 24. TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 575. PRACTICE AND PROCEDURE

22 TAC §575.26

The Texas Board of Veterinary Medical Examiners withdraws proposed new §575.26, which appeared in the February 24, 2023, issue of the *Texas Register* (48 TexReg 1019).

Filed with the Office of the Secretary of State on May 4, 2023.

TRD-202301630

John Hargis

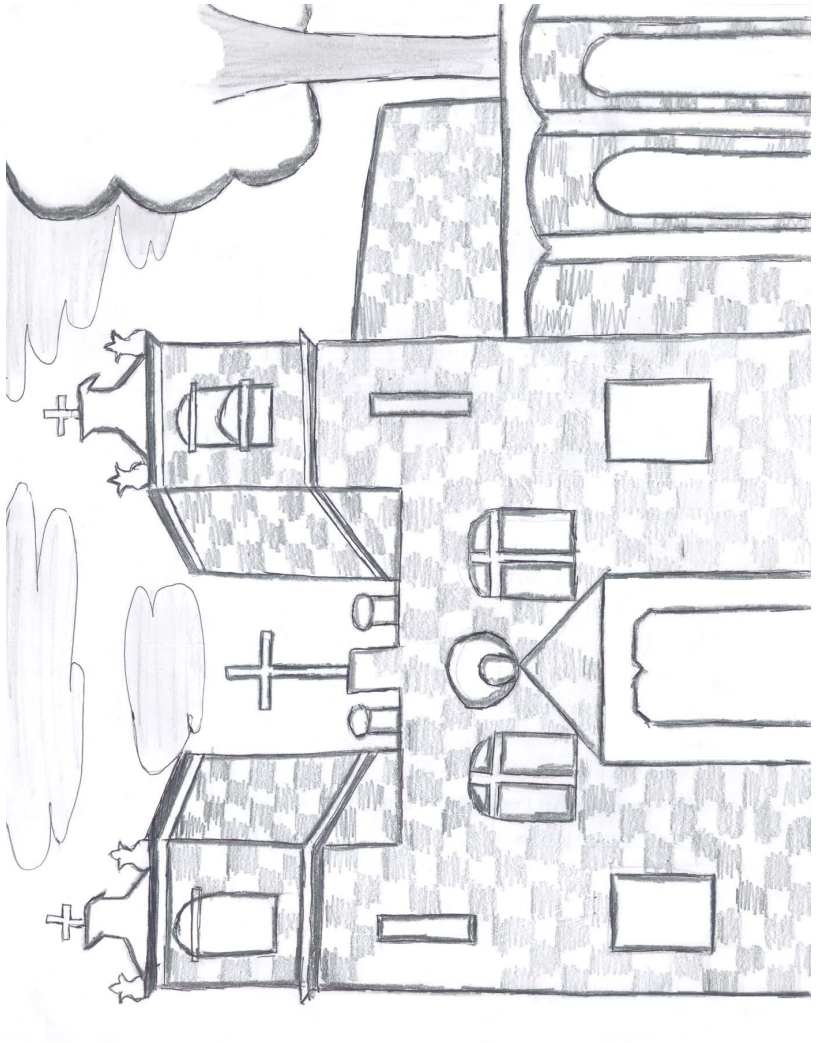
General Counsel

Texas Board of Veterinary Medical Examiners

Effective date: May 4, 2023

For further information, please call: (512) 305-7565





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 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 42. RURAL VETERINARIAN INCENTIVE PROGRAM

4 TAC §§42.1, 42.3, 42.5, 42.7, 42.9, 42.11, 42.13, 42.15, 42.17, 42.19, 42.21, 42.23

The Rural Veterinarian Incentive Program Committee (Committee) in a duly noticed meeting on May 4, 2023, adopted new Chapter 42, §§42.1, 42.3, 42.5, 42.7, 42.9, 42.11, 42.13, 42.15, 42.17, 42.19, 42.21, 42.23. These sections are adopted without changes to the proposed text published in the March 10, 2023, issue of the *Texas Register* (48 TexReg 1377) and will not be republished.

JUSTIFICATION FOR RULE ACTION

House Bill 1259 of the 87th Legislature, effective September 1, 2021, transferred administration of the Rural Veterinarian Incentive Program (Program) to the Texas Animal Health Commission (Commission) and established the Rural Veterinarian Incentive Program Committee (Committee). Texas Education Code §56.103(d) mandated that the Committee adopt rules to select participants of the Program, provide for the request to distribute money from the account for the Program, establish criteria necessary for qualification as a rural sponsor, govern agreements of financial support between the rural sponsor and an eligible participant, and other rules and procedures necessary to administer the Program.

Rule 42.1 sets out the authority to establish procedures to administer the Program and states that the purpose of the Program is to encourage veterinary students and recent graduates to practice veterinary medicine in rural counties in Texas.

Rule 42.3 specifies the administrative duties of Commission and the Texas Higher Education Coordinating Board.

Rule 42.5 sets out the definitions used in the rules.

Rule 42.7 specifies the Commission's role in publishing information about the Program and directs the Commission to publish applications for the Program on its website.

Rule 42.9 enumerates the eligibility requirements under the Program.

Rule 42.11 directs the Commission to screen each application for eligibility and completeness.

Rule 42.13 specifies the Program application evaluation criteria and specifies the process the Committee uses to score, rank, and select participants.

Rule 42.15 enumerates the instances where an application can be denied. The rule also allows for the voluntary withdrawal of an application and the opportunity for applicants to reapply in future application rounds.

Rule 42.17 provides the eligibility requirements to be a rural community sponsor under the Program.

Rule 42.19 sets out the requirements for an eligible loan under the Program.

Rule 42.21 specifies the amount of financial support that may be awarded under the Program and explains that the amount of financial support is contingent on available funding.

Rule 42.23 sets the required terms for the financial agreement a participant must enter to receive financial support as part of the Program.

HOW THE RULES WILL FUNCTION

The new chapter establishes all rules under the Program including guidelines to select participants, guidelines to distribute funds to participants, criteria necessary for qualification as a rural sponsor, and other rules and procedures necessary to administer the Program.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended January 22, 2023.

During this period, the Commission received comments regarding the proposed rules from five individual commenters. A summary of comments relating to the rules and Commission's responses follows.

Comments:

One individual commenter, a veterinarian practicing in Texas, commented that a county population of less than 100,000 encompassed too many counties and that the definition should be lowered to counties with populations less than 50,000.

The other four individual commenters are also veterinarians who practice in Texas. These commenters generally note how challenging it is to fill needed veterinarian positions in rural counties in Texas. These commenters note that many veterinarians of retirement age are hesitant to retire because it would leave the community with no veterinarians. The commenters note that loan repayment will provide an additional incentive to bring much-needed veterinarians into Texas rural communities. One of the commenters noted that the ability to repay student loans are a big concern for new veterinarian graduates.

Response: The Committee thanks the commenters for the feedback and appreciate their devotion and commitment to the field of veterinary medicine. No changes were made as a result of these comments.

STATUTORY AUTHORITY

The rules are adopted under the Texas Education Code, §56.103, which requires the Committee to adopt rules to select participants of the Program, provide for the request to distribute money from the account for the Program, establish criteria necessary for qualification as a rural sponsor, govern agreements of financial support between the rural sponsor and an eligible participant, and other rules and procedures necessary to administer the Program.

The adopted new rules implement the Texas Education Code, §§56.101-56.106.

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

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

Filed with the Office of the Secretary of State on May 4, 2023.

TRD-202301637

Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

Effective date: May 24, 2023

Proposal publication date: March 10, 2023

For further information, please call: (512) 719-0718



PART 13. PRESCRIBED BURNING BOARD

CHAPTER 225. GENERAL PROVISIONS

4 TAC §§225.1 - 225.4

The Texas Prescribed Burning Board (Board), a semi-independent board administratively attached to the Texas Department of Agriculture (Department), adopts amendments to Texas Administrative Code (TAC), Title 4, Part 13, §§225.1 - 225.4. The amendments are adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1685) and will not be republished.

The Board identified the need for the amendments during its rule review conducted pursuant to Texas Government Code, §2001.039, the adoption of which can be found in the March 31, 2023 issue of the *Texas Register* (48 TexReg 1738).

The adopted amendments to §225.1 remove definitions of terms that are no longer used in 4 TAC Part 13 and clarify the definition of "sponsor."

The adopted amendments to §225.2 add "certified and insured" before "prescribed burn manager" to standardize terminology used in 4 TAC Part 13 and remove language redundant to language contained within related statutes.

The adopted amendments to §225.3 remove an unnecessary cross reference to TCEQ rules.

The adopted amendments to §225.4 make editorial changes and remove the 30-day deadline for certified and insured prescribed burn managers to notify the Department of changes to their information.

No public comments were received regarding the proposed rule amendments.

The amendments are adopted under Texas Natural Resources Code, §153.046, which provides that the Board, by rule, shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

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 May 5, 2023.

TRD-202301648

Skyler Shafer

Assistant General Counsel

Prescribed Burning Board

Effective date: May 25, 2023

Proposal publication date: March 31, 2023

For further information, please call: (512) 936-9360



CHAPTER 226. REQUIREMENTS FOR CERTIFICATION BY THE BOARD

4 TAC §§226.1 - 226.3, 226.5 - 226.7

The Texas Prescribed Burning Board (Board), a semi-independent board administratively attached to the Texas Department of Agriculture (Department), adopts amendments to Texas Administrative Code, Title 4, Part 13, §§226.1 - 226.3 and §§226.5 - 226.7. The amendments to §§226.1 - 226.3 and 226.5 - 226.7 are adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1687) and will not be republished.

The Board identified the need for the amendments during its rule review conducted pursuant to Texas Government Code, §2001.039, the adoption of which can be found in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1738).

The adopted amendments to §226.1 reorganize cross references to other Board rules.

The adopted amendments to §226.2 remove redundant language relating to compliance and renewal, which is already addressed by statute and other rules.

The adopted amendments to §226.3 clarify the necessary experience required to become a certified and insured prescribed burn manager and remove unnecessary language.

The adopted amendments to §226.5 remove the subsection that provides fees will be prorated based on when an application is submitted and make editorial changes.

The adopted amendments to §226.6 allow the Department, in addition to the Board, to approve deadline extensions and make editorial changes.

The adopted amendments to §226.7 remove the subsection related to reciprocity with New Mexico, Oklahoma, Louisiana, or a federal agency and make editorial changes.

No public comments were received regarding the proposed rule amendments.

The amendments are adopted under Texas Natural Resources Code, §153.046, which provides that the Board, by rule, shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

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 May 5, 2023.

TRD-202301649

Skyler Shafer

Assistant General Counsel

Prescribed Burning Board

Effective date: May 25, 2023

Proposal publication date: March 31, 2023

For further information, please call: (512) 936-9360



CHAPTER 227. REQUIREMENTS FOR CERTIFIED AND INSURED PRESCRIBED BURN MANAGERS

The Texas Prescribed Burning Board (Board), a semi-independent board administratively attached to the Texas Department of Agriculture (Department), adopts amendments to Texas Administrative Code, Title 4, Part 13, §227.1 and §227.4, and the repeal of §227.3. The amendments and repeal are adopted without changes to the proposed text as published in the March 31, 2023 issue of the *Texas Register* (48 TexReg 1689) and will not be republished.

The Board identified the need for the amendments and repeal during its rule review conducted pursuant to Texas Government Code, §2001.039, the adoption of which can be found in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1738).

The adopted amendments to §227.1 require documentation of any conditions, endorsements, exceptions or limitations to the liability insurance policy carried by a certified and insured prescribed burn manager to be disclosed to the Department, in addition to the Board; require proof of insurance to be submitted annually instead of by December 31; and make editorial changes.

The adopted repeal of §227.3 clarifies the necessary experience required to become a certified and insured prescribed burn manager and removes unnecessary, redundant language.

The adopted amendments to §227.4 change the requirements for maintenance of prescribed burn records and make editorial changes.

No public comments were received regarding the proposed amendments or repeal.

4 TAC §227.1, §227.4

The amendments are adopted under Texas Natural Resources Code, §153.046, which provides that the Board, by rule, shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn

managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

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 May 5, 2023.

TRD-202301650

Skyler Shafer

Assistant General Counsel

Prescribed Burning Board

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Proposal publication date: March 31, 2023

For further information, please call: (512) 936-9360



4 TAC §227.3

The repeal is adopted under Texas Natural Resources Code, §153.046, which provides that the Board, by rule, shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

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

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Skyler Shafer

Assistant General Counsel

Prescribed Burning Board

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For further information, please call: (512) 936-9360



CHAPTER 228. PROCEDURES FOR CERTIFIED AND INSURED PRESCRIBED BURN MANAGERS

4 TAC §§228.1 - 228.4

The Texas Prescribed Burning Board (Board), a semi-independent board administratively attached to the Texas Department of Agriculture (Department), adopts amendments to Texas Administrative Code, Title 4, Part 13, §§228.1 - 228.4. The amendments are adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1691) and will not be republished.

The Board identified the need for the amendments during its rule review conducted pursuant to Texas Government Code, §2001.039, the adoption of which can be found in the March 31, 2023 issue of the *Texas Register* (48 TexReg 1738).

The adopted amendments to §228.1 change burn plan requirements to include a burn/no burn checklist.

The adopted amendments to §228.2 require notice of prescribed burns to be provided in advance to the local county dispatch office and the Texas A&M Forest Service central dispatch office and remove unnecessary language.

The adopted amendments to §228.3 change the requirement that a certified and insured prescribed burn manager (CIPBM) be present during a prescribed burn to instead require the CIPBM to be present during an active prescribed burn, as determined by the CIPBM, and remove unnecessary language.

The adopted amendments to §228.4 remove notification requirements for conducting burns during a burn ban that no longer reflect current practice and make editorial changes.

No public comments were received regarding the proposed amendments.

The amendments are adopted under Texas Natural Resources Code, §153.046, which provides that the Board, by rule, shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

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

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Skyler Shafer

Assistant General Counsel

Prescribed Burning Board

Effective date: May 25, 2023

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For further information, please call: (512) 936-9360



CHAPTER 229. CONTINUING FIRE TRAINING

4 TAC §§229.1 - 229.4

The Texas Prescribed Burning Board (Board), a semi-independent board administratively attached to the Texas Department of Agriculture (Department), adopts amendments to Texas Administrative Code, Title 4, Part 13, §§229.1 - 229.4, concerning continuing fire training. The amendments are adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1693) and will not be republished.

The Board identified the need for the amendments during its rule review conducted pursuant to Texas Government Code, §2001.039, the adoption of which can be found in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1738).

The adopted amendments to §229.1 add wildland firefighting to the list of eligible continuing fire training activities for clarity and change "CFT credits" to "CFT hours."

The adopted amendments to §229.2 change "CFT credit" to "CFT hours" and make editorial changes.

The adopted amendments to §229.3 remove the requirement for CFT training activities to be submitted for approval 30 days

prior to the CFT activity, add a cross reference to another rule, change the topics that CFT activities can cover, and make editorial changes.

The adopted amendments to §229.4 allow a Lead Burn Instructor to approve CFT activities, require sponsors of CFT activities to provide a completed Board Form 607 to participants, and make editorial changes.

No public comments were received regarding the proposed amendments.

The amendments are adopted under Texas Natural Resources Code, §153.046, which provides that the Board, by rule, shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

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

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TRD-202301653

Skyler Shafer

Assistant General Counsel

Prescribed Burning Board

Effective date: May 25, 2023

Proposal publication date: March 31, 2023

For further information, please call: (512) 936-9360



CHAPTER 230. LEAD BURN INSTRUCTOR REQUIREMENTS

4 TAC §§230.1 - 230.4

The Texas Prescribed Burning Board (Board), a semi-independent board administratively attached to the Texas Department of Agriculture (Department), adopts amendments to Texas Administrative Code, Title 4, Part 13, §§230.1 - 230.4. The amendments are adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1695) and will not be republished.

The Board identified the need for the amendments during its rule review conducted pursuant to Texas Government Code, §2001.039, the adoption of which can be found in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1738).

The adopted amendments to §230.1 change the requirements for lead burn instructor eligibility.

The adopted amendments to §230.2 remove unnecessary language.

The adopted amendments to §230.3 make editorial changes and add recommended curriculum topics to certified and insured prescribed burn manager training courses.

The adopted amendments to §230.4 allow the Board to designate a member to develop and approve the standardized test to be administered to all applicants seeking status as a certified and insured prescribed burn manager, remove a subsection related to the appointment of subcommittee to approve the test, and make editorial changes.

No public comments were received regarding the proposed amendments.

The amendments are adopted under Texas Natural Resources Code, §153.046, which provides that the Board, by rule, shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

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 May 5, 2023.

TRD-202301654

Skyler Shafer

Assistant General Counsel

Prescribed Burning Board

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Proposal publication date: March 31, 2023

For further information, please call: (512) 936-9360



TITLE 13. CULTURAL RESOURCES

PART 2. TEXAS HISTORICAL COMMISSION

CHAPTER 18. TEXAS HOLOCAUST, GENOCIDE, AND ANTISEMITISM ADVISORY COMMISSION

13 TAC §18.9

The Texas Historical Commission (THC) adopts new §18.9, relating to the creation of Administrative Grant Rules for the Texas Holocaust, Genocide, and Antisemitism Advisory Commission's (THGAAC) grant program, as authorized in Section 448.101(c) of H.B. 3257. New §18.9 is adopted without changes to the text as published in the February 17, 2023, issue of the *Texas Register* (48 TexReg 785). The rule will not be republished.

Chapter 18 creates a process for operations for the THGAAC's grant program.

FISCAL NOTE. Mark Wolfe, Executive Director, has determined that for each of the first five years the new rule is in effect, there will not be a fiscal impact on state or local government as a result of enforcing or administering the new rule as adopted. The related policy and procedure are in place for this rule and there is no anticipated additional cost as a result of the rulemaking.

PUBLIC BENEFIT/COST NOTE. Mr. Wolfe has also determined that for the first five-year period the rule is in effect, the anticipated public benefit will be the ability of Texas nonprofits to apply to receive grant funds, for the purpose of supporting Holocaust, genocide, and antisemitism educational programs.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT. There are no anticipated economic costs to persons who are required to comply with this new rule. There is no effect on local economy for the first five years that the new rule is in effect; therefore, no local employment impact state-

ment is required under Texas Government Code, §2001.022 and §2001.024(a)(6).

COSTS TO REGULATED PERSONS. The adopted new rule does not impose a cost on regulated persons, including another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. The adopted new rule provides an opportunity for the THC and THGAAC to support the operation and delegation educational programming to assist with implementation of goals and objectives for the THGAAC. There is no anticipated economic impact of this new rule. Mr. Wolfe has also determined that there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing this new rule and therefore no regulatory flexibility analysis, as specified in Texas Government Code §2006.002, is required. The new rule does not affect small businesses, micro-businesses, or rural communities because the new rule only clarifies the administrative procedures with which to carry out existing statutes.

GOVERNMENT GROWTH IMPACT STATEMENT. During the first five years that the new rule would be in effect, the adopted new section: will not create or eliminate a government program; will not result in the addition or reduction of employees; will not require an increase or decrease in future legislative appropriations; will not lead to an increase or decrease in fees paid to a state agency; will not create a new regulation; will not repeal an existing regulation; and will not result in an increase or decrease in the number of individuals subject to the rule. During the first five years that the new rule would be in effect, the new rules will not positively or adversely affect the Texas economy.

No comments were received on the proposed rule.

STATUTORY AUTHORITY AND STATEMENT ON AUTHORITY. This new rule is adopted under the authority of Texas Government Code §448.102(b), which provides the Commission with the authority to promulgate rules to reasonably affect the purposes of the Commission.

CROSS REFERENCE TO STATUTE. The new rule implement §448 of the Texas Government Code.

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

Filed with the Office of the Secretary of State on May 5, 2023.

TRD-202301641

Mark Wolfe

Executive Director

Texas Historical Commission

Effective date: May 25, 2023

Proposal publication date: February 17, 2023

For further information, please call: (512) 463-6100



CHAPTER 21. HISTORY PROGRAMS

SUBCHAPTER B. OFFICIAL TEXAS HISTORICAL MARKER PROGRAM

13 TAC §21.13

The Texas Historical Commission (Commission) adopts amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 21, Subchapter B, §21.13, related to Recorded Texas Historic Landmark (RTHL) removal procedures, without changes to the text published in the February 17, 2023, issue of the *Texas Register* (48 TexReg 787). The rule will not be republished.

The amendments to Section 21.13 clarify procedures for Recorded Texas Historical Landmark (RTHL) removal requests and the time period for marker removal requests. They also correct formatting and grammatical errors in the rule.

No comments were received during the 30-day comment period following publication.

These amendments are adopted under the authority of Texas Government Code §442.006(h), which requires the Commission to adopt rules for the historical marker program.

No other statutes, articles, or codes are affected by these amendments.

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

Filed with the Office of the Secretary of State on May 5, 2023.

TRD-202301642

Mark Wolfe

Executive Director

Texas Historical Commission

Effective date: May 25, 2023

Proposal publication date: February 17, 2023

For further information, please call: (512) 463-6100



TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 104. CONTINUING EDUCATION

22 TAC §104.2

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §104.2, concerning continuing education providers. This rule is adopted with minor non-substantive changes to the proposed text published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1698), and will be republished. The adopted amendment reflects the merger of the regional examining board CDCA-WREB-CITA. The adopted amendment includes the States Resources for Testing and Assessments (SRTA), Central Regional Dental Testing Services Inc. (CRDTS), and the American Association of Dental Boards - Accredited Continuing Education Program (AADB-ACE) as board approved continuing education providers. The adopted amendment removes Dental Quality Assurance and Dentist Secure Labs as continuing education providers.

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

§104.2. Providers.

(a) The Board hereby establishes a list of providers for continuing education courses. Unless specifically required by state law or Board rule, the Board shall not accept or approve specific continuing education courses for requirements related to the issuance or renewal of licensure, registrations, or sedation/anesthesia permits.

(b) At least once per calendar year, the Board shall review the list of providers for continuing education and any applications submitted for continuing education providers, and the Board shall consider additions or removals of providers from the list provided in this section.

(1) The Presiding Officer may establish an ad hoc committee pursuant to 22 TAC §100.8 (relating to Ad Hoc Committees of the Board) to review the addition or removal of providers and make recommendations to the full Board for approval.

(2) The Board and any ad hoc committee shall consider classifying each provider for full continuing education provider authorization, including clinical, scientific, and sedation/anesthesia provider courses, or for a limited continuing education provider authorization restricted to courses related to risk management, recordkeeping, ethics, and non-clinical dental assistant duties continuing education. If no classification is assigned to a provider, the provider shall be considered a full continuing education provider.

(3) Any addition, removal, or classification of providers shall require a majority vote of the full Board in an open meeting. Any provider being considered for addition, removal, or classification shall be given 10 business days' notice of the consideration, and the provider shall be given an opportunity to appear and make a presentation or submit supporting documentation at the scheduled meeting of the Board or any ad hoc committee regarding the addition, removal, or classification.

(c) Board staff shall develop and provide an application form for continuing education providers. The application form shall provide instructions for submitting provider information and supporting documentation. The Board shall provide the application form for continuing education providers and general instructions on the continuing education provider application process on its public website. Any request to become an approved continuing education provider must be submitted on the application form provided by the Board; failure to utilize the Board's application form shall be grounds to reject the application request.

(d) The Board shall consider the following criteria when reviewing providers:

- (1) the health, safety, and welfare of the residents of Texas;
- (2) access to providers for licensees and registrants in all portions of Texas;
- (3) competency of course providers and quality of course materials;
- (4) internal and external audits, guidelines, safeguards, and standards to ensure consistent and quality education; and
- (5) demonstrable clinical, professional, and/or scientific education experience.

(e) Continuing Education courses endorsed by the following providers will meet the criteria for acceptable continuing education hours if such hours are certified by the following providers:

- (1) American Dental Association--Continuing Education Recognition Program (CERP);

(2) American Dental Association, its component, and its constituent organizations;

(3) Academy of General Dentistry and its constituents and approved sponsors;

(4) Dental/dental hygiene schools and programs accredited by the Commission on Dental Accreditation of the American Dental Association;

(5) American Dental Association approved specialty organizations;

(6) American Dental Hygienists' Association, its component, and its constituent organizations;

(7) American Medical Association approved specialty organizations;

(8) American Medical Association approved hospital courses;

(9) National Dental Association, its constituent, and its component societies;

(10) National Dental Hygienists' Association, its constituent, and its component societies;

(11) Medical schools and programs accredited by the Standards of the Medical Specialties, the American Medical Association, the Advisory Board for Osteopathic Specialists and Boards of Certification, or the American Osteopathic Association;

(12) The Commission on Dental Competency Assessments-The Western Regional Examining Board-The Council of Interstate Testing Agencies (CDCA-WREB-CITA), States Resources for Testing and Assessments (SRTA), and Central Regional Dental Testing Services Inc. (CRDTS);

(13) American Academy of Dental Hygiene;

(14) American Dental Education Association;

(15) American Heart Association;

(16) Texas Dental Hygiene Educators' Association;

(17) Dental Laboratory Association of Texas;

(18) Dental Assisting National Board;

(19) American Dental Assistants Association and its constituent organizations;

(20) The Compliance Division, LLC;

(21) Dental Compliance Specialists, LLC; and

(22) Other entities approved by the Board as shown in the attached graphic for this section.

Figure: 22 TAC §104.2(e)(22)

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 May 5, 2023.

TRD-202301647

Lauren Studdard

General Counsel

State Board of Dental Examiners

Effective date: May 25, 2023

Proposal publication date: March 31, 2023

For further information, please call: (512) 305-8910

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PART 14. TEXAS OPTOMETRY BOARD

CHAPTER 280. THERAPEUTIC OPTOMETRY

22 TAC §280.1

The Texas Optometry Board (Board) adopts amendments to 22 TAC Chapter 280, §280.1 - Application for Therapeutic Certification. The Board adopts this rule without changes to the proposed text as published in the February 10, 2023, issue of the *Texas Register* (48 TexReg 610). The amended rule will not be republished.

BACKGROUND AND JUSTIFICATION

The rules in Chapter 280 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039. The rule clarifies a therapeutic optometrist can prescribe both oral and topical over-the-counter medications. It updates the title of the rule to clearly reflect that the agency only issues Therapeutic Optometrist licenses, eliminates the requirement that the therapeutic certificate must be displayed along with the initial license in a conspicuous place in the principal office where the optometrist practices as all licenses issued currently are therapeutic licenses, deletes the requirement the application be notarized, and makes non-substantive capitalization and grammar changes to ensure consistency across the Board's rules. Finally, it eliminates the specific fees outlined by the rule because all authorized fees are outlined under §273.4 - Fees (Not Refundable).

COMMENTS

The 30-day comment period ended on March 12, 2023. The Board received one comment regarding the proposed rule from the Texas Medical Association (TMA). A summary of the comment relating to the rules and the Board's response follows:

COMMENT: The TMA is concerned about the proposed changes to Subsection (d) removing the requirement that an optometrist conspicuously display the TMOD certificate. The TMA asserts removing this language from the rules could mislead optometrists into thinking that this requirement no longer exists and thus no longer displaying their licensing or certification. This in turn could lead to confusion among patients as to the education and training of the health care professional from whom they are receiving treatment.

RESPONSE: The TMOD certificate referenced in this rule for display is no longer issued by the Board as a separate document, so most licensees do not even have such a certificate to display. Currently, the Board ensures the TMOD requirements are met prior to initial licensure and asserts that the display of a Texas Optometry license ensures the licensee has met the TMOD requirements. The Texas Optometry Act (Sec. 351.261) requires a person practicing optometry or therapeutic optometry in this state to display the person's license or certificate in a conspicuous place in the principal office in which the person practices optometry or therapeutic optometry. During inspections, the Board ensures the licensee is in compliance with the statutory requirement. The Board declines to make changes in response to this comment.

STATUTORY AUTHORITY

This rule is adopted under the Texas Optometry Act, Texas Occupations Code §§351.151 - Rules and 351.251 - License Required.

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 May 2, 2023.

TRD-202301581

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: May 22, 2023

Proposal publication date: February 10, 2023

For further information, please call: (512) 305-8500



22 TAC §§280.2, 280.3, 280.6, 280.8, 280.9

The Texas Optometry Board (Board) adopts amendments to 22 TAC Chapter 280, §280.2 - Required Education; §280.3 - Certified Therapeutic Optometrist Examination; §280.6 - Procedures Authorized for Therapeutic Optometrists; §280.8 - Optometric Glaucoma Specialist: Required Education, Examination and Clinical Skills Evaluation; and §280.9 - Application for Licensure as Optometric Glaucoma Specialist.

The Board adopts §280.2- Required Education; §280.3- Certified Therapeutic Optometrist Examination; and §280.6- Procedures Authorized for Therapeutic Optometrists without changes to the proposed text as published in the February 10, 2023, issue of the *Texas Register* (48 TexReg 611). These rules will not be republished.

The Board adopts §280.8 - Optometric Glaucoma Specialist: Required Education, Examination and Clinical Skills Evaluation; and §280.9- Application for Licensure as Optometric Glaucoma Specialist with changes to the proposed text as published in the February 10, 2023, issue of the *Texas Register* (48 TexReg 611). These amended rules will be republished.

BACKGROUND AND JUSTIFICATION

The rules in the Chapter 280 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039.

As adopted, the amendment now eliminates an outdated requirement from 1991 from §280.2, updates the reference to the organization that currently administers the exam on behalf of the agency to the Association of Regulatory Boards of Optometry in §280.3, eliminates the requirement optometric glaucoma applications be notarized, updates statutory references, makes non-substantive capitalization and grammar changes to ensure consistency across the Board's rules, and eliminates the specific fees outlined by the rule because all fees currently are outlined under §273.4 - Fees (Not Refundable).

CHANGES TO TEXT AS PROPOSED

The Board made a minor edit to §280.8(c) to correct an error in the published text of the rule that did not strike-through the non-capitalized reference to "board" to the capitalized "Board" in the sentence "An applicant may sit for a Board approved review course and examination"

The Board made a minor edit to §280.9 (a)(1) to correct a stylistic error in the published text of the rule to add the phrase "of this chapter" and to change a comma to a semi-colon to now read "...as set forth in §280.10 of this chapter; and ..."

The Board edited to §280.9 (a)(2) to correct a stylistic error in the published text of the rule to add the phrase "of this chapter" and to fix the rule referenced in this section as the Board intended to strike §280.11 as that rule no longer exists to now read "as set forth in §351.3581 of the Texas Optometry Act and §280.10 of this chapter, ..."

The Board made a minor edit to §280.9 (b) to correct a stylistic error in the published text of the rule to add the phrase "of this chapter" to now read "... as set forth in §280.8 of this chapter (relating to Required Education) ..."

COMMENTS

The 30-day comment period ended on March 12, 2023. During this period, the Board did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The rules are adopted under the Texas Optometry Act, Texas Occupations Code §351.151 - Rules; §351.252 - Education Requirements for Therapeutic Optometrist; §351.358 - Ophthalmic Devices, Oral Medications, and Pharmaceutical Agents; and §351.3581 - Treatment of Glaucoma.

§280.8. Optometric Glaucoma Specialist: Required Education, Examination and Clinical Skills Evaluation.

(a) Education Required.

(1) Successful completion of at least 30 verified instruction or classroom hours of Board approved review course work in glaucoma diagnosis and treatment and pharmacology of approved oral and anti-glaucoma drugs is required for licensure as an optometric glaucoma specialist. The applicant must provide documentation of successful completion of course work.

(2) To be acceptable, courses of verified instruction or classroom hours must receive prior approval by the Board. Approved courses may be given only by accredited colleges and schools of optometry or via other educational programs approved by the Board. Successfully completed classroom hours may be used to satisfy the Continuing Education requirements for that year.

(b) Examination. Each applicant for licensure as an optometric glaucoma specialist shall have passed, with a grade of 75 or above, a Board approved examination covering the 30 verified instruction or classroom hours defined in this rule. The examination must have received prior approval by the Board. The applicant must provide documentation of passing the examination. Examinations given by accredited schools of optometry or medicine covering the subjects described in the Board's Resolution dated April 14, 2000, are hereby approved.

(c) Sitting for Review Course and Examination Prior to Graduation. An applicant may sit for a Board approved review course and examination provided that the applicant submits to the course provider a written statement from the dean of an accredited college of optometry that the applicant is enrolled in good standing in the college and is in the final semester before graduation, and such other information as the Board may deem necessary for the enforcement of the Texas Optometry Act. Subsequent to licensure by the Board as a therapeutic optometrist, the applicant having sat for the course and examination as a student must obtain a clinical skills evaluation, and when making application to the Board for licensure as an Optometric Glaucoma

Specialist, include a copy of the statement from the dean originally furnished to the course provider.

(d) Clinical Skills Evaluation. Each applicant for licensure as an optometric glaucoma specialist shall submit a signed and dated certification prepared by a licensed ophthalmologist or optometric glaucoma specialist. The certification shall confirm the demonstration by the applicant in an adequate and appropriate manner, as directly observed by the ophthalmologist or optometric glaucoma specialist, of the following skills:

- (1) tonometry,
- (2) gonioscopy,
- (3) slit lamp examination,
- (4) optic nerve examination/fundus, and
- (5) interpretation of visual fields.

(e) Applicants Graduating from Curriculums Which Include Instructional Clinical Course. An applicant meets the requirements of §351.3581 of the Texas Optometry Act and subsections (a) - (c) of this section, provided:

(1) The Board determines in a review of the curriculum and by certification of the dean of a school or college of optometry that:

(A) The course work required for certification in this section, including an instructional clinic review component, is part of the school or college of optometry's regular curriculum, and that the examination required for graduation from the school or college is the substantive equivalent of an examination approved by the Board pursuant to subsection (b) of this section.

(B) The students of the school or college must receive clinical training and satisfy the evaluation requirement set out in subsection (d) of this section.

(2) This subsection shall apply to all applicants graduating on or after May 1, 2008, from a school or college of optometry for which the Board has issued a determination under paragraph (1) of this subsection, in the calendar year during which the determination was issued or any year thereafter.

§280.9. *Application for Licensure as Optometric Glaucoma Specialist.*

(a) A licensed therapeutic optometrist must submit a completed application on forms provided by the Texas Optometry Board (Board) to be eligible for licensure as an optometric glaucoma specialist. An optometric glaucoma specialist may:

(1) administer and prescribe appropriate medications by topical or oral means for the purpose of diagnosing and treating visual defects, abnormal conditions and diseases of the human vision system, including the eye and adnexa, as set forth in §280.10 of this chapter; and

(2) treat glaucoma, as set forth in §351.3581 of the Texas Optometry Act and §280.10 of this chapter, including the administration and prescribing of appropriate medications by topical, oral or parenteral means.

(b) A completed application for license as an optometric glaucoma specialist consists of a signed application form entirely filled out by the applicant and forwarded to the Board along with an application fee. Proof of the required successfully completed education, examination and clinical assessment as set forth in §280.8 of this chapter (relating to Required Education) must accompany the application form. The Board may license the applicant as an optometric glaucoma specialist

provided the applicant submits a completed application as defined in this rule, and provided that the applicant is currently licensed and authorized to practice therapeutic optometry in this state.

(c) The license to practice as an optometric glaucoma specialist must be displayed along with all licenses in a conspicuous place in the principal office where the optometrist practices.

(d) Designation of authority as an optometric glaucoma specialist will appear along with the optometrist's license number in the format of the license numbers followed by the letter "T" and "G." Such designation must appear whenever the license number is required under Board statutes or Board rules.

(e) In the event the original certification is lost or destroyed, the Board may issue a duplicate certificate; the person entitled thereto must make written application to the Board for a duplicate, under affidavit setting forth that such certificate was lost or destroyed, and the circumstances under which loss or destruction occurred. Should the original subsequently be found, it must be forwarded immediately to the Board and not used by the person to whom issued originally or by any other person. A fee must be submitted to the Board along with the affidavit for the duplicate issue.

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 May 2, 2023.

TRD-202301582

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: May 22, 2023

Proposal publication date: February 10, 2023

For further information, please call: (512) 305-8500



22 TAC §280.5

The Texas Optometry Board (Board) adopts amendments to 22 TAC Chapter 280, §280.5 Prescription and Diagnostic Drugs for Therapeutic Optometry. The Board adopts this rule without changes to the proposed text as published in the February 10, 2023, issue of the *Texas Register* (48 TexReg 613). The amended rule will not be republished.

BACKGROUND AND JUSTIFICATION

The rules in the Chapter 280 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039.

The rule updates statutory references to reflect legislative changes to statute; deletes the requirement the Board provide a list of appropriate pharmaceuticals to the Texas State Board of Pharmacy; authorizes the use of both oral and topical prescriptions by a therapeutic optometrist; deletes the specific classifications and limitations on medications, including list of medications that could not be used for the treatment of glaucoma if not permitted by law on August 31, 1991; states the authority of an optometric glaucoma specialist to prescribe antiglaucoma drugs is defined by Section 351.3581 of the Texas Optometry Act; and deletes the requirement a therapeutic optometrist obtain a registration number from DPS.

COMMENTS

The 30-day comment period ended on March 12, 2023. During this period, the Board did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The rule is adopted under the Texas Optometry Act, Texas Occupations Code §§351.151 - Rules; 351.358 - Ophthalmic Devices, Oral Medications, and Pharmaceutical Agents; and 351.3581 - Treatment of Glaucoma.

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

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TRD-202301583

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8500



22 TAC §280.10

The Texas Optometry Board (Board) adopts amendments to 22 TAC Chapter 280, §280.10 Optometric Glaucoma Specialist: Administration and Prescribing of Oral Medications and Anti-Glaucoma Drugs. The Board adopts this rule without changes to the proposed text as published in the February 10, 2023, issue of the *Texas Register* (48 TexReg 616). The amended rule will not be republished.

BACKGROUND AND JUSTIFICATION

The rules in the Chapter 280 were reviewed as a result of the Board's general rule review under Texas Government Code Section 2001.039.

The rule deletes the requirement the Board provide a list of appropriate pharmaceuticals to the Texas State Board of Pharmacy; authorizes the use of both oral and topical prescriptions, but deletes the specific classifications and supply limitations; authorizes the use of appropriate medications pursuant to §351.3581 of the Texas Optometry Act; authorizes an optometric glaucoma specialist to independently administer oral carbonic anhydrase inhibitors for emergency purposes and immediately refer the patient to an ophthalmologist; eliminates the specific language calling for a periodic check of the Prescription Monitoring Program; and eliminates outdated effective date. It also makes non-substantive grammar changes to ensure consistency across the Board's rules.

COMMENTS

The 30-day comment period ended on March 12, 2023. During this period, the Board did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The rule is adopted under the Texas Optometry Act, Texas Occupations Code §§351.151 - Rules; 351.358 - Ophthalmic Devices, Oral Medications, and Pharmaceutical Agents; and 351.3581 - Treatment of Glaucoma.

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

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TRD-202301584

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: May 22, 2023

Proposal publication date: February 10, 2023

For further information, please call: (512) 305-8500



PART 15. TEXAS STATE BOARD OF PHARMACY

CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

22 TAC §283.2

The Texas State Board of Pharmacy adopts amendments to §283.2, concerning Definitions. These amendments are adopted without changes to the proposed text as published in the March 17, 2023, issue of the *Texas Register* (48 TexReg 1487). The rule will not be republished.

The amendments remove the requirement that a residency program be accredited by the American Society of Health System Pharmacists for a resident to be eligible for designation as an extended-intern.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on May 4, 2023.

TRD-202301631

Julie Spier, R.Ph.

President

Texas State Board of Pharmacy

Effective date: May 24, 2023

Proposal publication date: March 17, 2023

For further information, please call: (512) 305-8026



22 TAC §283.4

The Texas State Board of Pharmacy adopts amendments to §283.4, concerning Internship Requirements. These amend-

ments are adopted without changes to the proposed text as published in the March 17, 2023, issue of the *Texas Register* (48 TexReg 1488). The rule will not be republished.

The amendments remove the requirement that a residency program be accredited by the American Society of Health System Pharmacists for a resident to be eligible for designation as an extended-intern and specify that a pharmacist-intern registration expires due to failing the NAPLEX or Texas Pharmacy Jurisprudence Examination only if the intern fails either exam more than once.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

Filed with the Office of the Secretary of State on May 4, 2023.

TRD-202301633

Julie Spier, R.Ph.

President

Texas State Board of Pharmacy

Effective date: May 24, 2023

Proposal publication date: March 17, 2023

For further information, please call: (512) 305-8026



CHAPTER 291. PHARMACIES

SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES

22 TAC §291.121

The Texas State Board of Pharmacy adopts amendments to §291.121, concerning Remote Pharmacy Services. These amendments are adopted without changes to the proposed text as published in the March 17, 2023, issue of the *Texas Register* (48 TexReg 1491). The rule will not be republished.

The amendments allow remote pharmacy services to be provided using an automated pharmacy system to be provided at healthcare facilities regulated under Chapters 464 and 577, Health and Safety Code.

The Board received comments from W. Perry Flowers, R.Ph., with Becton, Dickinson and Company, in support of the amendments. The Board also received comments from Angela Babin, BSPHarm, MBA, with The Harris Center, in support of the amendments and suggesting the addition of healthcare facilities regulated under Chapter 534, Health and Safety Code, to the types of facilities authorized to provide remote pharmacy services using

an automated pharmacy system. The Board declines to make this change.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

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TRD-202301635

Julie Spier, R.Ph.

President

Texas State Board of Pharmacy

Effective date: May 24, 2023

Proposal publication date: March 17, 2023

For further information, please call: (512) 305-8026



CHAPTER 295. PHARMACISTS

22 TAC §295.8

The Texas State Board of Pharmacy adopts amendments to §295.8, concerning Continuing Education Requirements. These amendments are adopted without changes to the proposed text as published in the March 17, 2023, issue of the *Texas Register* (48 TexReg 1503). The rule will not be republished. Due to an error by the Texas Register, the text of the proposed amendments was published incorrectly. A Correction of Error is published contemporaneously in this issue.

The amendments clarify the requirements for obtaining continuing education in approved procedures of prescribing and monitoring controlled substances and correct grammatical errors.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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

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TRD-202301634

Julie Spier, R.Ph.
President
Texas State Board of Pharmacy
Effective date: May 24, 2023
Proposal publication date: March 17, 2023
For further information, please call: (512) 305-8026



PART 24. TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

CHAPTER 575. PRACTICE AND PROCEDURE

The Texas Board of Veterinary Medical Examiners (hereinafter "Board") adopts the repeal of 22 TAC §575.29 and adopts the new rule to 22 TAC §575.29 concerning Informal Conferences. This repeal and new rule are adopted without any changes to the proposed text as published in the March 10, 2023, issue of the *Texas Register* (48 TexReg 1401). These rules will not be republished.

The repeal and new rule are adopted to give veterinarians more clarification on what the Board expects from them going into informal conferences. The currently active rule where the repeal was adopted was not specific enough.

The new rule adds language to 22 TAC §575.29(b) to clarify timelines for submitting any additional evidence for review by the Board after respondents review the medical review.

No comments were received regarding the adoption of this new rule.

22 TAC §575.29

The repeal is adopted under the authority of Texas Occupations Code, §801.151(a), (b), and (c), which authorizes the Board may adopt rules necessary to administer the chapter, that the Board may adopt rules of professional conduct appropriate to establish and maintain a high standard of integrity, skills, and practice in the veterinary medicine profession, and that the Board may adopt rules to protect the public. Cross-reference to Statute: Occupations Code, §801.408.

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 May 4, 2023.

TRD-202301632
John Hargis
General Counsel
Texas Board of Veterinary Medical Examiners
Effective date: May 24, 2023
Proposal publication date: March 10, 2023
For further information, please call: (512) 305-7565



22 TAC §575.29

The new rule is adopted under the authority of Texas Occupations Code, §801.151(a), (b), and (c), which authorizes the Board may adopt rules necessary to administer the chapter, that the Board may adopt rules of professional conduct appropriate to establish and maintain a high standard of integrity, skills,

and practice in the veterinary medicine profession, and that the Board may adopt rules to protect the public. Cross-reference to Statute: Occupations Code, §801.408.

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 May 4, 2023.

TRD-202301629
John Hargis
General Counsel
Texas Board of Veterinary Medical Examiners
Effective date: May 24, 2023
Proposal publication date: March 10, 2023
For further information, please call: (512) 305-7565



TITLE 25. HEALTH SERVICES

PART 7. TEXAS MEDICAL DISCLOSURE PANEL

CHAPTER 601. INFORMED CONSENT

25 TAC §601.5, §601.9

The Texas Medical Disclosure Panel (Panel) adopts amendments to §601.5, concerning Disclosure and Consent Form for Radiation Therapy; and §601.9, concerning Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia). Sections 601.5 and 601.9 are adopted with changes to the proposed text as published in the November 4, 2022, issue of the *Texas Register* (47 TexReg 7389). The rules will be republished.

BACKGROUND AND JUSTIFICATION

These amendments are adopted in accordance with Texas Civil Practice and Remedies Code §74.103, which requires the Panel to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to their patients or persons authorized to consent for their patients and to establish the general form and substance of such disclosure. Section 601.5 contains the Disclosure and Consent Form for Radiation Therapy. Section 601.9 contains the Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia).

SECTION-BY-SECTION SUMMARY

Amendments to §601.5 replace the English and Spanish forms in Figure 25 TAC §601.5(1) and Figure 25 TAC §601.5(2) respectively and specify an effective date of September 1, 2023, for these forms.

Amendments to §601.9 replace the English and Spanish forms in Figure 25 TAC §601.9(1) and Figure 25 TAC §601.9(2) respectively and specify an effective date of September 1, 2023, for these forms.

PUBLIC COMMENT

The 31-day public comment period ended December 5, 2022. The Panel extended the comment period at its December 7, 2022, meeting to allow time for additional public comment un-

til the Panel's next meeting, which was scheduled for February 1, 2023, and due to weather was postponed until April 4, 2023.

During the 31-day public comment period, the Panel received one comment from an individual regarding the proposed form language for §601.5.

Comment: The individual requested the Panel revise the form for §601.5 to include gender-neutral pronouns and inclusive language.

Response: The Panel revised the form accordingly.

During the 31-day and extended public comment periods, the Panel received 111 comments regarding the proposed form for §601.9 from three individuals and 11 organizations: the Texas Dental Association (TDA), the American Society of Dentist Anesthesiologists (ASDA), the Association of Dental Support Organizations (ADSO), the Texas Academy of Anesthesiologist Assistants (TAAA), the Texas Academy of Pediatric Dentistry (TAPD), the Texas Medical Association (TMA), the Texas Society of Oral and Maxillofacial Surgeons (TSOMS), the Texas Society of Periodontists (TSP), the Texas Association of Nurse Anesthetists (TANA), the Texas Academy of General Dentistry (TAGD), and the Texas Society of Anesthesiologists (TSA).

Comment: During the 31-day public comment period, the Panel received one comment from the TDA, one comment from the TAGD, one comment from the TSP and two comments from the ADSO. Each organization commented that the Panel reached out to some stakeholder groups but did not include dentistry stakeholder groups before the proposed revisions were published in the *Texas Register*. The TDA expressed concerns about the manner in which health care providers are identified and how the revised form in §601.9 works in conjunction with the Texas State Board of Dental Examiners' disclosure requirements. These organizations requested that the Panel delay adoption of the proposed amendments and allow an additional 30 days for comment, so that oral health stakeholders may provide additional input and participate in the rulemaking process.

Response: At its December 7, 2022, meeting, the Panel extended the public comment period until the Panel's next meeting, which was scheduled for February 1, 2023, and due to weather was postponed until April 4, 2023.

Comment: During the 31-day public comment period, the TAPD asked that the Panel not adopt §601.9 until after gathering input from all stakeholders impacted by it, including dentistry stakeholders. The TAPD noted that the American Academy of Pediatric Dentistry recommends "consent for sedation, general anesthesia, or behavior guidance techniques such as protective stabilization (i.e., immobilization) should be obtained separately from consent for other procedures." The TAPD also stated a "modified or customized form is preferred over a standard form" in pediatric dentistry and many of those basic requirements for valid consent are not to be found in the proposed document. The TAPD noted the Panel should consider the unique legal technicalities when dealing with pediatric patients, have a space to list the pediatric patient's legal name and date of birth, include a place for a dentist to sign the consent, and list the indications for the sedation or anesthetic procedure.

Response: At its December 7, 2022, meeting, the Panel extended the public comment period until the Panel's next meeting, which was scheduled for February 1, 2023, and due to weather was postponed until April 4, 2023. The Panel declined to make

the suggested changes and noted that providers are free to modify the forms to fit their practice.

Comment: During the 31-day public comment period, the TMA urged the Panel to include delegation and supervision language in the new proposed form for the purpose of patient transparency. Specifically, TMA asked the Panel to incorporate the phrase "appropriate supervision" to provide better transparency to the patient. TMA also requested the Panel change "Resident Physician" to "Physician in Training Dr. [Name]" and move the option to the top in order with the other physician options, and also requested the Panel add a form date to the document to help determine which document version is valid.

Response: The Panel revised the form by adding "The Physician in Training" in the administration of anesthesia/analgesia being delegated/supervised. The Panel declined to make additional changes and noted that providers are free to modify the forms to fit their practice.

Comment: During the 31-day public comment period, the TSOMS asked the Panel to extend the time for public comment to allow for more input, and suggested adding a third check box following the options "Anesthesiologist" and "Non-Anesthesiologist Physician or Dentist."

Response: The Panel extended the comment period and added "Physician Anesthesiologist" and "Dentist Anesthesiologist" under the Administration of Anesthesia/Analgesia Planned approach.

Comment: During the 31-day public comment period, the TAAA commented that it is supportive of the draft form in §601.9 and suggested adding the words "delegation occurs" to the parenthetical statement on page one "(check all that apply, if any)" so that the statement would read "(check all that apply, if any delegation occurs)." This would provide greater clarity to the patient as to the delegated nature of the anesthetic they are to receive.

Response: The Panel revised the form by adding "if the administration of anesthesia/analgesia is being delegated/supervised by the above provider."

Comment: During the 31-day public comment period, the ASDA advised the Panel to amend the current form by adding the title "Dentist Anesthesiologist" among the different categories included.

Response: The Panel revised the form based on this comment.

Comment: During the 31-day public comment period, the TSA recommended adding space to account for a second witness line to account for when a phone consent is obtained for an emergency situation and specifying that a second witness is required when phone consent is obtained. TSA also advised adding the terms "delegating/supervising" when the form is referring to a non-attending physician. Additionally, two individuals with the Texas Society of Anesthesiologists at the December 7, 2022, meeting recommended adding "Check all that apply, if any, when delegating to/supervising the following providers; change "resident physician to physician in training" in the Administration of Anesthesia/Analgesia section near the top of page one; and adding a section at the end of the form to allow for a signature block to record a "second witness (required by phone consents)" signature and contact information.

Response: The Panel did not revise the form with a second witness line and "delegating/supervising" because medical providers are free to revise the form if the revision does not

conflict with any existing requirements, and under Texas Civil Practice and Remedies Code §74.105, consent is considered effective if one witness signs the form. The Panel revised the form based on the "check all that apply" comment.

Comment: During the 31-day public comment period, the Panel received 93 emails with identical content indicating opposition to Certified Registered Nurse Anesthetist (CRNA) language proposed for the form in §601.9. Comments were received from individuals and members of the TxANA. One representative of TxANA also provided public comment at the December 7, 2022, meeting. These comments all expressed concern that when a CRNA is performing the anesthesia alongside a surgeon, the form would say, "the plan is for the anesthesia/analgesia to be provided by" a non-anesthesiologist physician and a CRNA." The commenters noted that in many circumstances, CRNAs not only perform the procedure but select the drug, dosage, and administration technique. In these cases, telling a patient that the plan is for anesthesia to be provided by a physician, like a surgeon, is misleading. Given that the CRNA selects the drug, dosage, and administration technique and then actually administers the anesthesia, the anesthesia care is clearly not being provided by a physician. The commenters advised the Panel to remove the "(Check one)" language and allow the care team to check any providers that will be providing anesthesia under the circumstances.

Response: The Panel revised the form to indicate specific provider types that may be providing anesthesia.

Comment: During the extended public comment period, one individual commenter thanked the group for acknowledging dentist anesthesiologists separately.

Response: The Panel acknowledges the comment.

Comment: During the extended public comment period, one individual commenter thanked the Panel for updating the Anesthesia Perioperative Pain Management and Disclosure Form in §601.9 to include dentist anesthesiologists as designated providers of anesthesia services, helping dentist anesthesiologists to be better recognized among our patients and peers.

Response: The Panel acknowledges the comment.

Comment: During the extended public comment period, the TAGD thanked the Panel for allowing time to review the form amendments to §601.9 and did not suggest any changes.

Response: The Panel acknowledges the comment.

Comment: During the extended public comment period, the TDA agreed with the Panel's proposed changes, and made a few recommendations including list "cardiac arrest" and "death" on the form in §601.9 as specific risks under General Anesthesia, Deep Sedation and Moderate Sedation "so that the patient is noticeably made aware of these possible outcomes no matter how slight that risk is"; and make the form's readability mirror that is utilized by HHSC in all patient-centric communications at or below a sixth-grade reading level as measured by the appropriate score on the Flesch-Kincaid Readability Test.

Response: The Panel did not revise the form as suggested because the specific risks mentioned were added at a higher level on the form and the forms are already written for a sixth-grade reading level.

Based on comments from Panel members, the Panel added language specifying the effective date for the forms in §601.5 and §601.9.

STATUTORY AUTHORITY

The amendments are authorized under Texas Civil Practice and Remedies Code §74.103, which requires the Panel to prepare lists of medical treatments and surgical procedures that do and do not require disclosure by physicians and health care providers of the possible risks and hazards, and to prepare the forms for the treatments and procedures which do require disclosure.

§601.5. *Disclosure and Consent Form for Radiation Therapy.*

The Texas Medical Disclosure Panel adopts the following form, effective September 1, 2023, to be used by a physician or health care provider to inform a patient or person authorized to consent for a patient of the possible risks and hazards involved in the radiation therapy named in the form. This form is to be used in lieu of the general disclosure and consent form adopted in §601.4(a) of this title (relating to Disclosure and Consent Form) for disclosure and consent relating to only radiation therapy procedures. If a surgical or anesthetic procedure is required in combination with a radiation therapy procedure, the general disclosure and consent form as adopted in §601.4(a) of this title and the form adopted in this section shall be used. The general disclosure and consent form shall be used for the surgical or anesthetic procedure and the radiation therapy disclosure and consent form shall be used for the radiation therapy procedure. Providers shall have the form available in both English and Spanish language versions. Both versions are available from the Department of State Health Services.

(1) English form.

Figure: 25 TAC §601.5(1)

(2) Spanish form.

Figure: 25 TAC §601.5(2)

§601.9. *Disclosure and Consent Form for Anesthesia and/or Perioperative Pain Management (Analgesia).*

The Texas Medical Disclosure Panel adopts the following form, effective September 1, 2023, which shall be used to provide informed consent to a patient or person authorized to consent for the patient of the possible risks and hazards involved in anesthesia and/or perioperative pain management (analgesia). Providers shall have the form available in both English and Spanish language versions. Both versions are available from the Health and Human Services Commission.

(1) English form.

Figure: 25 TAC §601.9(1)

(2) Spanish form.

Figure: 25 TAC §601.9(2)

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 May 2, 2023.

TRD-202301603

Dr. Noah Appel

Panel Chairman

Texas Medical Disclosure Panel

Effective date: September 1, 2023

Proposal publication date: November 4, 2022

For further information, please call: (512) 438-2889



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 Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 53, Regional Education Service Centers, pursuant to Texas Government Code, §2001.039. The rules being reviewed by TEA in Chapter 53 are organized under Subchapter AA, Commissioner's Rules.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 53, Subchapter AA, continue to exist.

The public comment period on the review of Chapter 53, Subchapter AA, begins May 19, 2023, and ends June 19, 2023. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202301657

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: May 8, 2023



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 118, Control of Air Pollution Episodes.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 118 continue to exist.

Comments regarding suggested changes to the rules in Chapter 118 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 118. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on

Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-060-118-AI. Comments must be received by June 20, 2023. For further information, please contact Jamie Zech, Air Quality Division, at (512) 239-3935.

TRD-202301675

Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: May 9, 2023



The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 292, Special Requirements for Certain Districts and Authorities.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 292 continue to exist.

Comments regarding suggested changes to the rules in Chapter 292 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 292. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-057-292-OW. Comments must be received by June 20, 2023. For further information, please contact Avery Nguyen, Water Supply Division, at (512) 239-0324.

TRD-202301673

Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: May 9, 2023

◆ ◆ ◆
The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 336, Radioactive Substance Rules.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re-adoption, re-adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 336 continue to exist.

Comments regarding suggested changes to the rules in Chapter 336 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rulemaking action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 336. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-058-336-WS. Comments must be received by June 20, 2023. For further information, please contact Omar Lopez, Radioactive Materials Division, at (512) 239-2036.

TRD-202301674

Guy Henry

Acting Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: May 9, 2023

◆ ◆ ◆ Adopted Rule Reviews

Texas Historical Commission

Title 13, Part 2

The Texas Historical Commission (hereinafter referred to as the Commission) adopts the review of Texas Administrative Code, Title 13, Part 2, for Chapter 30, Texas Heritage Trails Program.

This review was completed pursuant to Texas Government Code, §2001.039. The Commission has assessed whether the reason(s) for adopting or re-adopting this chapter continues to exist. The notice of a proposed review was published in the February 17, 2023, issue of the *Texas Register* (48 TexReg 969).

The Commission received no comments related to the review of the above-noted chapter.

As a result of the internal review, the Commission has determined that certain revisions are appropriate and necessary. The Commission finds that the reasons for initially adopting these rules continue to exist and re-adopts Chapter 30 in accordance with the requirements of Texas Government Code, §2001.039.

This concludes the review of 13 TAC Chapter 30.

TRD-202301646

Mark Wolfe

Executive Director

Texas Historical Commission

Filed: May 5, 2023

◆ ◆ ◆
State Board of Dental Examiners

Title 22, Part 5

The Texas State Board of Dental Examiners (Board) filed a Notice of Intent to Review to consider for re-adoption, revision, or repeal the rule chapters listed below, in their entirety, under Title 22, Part 5, of the Texas Administrative Code (TAC). This review was conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

The Board reviewed the following rule chapters:

Chapter 100, General Provisions

Chapter 101, Dental Licensure

Chapter 102, Fees

Public Comments

A combined Notice of Intent to Review for all of the chapters listed above was published in the March 10, 2023, issue of the *Texas Register* (48 TexReg 1453). The public comment period closed on April 10, 2023. The Board did not receive any public comments.

Board Action

At its meeting on May 5, 2023, the Board re-adopted the following rule chapters, in their entirety and in their current form: 22 TAC, Chapter 100, General Provisions; Chapter 101, Dental Licensure; and Chapter 102, Fees. This concludes the review of these rule chapters in accordance with Texas Government Code §2001.039.

TRD-202301662

Lauren Studdard

General Counsel

State Board of Dental Examiners

Filed: May 8, 2023

◆ ◆ ◆
Texas Commission on Law Enforcement

Title 37, Part 7

Pursuant to the notice of proposed rule view published in the February 10, 2023, issue of the *Texas Register* (48 TexReg 720), the Texas Commission on Law Enforcement (Commission) has reviewed and considered for re-adoption of Texas Administrative Code, Title 37, Part 7, Chapters 211-229, in accordance with Texas Government Code, §2001.039.

No comments were received in response to the proposed rule review notice.

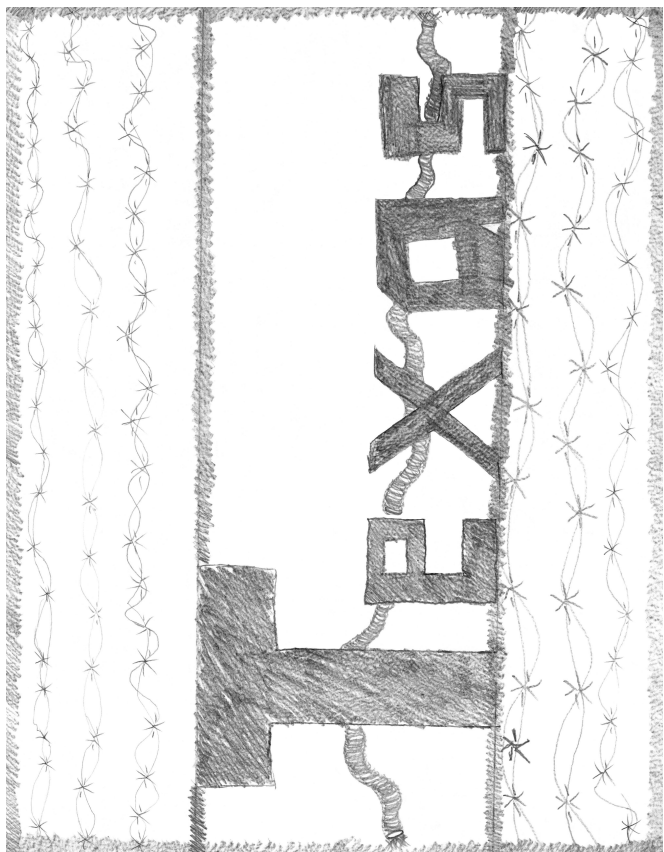
The Commission determined that the initial reasons for re-adoption continue to exist without changes. At the Commission's meeting on April 20, 2023, the Commission took final action to re-adopt Texas Administrative Code, Title 37, Part 7, Chapters 211-229 in its entirety and current form.

This concludes the review of Texas Administrative Code, Title 37, Part 7, Chapters 211-229.

TRD-202301624

John Beauchamp
Interim Executive Director
Texas Commission on Law Enforcement
Filed: May 3, 2023





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: 22 TAC §104.2(e)(22)

Other entities approved by the Board per 22 TAC §104.2:

- A. Texas School of Sleep Medicine and Technology;
- B. Boyd W. Shephard, D.D.S., J.D;
- C. Dental Risk Solutions, LLC; and
- D. American Association of Dental Boards –
Accredited Continuing Education Program (AADB-
ACE)

Figure: 25 TAC §601.5(1)

**DISCLOSURE AND CONSENT FOR
RADIATION THERAPY**

TO THE PATIENT: You have the right to be informed about 1) your condition, 2) the recommended radiation therapy procedure to be used to treat your condition, and 3) the risks related to the radiation therapy procedure. This disclosure is designated to provide you this information, so that you can decide whether to consent to receive the recommended procedure. Please ask your physician/healthcare provider any remaining questions you have before signing this form.

Description of Radiation Therapy Procedure(s)

I voluntarily request my physician [name/credentials]
_____ and other health care providers to treat my
condition which is:

_____.

I understand that the following radiation therapy procedure(s) are planned for me
(specify technique and site):

_____.

I understand that my condition may be treated with external beam radiation
therapy alone, with internal radiation implant alone or with both or in planned
combination with surgery and/or chemotherapy.

I agree to the taking of photographs or placing of tattoo or skin marks on me if
necessary for treatment.

Risks Related to Radiation Therapy Procedure(s)

Just as there may be risks and hazards to my health without treatment, there are also risks and hazards related to the procedure(s) planned for me. The chances of these occurring may be different for each patient based on the procedure(s) and the patient's current health.

INITIAL ONE:

I understand that radiation can be harmful to the unborn child.

I am I could be I am not pregnant.

INITIAL IF APPLICABLE:

I HAVE AN IMPLANTED ELECTRONIC DEVICE (such as a pacemaker, defibrillator or nerve stimulator). I understand radiation to the device can cause malfunction of the device.

I understand that the risks from radiation therapy during or shortly after the course of treatment ("early reactions"), or sometime later ("late reactions"). The risks may be temporary or permanent.

These risks may be made worse if you have received chemotherapy or surgery before, during or after radiation therapy or if you had radiation therapy before to the same area. Risks or early and late reactions which could occur as a result of the procedure(s) are listed below. With few exceptions, these reactions affect only the areas of the body actually receiving the radiation therapy.

Risks for this specific part of the body receiving radiation therapy, which are divided into early and late reactions, include, but are not limited to [**include List A risks here and additional risks if any**]:

Granting of Consent for Radiation Therapy Procedure(s)

By signing below, I consent to the radiation therapy procedure(s) described above. I acknowledge the following:

- I understand this procedure(s) does not guarantee a result of a cure to my condition.
- I have been given an opportunity to ask questions I may have about:
 1. Alternative forms of treatment,
 2. Risks of non-treatment,
 3. Steps that will occur during my procedure(s), and
 4. Risks and hazards involved in the procedure(s).
- I believe I have enough information to give this informed consent.
- I certify this form has been fully explained to me and the blank spaces have been filled in.
- I have read this form or had it read to me.
- I understand the information on this form.

If any of those statements are not true for you, please talk to your physician/health care provider before continuing.

**PATIENT/OTHER LEGALLY AUTHORIZED REPRESENTATIVE PERSON
(signature required)**

Print Name

Signature

If Legally Authorized Representative, list relationship to Patient:

DATE: _____ **TIME:** _____ **A.M./P.M.**

WITNESS:

Print Name _____ Signature _____

Address (Street or P. O. Box)

City, State, Zip Code

Figure: 25 TAC §601.5(2)

**INFORMACIÓN Y CONSENTIMIENTO
PARA RECIBIR RADIOTERAPIA**

AL PACIENTE: Usted tiene el derecho a ser informado sobre 1) su enfermedad, 2) el procedimiento de radioterapia recomendado para tratar su enfermedad y 3) los riesgos relacionados con el procedimiento de radioterapia. La información que aquí presentamos tiene como fin que usted pueda tomar la decisión de dar o no su consentimiento para recibir esta atención o procedimiento médicos. Antes de firmar este formulario, le recomendamos que consulte con su médico o proveedor

Descripción de los procedimientos de radioterapia

De manera voluntaria, solicito a mi médico o proveedor de atención médica [nombre/acreditaciones] _____, así como a otros proveedores de atención médica, que den tratamiento a mi enfermedad que es:

_____.

Entiendo que se han planeado para mí los siguientes procedimientos de radioterapia (especifique la técnica y el lugar):

_____.

Entiendo que mi enfermedad puede ser tratada solo con radioterapia externa, solo con implante, de radiación interna o con ambas, o en combinación con una cirugía o quimioterapia.

Estoy de acuerdo con la toma de fotografías o la colocación de tatuajes o marcas en mi piel si es necesario para el tratamiento.

_____.

Riesgos relacionados con el procedimiento de radioterapia

Al igual que puede haber riesgos y peligros para mi salud si no recibo ningún tratamiento, también existen riesgos y peligros relacionados con el tratamiento o procedimiento que se tiene planeado realizarme. Las probabilidades de que algo de lo anterior ocurra varían en cada persona, ya que dependen de la atención médica o procedimiento y del estado de salud actual del paciente.

PONER SUS INICIALES EN UNA OPCIÓN:

Entiendo que la radiación puede ser perjudicial para el bebé en desarrollo.

Estoy Podría estar No estoy embarazada.

[] INICIALES SI CORRESPONDE:

TENGO UN DISPOSITIVO ELECTRÓNICO IMPLANTADO (como un marcapasos, un desfibrilador o un estimulador neural). Entiendo que la radiación aplicada al dispositivo puede causar un mal funcionamiento del mismo.

Entiendo que los riesgos de la radioterapia pueden ocurrir durante el tratamiento o poco después (reacciones tempranas) o algún tiempo después (reacciones tardías). Los riesgos pueden ser temporales o permanentes.

Estos riesgos pueden empeorar si usted ha recibido quimioterapia o cirugía antes, durante o después de la radioterapia o si ha recibido radioterapia anteriormente en la misma área. A continuación, se enumeran los riesgos o las reacciones tempranas y tardías que podrían producirse como consecuencia del procedimiento o procedimientos. Con pocas excepciones, estas reacciones solo afectan a las áreas del cuerpo que realmente reciben la radioterapia.

Los riesgos para esta parte específica del cuerpo que recibe radioterapia, que se dividen en reacciones tempranas y tardías, incluyen, entre otros **[incluya aquí los riesgos de la Lista A y los riesgos adicionales si los hay]:**

Dar consentimiento para el procedimiento de radioterapia

Mediante mi firma más abajo, doy mi consentimiento para que se me realicen los procedimientos de radioterapia descritos anteriormente. Reconozco lo siguiente:

- Entiendo que estos procedimientos médicos no garantizan la conclusión o la curación de mi enfermedad.
- Se me ha dado la oportunidad de hacer preguntas para aclarar mis posibles dudas sobre:
 1. Tratamientos alternativos
 2. Los riesgos de no recibir ningún tratamiento.
 3. Los pasos que se darán durante los procedimientos médicos o quirúrgicos a los que me someta, y
 4. Los riesgos y peligros que conllevan los procedimientos médicos o quirúrgicos.
- Considero que he recibido suficiente información para dar este consentimiento informado.
- Certifico que se me ha explicado completamente el contenido de este formulario y que sus espacios en blanco han sido llenados.
- He leído este formulario o alguien me lo ha leído.
- Entiendo la información contenida en este formulario.

Si alguna de las declaraciones anteriores no es aplicable a usted, comuníquese con su médico o proveedor de atención médica antes de continuar.

EL PACIENTE/OTRO REPRESENTANTE AUTORIZADO (la firma es obligatoria)

Nombre en letra de molde

Firma

Si usted es el representante legalmente autorizado, indique cuál es su relación con el paciente:

FECHA: _____ **HORA:** _____ **A.M./P.M.**

TESTIGO:

Nombre en letra de molde

Firma

Dirección (calle y número o apartado postal)

Ciudad, estado y código postal

Figure: 25 TAC §601.9(1)

**DISCLOSURE AND CONSENT - ANESTHESIA and/or
PERIOPERATIVE PAIN MANAGEMENT (ANALGESIA)**

TO THE PATIENT: *You have the right, as a patient, to be informed about your condition and the recommended anesthesia/analgesia to be used so that you may make the decision whether or not to receive the anesthesia/analgesia after knowing the risks and hazards involved. This disclosure is not meant to scare or alarm you; it is simply an effort to make you better informed so you may give or withhold your consent to the anesthesia/analgesia.*

I voluntarily request that anesthesia and/or perioperative pain management care (analgesia) as indicated below be administered to me (the patient). I understand it will be delegated or supervised or personally performed by Dr. _____ and/or physician associates and such other health care providers as necessary. Perioperative means the period shortly before, during and shortly after the procedure.

I understand that anesthesia/analgesia involves additional risks and hazards but I request the use of anesthetics/analgesia for the relief and protection from pain or anxiety during the planned and additional procedures. I realize the type of anesthesia/analgesia may have to be changed possibly without explanation to me.

I understand that serious, but rare, complications can occur with all anesthetic/analgesic methods. Some of these risks are breathing and heart problems, drug reactions, nerve damage, cardiac arrest, brain damage, paralysis, or death.

I also understand that other complications may occur. Those complications include but are not limited to:

Check planned anesthesia/analgesia method(s) and have the patient/other legally responsible person initial.

_____ GENERAL ANESTHESIA – injury to vocal cords, teeth, lips, eyes; awareness during the procedure; memory dysfunction/memory loss; permanent organ damage; brain damage.

_____ REGIONAL BLOCK ANESTHESIA/ANALGESIA - nerve damage; persistent pain; bleeding/hematoma; infection; medical necessity to convert to general anesthesia; brain damage.

_____ SPINAL ANESTHESIA/ANALGESIA - nerve damage; persistent back pain; headache; infection; bleeding/epidural hematoma; chronic pain; medical necessity to convert to general anesthesia; brain damage.

_____ EPIDURAL ANESTHESIA/ANALGESIA - nerve damage; persistent back pain; headache; infection; bleeding/epidural hematoma; chronic pain; medical necessity to convert to general anesthesia; brain damage.

_____ DEEP SEDATION – memory dysfunction/memory loss; medical necessity to convert to general anesthesia; permanent organ damage; brain damage.

_____ MODERATE SEDATION – memory dysfunction/memory loss; medical necessity to convert to general anesthesia; permanent organ damage; brain damage.

Additional comments/risks:

_____ PRENATAL/EARLY CHILDHOOD ANESTHESIA - potential long-term negative effects on memory, behavior, and learning with prolonged or repeated exposure to general anesthesia/moderate sedation/deep sedation during pregnancy and in early childhood.

I understand that no promises have been made to me as to the result of anesthesia/analgesia methods.

I have been given an opportunity to ask questions about my anesthesia/analgesia methods, the procedures to be used, the risks and hazards involved, and alternative forms of anesthesia/analgesia. I believe that I have sufficient information to give this informed consent.

This form has been fully explained to me, I have read it or have had it read to me, the blank spaces have been filled in, and I understand its contents.

PATIENT/OTHER LEGALLY RESPONSIBLE PERSON (signature required)

DATE: _____ **TIME:** _____ **A.M. /P.M.**

WITNESS:

Signature

Name (Print)

Address (Street or P.O. Box)

City, State, Zip

Figure: 25 TAC §601.9(2)

**INFORMACIÓN Y CONSENTIMIENTO: ANESTESIA O
MANEJO DEL DOLOR PERIOPERATORIO
(ANALGESIA)**

AL PACIENTE: *Usted tiene derecho, como paciente, a ser informado sobre 1) la anestesia o analgesia recomendada que se utilizará y 2) los riesgos relacionados con ambas. Esta información fue diseñada para que usted pueda decidir si da su consentimiento para recibir anestesia o analgesia en el periodo perioperatorio (es decir, poco antes, durante y poco después de un procedimiento). Antes de firmar este formulario, le recomendamos que consulte con su médico o proveedor de atención médica sobre cualquier otra pregunta que pudiera tener.*

Administración de la anestesia o analgesia

_____ El plan es que la anestesia o analgesia sea administrada por (tenga en cuenta que el proveedor indicado puede cambiar en función de la duración del procedimiento u otras circunstancias):

Marque el enfoque planeado y haga que el paciente o representante autorizado ponga sus iniciales:

(Marque una opción)

_____ Médico anestesista Dr. _____ [Nombre]
_____ Dentista anestesista Dr. _____ [Nombre]
_____ Médico no anestesista o dentista Dr. _____ [Nombre]

(Marque todas las opciones que correspondan, si es el caso)

_____ Asistente anestesista certificado _____ [Nombre]
_____ Enfermero anestesista certificado _____ [Nombre]
_____ Médico residente _____ [Nombre]

Los proveedores mencionados pueden explicarle las diferentes funciones de los proveedores y sus niveles de participación en la administración de la anestesia o analgesia.

Tipos de anestesia o analgesia planeados y temas relacionados

Entiendo que la anestesia o analgesia implican riesgos y peligros adicionales. Las probabilidades de que algo de lo anterior ocurra varían en cada persona, ya que dependen de la atención médica o procedimiento y del estado de salud actual del paciente. Comprendo que el tipo de anestesia o analgesia podría tener que cambiarse, posiblemente sin darme una explicación.

Entiendo que pueden ocurrir complicaciones graves, pero raras, con todos los métodos anestésicos o analgésicos. Algunos de estos riesgos son problemas de respiración y del corazón, reacciones a la medicina, daño nervioso, paro cardíaco, daño cerebral, parálisis o la muerte.

También entiendo que pueden ocurrir otros riesgos o complicaciones dependiendo del tipo de anestesia o analgesia. El tipo de anestesia o analgesia

planeado para mí y los riesgos relacionados con cualquiera de ellos incluyen, entre otros, los siguientes:

Marque los métodos de anestesia o analgesia planeados y haga que el paciente/persona legalmente responsable ponga sus iniciales.

____ ANESTESIA GENERAL (lesión a las cuerdas vocales, los dientes, los labios, los ojos); estar consciente durante el procedimiento; disfunción de la memoria o pérdida de la memoria; daño permanente a órganos; daño cerebral.

____ ANESTESIA O ANALGESIA DE BLOQUEO REGIONAL (daño nervioso); dolor persistente; sangrado o hematoma; infección; necesidad médica de usar anestesia general; daño cerebral.

Lugar: _____.

____ ANESTESIA O ANALGESIA ESPINAL (daño nervioso); dolor de espalda persistente; dolor de cabeza; infección; sangrado o hematoma epidural; dolor crónico; necesidad médica de usar anestesia general; daño cerebral.

____ ANESTESIA O ANALGESIA EPIDURAL (daño nervioso); dolor de espalda persistente; dolor de cabeza; infección; sangrado o hematoma epidural; dolor crónico; necesidad médica de usar anestesia general; daño cerebral.

____ SEDACIÓN PROFUNDA (disfunción de la memoria o pérdida de la memoria); necesidad médica de usar anestesia general; daño permanente a órganos; daño cerebral.

____ SEDACIÓN MODERADA (disfunción de la memoria o pérdida de la memoria); necesidad médica de usar anestesia general; daño permanente a órganos; daño cerebral.

Comentarios o riesgos adicionales:

Marque si corresponde y haga que el paciente o el representante legal ponga sus iniciales:

____ ANESTESIA PRENATAL O DE LA INFANCIA TEMPRANA: posibles efectos negativos a largo plazo sobre la memoria, el comportamiento y el aprendizaje con la exposición prolongada o repetida a la anestesia general o sedación moderada o sedación profunda durante el embarazo y la infancia temprana.

Dar consentimiento para la anestesia o analgesia

Mediante mi firma más abajo, doy mi consentimiento para que se me realicen los procedimientos descritos anteriormente. Reconozco lo siguiente:

- Se me ha dado la oportunidad de hacer preguntas para aclarar mis posibles dudas sobre:

1. Formas alternativas de anestesia o analgesia.
 2. Los pasos que se darán durante la administración de la anestesia o analgesia, y
 3. Los riesgos y peligros que conlleva la anestesia o analgesia.
- Considero que he recibido suficiente información para dar este consentimiento informado.
 - Certifico que se me ha explicado completamente el contenido de este formulario y que los espacios en blanco han sido llenados.
 - He leído este formulario o alguien me lo ha leído.
 - Entiendo la información contenida en este formulario.

Si alguna de las declaraciones anteriores no es aplicable a usted, comuníquese con su médico o proveedor de atención médica antes de continuar.

EL PACIENTE/OTRO REPRESENTANTE LEGALMENTE AUTORIZADO (la firma es obligatoria)

Nombre en letra de molde

Firma

Si usted es el representante legalmente autorizado, indique cuál es su relación

con el paciente: _____

FECHA: _____ **HORA:** _____ **A.M./P.M.**

TESTIGO:

Nombre en letra de molde

Firma

Dirección (calle y número o apartado postal)

Ciudad, estado y código postal

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.

Coastal Bend Workforce Development Board

Reissue of Invitation for Bids for Airframe Equipment (IFB No. 23-08)

The Coastal Bend Workforce Development Board, dba Workforce Solutions Coastal Bend in collaboration with the Kingsville Chamber of Commerce and Coastal Bend College, is seeking bids on the purchase of airframe equipment for a Texas Industry Partnership Program to create an Airframe & Power Plant certification program. The goal of this project is to train students for accreditation as aviation maintenance technicians in preparation for employment opportunities with contractors at the Naval Air Station Kingsville. Accredited aviation maintenance technicians will support the mission to train carrier-based strike fighter pilots.

The IFB will be available on Monday, May 15 at 2:00 p.m. Central Time and can be accessed on our website at: <https://www.workforcesolutionscb.org/about-us/procurement-opportunities/> or by contacting Esther Velazquez at (361) 885-3013 or esther.velazquez@workforcesolutionscb.org.

Bids packages are due on Tuesday, May 30, 2023, at 2:00 p.m. Central Time. The bid opening will occur virtually at 3:00 p.m. on Monday, May 30, 2023, and interested parties are invited to participate from a computer, tablet, or smart phone via Zoom:

Join Zoom Meeting

<https://us02web.zoom.us/j/89948834561?pwd=NmhLNvhld3pWW-EZJa0Mrc2Z0Y3QvUT09>

US Toll-Free: 888 475 4499

Meeting ID: 899 4883 4561

Passcode: 673172

Workforce Solutions Coastal Bend is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. Relay Texas: 1.800.735.2989 (TDD) and 1.800.735.2988 or 711 (Voice). Historically Underutilized Businesses (HUBs) are encouraged to apply.

Este documento contiene información importante sobre los requisitos, los derechos, las determinaciones y las responsabilidades del acceso a

los servicios del sistema de la fuerza laboral. Hay disponibles servicios de idioma, incluida la interpretación y la traducción de documentos, sin ningún costo y a solicitud.

TRD-202301670

Esther Velazquez

Contract and Procurement Specialist

Coastal Bend Workforce Development Board

Filed: May 9, 2023

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/15/23 - 05/21/23 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 05/15/23 - 05/21/23 is 18% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

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

TRD-202301671

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 9, 2023

Court of Criminal Appeals

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 6

Court of Criminal Appeals of Texas

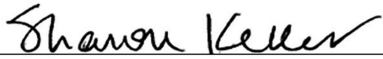
Misc. Docket No. 23-002

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 6


ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rule of Appellate Procedure 6.
2. Comments regarding the proposed amendments should be submitted in writing to the Court of Criminal Appeals by August 1, 2023 at txccarulescomments@txcourt.gov or by mail to the Clerk of the Court of Criminal Appeals at P.O. Box 12308, Austin, Texas 78711.
3. The Court will issue an order finalizing the rules after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments to take effect on September 1, 2023.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

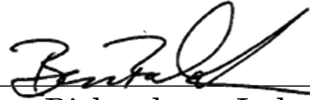
Dated: May 2, 2023.



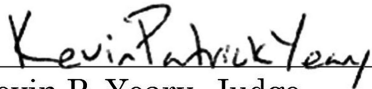
Sharon Keller, Presiding Judge



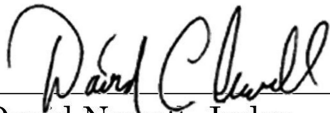
Barbara P. Hervey, Judge



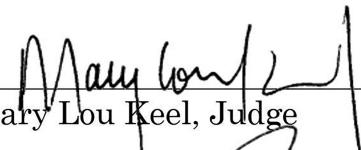
Bert Richardson, Judge



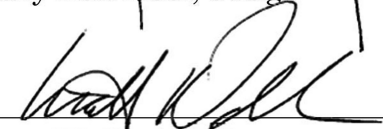
Kevin P. Yeary, Judge



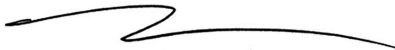
David Newell, Judge



Mary Lou Keel, Judge



Scott Walker, Judge



Michelle Slaughter, Judge



Jesse F. McClure, Judge

TEXAS RULES OF APPELLATE PROCEDURE

Rule 6. Representation by Counsel

6.4. Nonrepresentation Notice

- (a) *In General.* If, in accordance with paragraph 6.3(b), the lead counsel in the trial court is being sent notices, copies of documents, or other communications, that attorney may file a nonrepresentation notice in the appellate court. The notice must:
- (1) state that the attorney is not representing the party on appeal;
 - (2) state that the court and other counsel should communicate directly with the party in the future;
 - (3) give the party's name and last known address and telephone number; and
 - (4) be signed by the party.
- (b) *Appointed Counsel.* In a criminal case, an attorney appointed by the trial court to represent an indigent party cannot file a nonrepresentation notice.
- (c) *Withdrawal of Non-Lead Counsel.* If an attorney other than lead counsel will no longer represent a party, but lead counsel will continue to represent the party, the non-lead counsel should file a nonrepresentation notice. The notice should state that non-lead counsel will no longer represent the client and identify counsel who will continue to represent the party.

6.5. Withdrawal of Lead Counsel

An appellate court may, on appropriate terms and conditions, permit ~~an~~ attorney-lead counsel to withdraw from representing a party in the appellate court.

- (a) *Contents of Motion.* A motion for leave to withdraw must contain the following:
- (1) a list of current deadlines and settings in the case;

- (2) the party's name and last known address and telephone number;
 - (3) a statement that a copy of the motion was delivered to the party; and
 - (4) a statement that the party was notified in writing of the right to object to the motion.
- (b) *Delivery to Party.* The motion must be delivered to the party in person or mailed — both by certified and by first-class mail — to the party at the party's last known address.
 - (c) *If Motion Granted.* If the court grants the motion, the withdrawing attorney/lead counsel must immediately notify the party, in writing, of any deadlines or settings that the attorney knows about at the time of withdrawal but that were not previously disclosed to the party. The withdrawing attorney/lead counsel must file a copy of that notice with the court clerk.
 - (d) *Exception for Substitution of Lead Counsel.* If an attorney substitutes for a withdrawing attorney/lead counsel, the motion to withdraw need not comply with (a) but must state only the substitute attorney's name, mailing address, telephone number, fax number, if any, and State Bar of Texas identification number. The withdrawing attorney/lead counsel must comply with (b) but not (c).

TRD-202301625
 Deana Williamson
 Clerk of the Court
 Court of Criminal Appeals
 Filed: May 3, 2023

Cristina De La Fuente-Valadez
 Director, Rulemaking
 Texas Education Agency
 Filed: May 9, 2023



Texas Education Agency

Correction of Error

The Texas Education Agency (agency) adopted amendments to 19 TAC §113.16 in the February 17, 2023, issue of the *Texas Register* (48 TexReg 842). Due to an error as submitted by the agency, the text for subsection (a) was published incorrectly. Changes made to the subsection were noted in the preamble to the rulemaking but were not reflected in the text of the rule. Paragraphs (1) - (3) were removed from the subsection, and the text of the subsection should have been published as follows:

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

TRD-202301672

Notice of Extension Concerning Request for Student Reading Instrument, Grade 7

The Texas Education Agency (TEA) published Request for Student Reading Instrument, Grade 7 in the November 25, 2022 issue of the *Texas Register* (47 TexReg 7939).

TEA is extending the deadline for submission of Grade 7 reading instruments for inclusion on the 2023-2027 Commissioner's List of Approved Grade 7 Reading Instruments. The completed Grade 7 Reading Instrument Application Form with all attachments embedded must be emailed to curriculum@tea.texas.gov no later than 3:00 p.m. (Central Time) on Friday, June 2, 2023.

The implementation of the instruments will begin in the 2023-2024 school year, and the list will be titled 2023-2027 Commissioner's List of Approved Grade 7 Reading Instruments.

Further Information. For clarifying information, contact the TEA Curriculum Standards and Student Support Division at (512) 463-9581.

Issued in Austin, Texas, on May 10, 2023.

TRD-202301683

Cristina De La Fuente-Valadez
Director, Rulemaking

Texas Education Agency

Filed: May 10, 2023



Request for Applications Concerning the 2024-2025 Stronger Connections Grant

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-23-120 is authorized by Public Law 117-159, Bipartisan Safer Communities Act, Title II, School Improvement Programs (June 25, 2022), Bipartisan Safer Communities Act (BSCA)

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under RFA # 701-23-120 from local educational agencies (LEAs) that meet the TEA definition of a high-need LEA, any LEA with high numbers of students living in poverty, as well as LEAs with high percentages of students living in poverty (e.g., at least 40%) where students recently experienced a natural disaster or traumatic event, including the pandemic.

Description. The purpose of this grant program is to support systemic change in the way that school districts address and respond to bullying, violence, and acts of hate; the academic and nonacademic needs of students by providing safe, inclusive, and supportive learning environments resulting in improved academic achievement; and mental health, behavioral and emotional health, and physical health and well-being of students. Applicants will be required to work with the Texas Center for Student Support to develop and implement a student support program.

Dates of Project. The 2024-2025 Stronger Connections Grant will be implemented during the 2023-2024 and 2024-2025 school years. Applicants should plan for a starting date of no earlier than November 15, 2023, and an ending date of no later than September 30, 2025, contingent on the continued availability of federal funding.

Project Amount. Approximately \$89 million is available for funding the 2024-2025 Stronger Connections Grant. TEA anticipates awarding up to 60 grants. The maximum award amounts will range from approximately up to \$1 million to \$1.5 million and are dependent on district enrollment. Please see the Program Guidelines for additional information. This project is funded 100% with federal funds and is contingent on federal appropriations.

Selection Criteria. Applications will be selected based on the ability of each applicant to carry out all requirements contained in the RFA. Reviewers will evaluate applications based on the overall quality and validity of the proposed grant programs and the extent to which the applications address the primary objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding. TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA.

TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

Applicants' Conference. A webinar will be held on June 6, 2023. Applicants' conference/webinar details and a registration link are included in the Program Guidelines. Questions relevant to the RFA may be emailed to safeandsupportiveschoolprogram@tea.texas.gov on or be-

fore June 1, 2023. These questions, along with other information, will be addressed during the webinar. The applicants' conference webinar will be open to all potential applicants and will provide general and clarifying information about the grant program and RFA.

Requesting the Application. The complete RFA will be posted on the TEA Grant Opportunities web page at <https://tea4avalonzo.tea.state.tx.us/GrantOpportunities/forms/GrantProgramSearch.aspx> for viewing and downloading. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view and download all documents that pertain to this RFA.

Further Information. In order to make sure that no prospective applicant obtains a competitive advantage because of acquisition of information unknown to other prospective applicants, any and all questions must be submitted in writing to the TEA contact persons identified in the program guidelines of the RFA at safeandsupportiveschoolprogram@tea.texas.gov no later than June 23, 2023. All questions and the written answers thereto will be posted on the TEA Grant Opportunities web page in the format of Frequently Asked Questions (FAQs) by June 30, 2023. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view all documents that pertain to this RFA.

Deadline for Receipt of Applications. Applications must be received in the TEA Document Control Center by 11:59 p.m. (Central Time), July 18, 2023, to be eligible to be considered for funding. TEA will only accept applications by email.

TRD-202301684

Cristina De La Fuente-Valadez
Director, Rulemaking

Texas Education Agency

Filed: May 10, 2023



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 20, 2023**. 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 20, 2023**. 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: 2023-0359-WQ-E; IDENTIFIER: RN101613685; LOCATION: Gatesville, Coryell County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: City of Gatesville; DOCKET NUMBER: 2023-0543-WQ-E; IDENTIFIER: RN106020050; LOCATION: Gatesville, Coryell County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit (stormwater); PENALTY: \$875; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(3) COMPANY: CRYSTAL FARMS WATER SUPPLY CORPORATION; DOCKET NUMBER: 2023-0183-PWS-E; IDENTIFIER: RN101437770; LOCATION: Tatum, Rusk County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.51(a)(6) and TWC, §5.702, by failing to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account Number 92010012 for Fiscal Year 2023; and 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 running annual average; PENALTY: \$1,462; ENFORCEMENT COORDINATOR: Ilia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(4) COMPANY: Hurtado Construction Company; DOCKET NUMBER: 2023-0350-WQ-E; IDENTIFIER: RN111592010; LOCATION: Montgomery, Montgomery 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: Monica Larina, (512) 239-0184; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: Khalifa, Incorporated; DOCKET NUMBER: 2023-0430-WQ-E; IDENTIFIER: RN111636379; LOCATION: Flint, Smith 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: Shane Glantz, (806) 468-0507; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(6) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2021-0654-AIR-E; IDENTIFIER: RN101619179; LOCATION: Old Ocean, Brazoria County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 5920A, 7467A, 30513, 49140, 118699, and PSDTX103M4, Special Conditions Numbers 1 and 2, Federal Operating Permit Number O1626, General Terms and Conditions and Special Terms and Conditions Number 29, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$44,450; SUPPLEMEN-

TAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$17,780; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2021-1034-AIR-E; IDENTIFIER: RN101619179; LOCATION: Old Ocean, Brazoria County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), and 122.143(4), New Source Review Permit Numbers 5920A, 18142, and PSDTX103M4, Special Conditions Number 1, Federal Operating Permit (FOP) Number O1626, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 29, and Texas Health and Safety Code (THSC), §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §101.201(b)(1)(H) and §122.143(4), FOP Number O1626, GTC and STC Number 2.F, and THSC, §382.085(b), by failing to identify all required information on the final record for a reportable emissions event; PENALTY: \$41,703; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$20,851; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2021-1066-AIR-E; IDENTIFIER: RN101619179; LOCATION: Old Ocean, Brazoria County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 111.111(a)(1)(B), 116.115(c), and 122.143(4), New Source Review Permit Numbers 5920A, 7467A, 22086, 30513, and PSDTX103M4, Special Conditions Number 1, Federal Operating Permit Number O1626, General Terms and Conditions and Special Terms and Conditions Number 29, and Texas Health and Safety Code, §382.085(b), by failing to prevent an excess opacity event; PENALTY: \$63,451; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$30,743; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: ROUGH CANYON CONDOS LLC; DOCKET NUMBER: 2022-1647-UTL-E; IDENTIFIER: RN101452266; LOCATION: Del Rio, Val Verde County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$500; ENFORCEMENT COORDINATOR: Ronica Rodriguez Scott, (361) 881-6990; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(10) COMPANY: Tony Ray Lorange; DOCKET NUMBER: 2023-0298-WOC-E; IDENTIFIER: RN111625042; LOCATION: Quanah, Hardeman County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Miles Caston, (512) 239-4593; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(11) COMPANY: Undine Texas, LLC; DOCKET NUMBER: 2022-1480-PWS-E; IDENTIFIER: RN102684149; LOCATION: Bryan, Brazos 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: \$3,525; ENFORCEMENT COORDINATOR: Miles

Wehner, (512) 239-2813; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202301667

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: May 9, 2023



Enforcement Orders

An agreed order was adopted regarding Jeffrey Cruise, Amanda Marie Cruise, and LONGHORN SEPTIC SERVICE, L.C., Docket No. 2020-1308-MLM-E on May 9, 2023, assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BOBCAT TRUCKING, INC., Docket No. 2020-1611-AIR-E on May 9, 2023, assessing \$1,876 in administrative penalties with \$375 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Integrity Ready Mix Concrete LLC, Docket No. 2021-1438-AIR-E on May 9, 2023, assessing \$3,937 in administrative penalties with \$787 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BASF Corporation, Docket No. 2021-1470-AIR-E on May 9, 2023, assessing \$5,814 in administrative penalties with \$1,162 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Port Arthur Terminal LLC, Docket No. 2022-0030-AIR-E on May 9, 2023, assessing \$6,250 in administrative penalties with \$1,250 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CRYSTAL SPRINGS WATER CO., INC., Docket No. 2022-0096-PWS-E on May 9, 2023, assessing \$2,270 in administrative penalties with \$454 deferred. Information concerning any aspect of this order may be obtained by contacting Ashley Lemke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Dalton S. Tabor, Docket No. 2022-0637-PST-E on May 9, 2023, assessing \$3,937 in administrative penalties with \$787 deferred. Information concerning any aspect of this order may be obtained by contacting Courtney Gooris, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chilton Water Supply and Sewer Service Corporation, Docket No. 2022-0721-MWD-E on May 9, 2023, assessing \$5,137 in administrative penalties with \$1,027 deferred. Information concerning any aspect of this order may be obtained by contacting Laura Draper, Enforcement Coordinator at

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

An agreed order was adopted regarding Republic Plastics, LTD., Docket No. 2022-0733-AIR-E on May 9, 2023, assessing \$6,000 in administrative penalties with \$1,200 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ashley and Fagan Investments Co. Inc. dba Rio Brazos Water System, Docket No. 2022-1017-MLM-E on May 9, 2023, assessing \$1,899 in administrative penalties with \$379 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Randolph Water Supply Corporation, Docket No. 2022-1222-UTL-E on May 9, 2023, assessing \$620 in administrative penalties with \$124 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Christine, Docket No. 2022-1246-UTL-E on May 9, 2023, assessing \$610 in administrative penalties with \$122 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Water Systems, Inc., Docket No. 2022-1323-UTL-E on May 9, 2023, assessing \$1,020 in administrative penalties with \$204 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Water Systems, Inc., Docket No. 2022-1324-UTL-E on May 9, 2023, assessing \$1,040 in administrative penalties with \$208 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Leakey, Docket No. 2022-1378-UTL-E on May 9, 2023, assessing \$510 in administrative penalties with \$102 deferred. Information concerning any aspect of this order may be obtained by contacting Claudia Bartley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding McMullen County Water Control and Improvement District No. 1, Docket No. 2022-1420-UTL-E on May 9, 2023, assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LCT Water Services, LLC, Docket No. 2022-1427-UTL-E on May 9, 2023, assessing \$510 in administrative penalties with \$102 deferred. Information concerning any aspect of this order may be obtained by contacting Claudia Bartley,

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

An agreed order was adopted regarding City of Barstow, Docket No. 2022-1456-UTL-E on May 9, 2023, assessing \$725 in administrative penalties with \$145 deferred. Information concerning any aspect of this order may be obtained by contacting Carlos Flores, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202301682

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 10, 2023



Enforcement Orders

An agreed order was adopted regarding City of Hubbard, Docket No. 2019-0043-MWD-E on May 10, 2023, assessing \$7,812 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan L. Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding HWY 300 LLC, Docket No. 2019-1578-MWD-E on May 10, 2023, assessing \$136,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Clayton Smith, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Health and Human Services Commission, Docket No. 2020-0249-MWD-E on May 10, 2023, assessing \$21,937 in administrative penalties with \$4,387 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Samuel Sanchez dba Presidio Stockyards, Docket No. 2020-1587-AGR-E on May 10, 2023, assessing \$12,500 in administrative penalties with \$2,500 deferred. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding IACX Rock Creek LLC, Docket No. 2021-0428-AIR-E on May 10, 2023, assessing \$43,541 in administrative penalties with \$8,708 deferred. Information concerning any aspect of this order may be obtained by contacting Amanda Diaz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Crockett, Docket No. 2021-0768-MWD-E on May 10, 2023, assessing \$18,750 in administrative penalties with \$3,750 deferred. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding US C-Store Operations, LLC dba Midtown Pentry, Docket No. 2021-0976-PST-E on May 10, 2023, assessing \$15,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan,

Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Overton, Docket No. 2021-1062-PWS-E on May 10, 2023, assessing \$7,326 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Energy Transfer Marketing & Terminals L.P. fka Sunoco Partners Marketing & Terminals L.P., Docket No. 2021-1122-IWD-E on May 10, 2023, assessing \$29,400 in administrative penalties with \$5,880 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Sunoco, LLC dba Mertzon Bulk Plant, Docket No. 2021-1254-PST-E on May 10, 2023, assessing \$29,840 in administrative penalties with \$5,986 deferred. Information concerning any aspect of this order may be obtained by contacting Ken Moller, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The Goodyear Tire & Rubber Company, Docket No. 2021-1429-AIR-E on May 10, 2023, assessing \$10,200 in administrative penalties with \$2,040 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Commodore Cove Improvement District, Docket No. 2022-0109-PWS-E on May 10, 2023, assessing \$1,437 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ashley Lemke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Vasquez De La Garza, Jorge Arturo, Docket No. 2022-0312-PST-E on May 10, 2023, assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Stephanie Mccurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default and shutdown order was adopted regarding SORT Valley LLC dba MiniMax 3, Docket No. 2022-0458-PST-E on May 10, 2023, assessing \$8,233 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jess Robinson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INEOS NITRILES USA LLC, Docket No. 2022-0873-PWS-E on May 10, 2023, assessing \$2,287 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding COKE COUNTY WATER SUPPLY CORPORATION, Docket No. 2022-0944-PWS-E on May 10, 2023, assessing \$1,687 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Usa Waste Of Texas Landfills Inc, Docket No. 2023-0265-MSW on May 10, 2023, assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Anthony Tatu, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Holcim-Sor Inc, Docket No. 2023-0441-AIR on May 10, 2023, assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Contessa Gay, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Steel Dynamics Southwest Llc, Docket No. 2023-0442-IWD on May 10, 2023, assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kathy Humphreys, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202301686

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 10, 2023



Notice of Correction to Agreed Order Number 2

In the November 4, 2022, issue of the *Texas Register* (47 TexReg 7445), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 2, for CAPSTONE PROPERTY MANAGEMENT, LLC; Docket Number 2022-0785-MWD-E. The error is as submitted by the commission.

The reference to rules violated should be corrected to remove: "30 TAC §285.3(g)(1)."

For questions concerning these errors, please contact Michael Parrish at (512) 239-2548.

TRD-202301668

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: May 9, 2023



Notice of District Petition

Notice issued May 10, 2023

TCEQ Internal Control No. D-11092022-014; Schlachter Realty, Ltd. (Petitioner) filed a petition for creation of Texas Tri-Modal Municipal Utility District No. 2 (District) of Dallas County with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner is the owner of the majority of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 443.7 acres, more or less, located within Dallas County, Texas; (4) the proposed District is within the extraterritorial jurisdiction of the City of Wilmer (City). The petition further states that the proposed District will construct, purchase,

acquire, maintain, own and operate water, wastewater, drainage, road and such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. It further states that the planned commercial and industrial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$55,300,000. In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of their Property into the District.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202301681

Laurie Gharis
Chief Clerk
Texas Environmental Quality Commission
Filed: May 10, 2023



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

The Texas Commission on Environmental Quality (TCEQ, agency, 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 20, 2023**. 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 20, 2023**. The commission's 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: SABIR, INC. dba Stop N Drive 7; DOCKET NUMBER: 2021-0796-PST-E; TCEQ ID NUMBER: RN101867992; LOCATION: 2500 Gulfway Drive, Port Arthur, Jefferson County; TYPE OF FACILITY: UST system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A) and §334.54(c)(1), by failing to monitor a temporarily out-of-service UST system for releases; 30 TAC §37.867(a), by failing to empty the UST system within 90 days after financial assurance coverage terminates; 30 TAC §334.605(a), by failing to ensure that the certified Class A and B operator is re-trained within three years of the last training date; and 30 TAC §334.7(d)(1)(B) and (3), by failing to provide an amended registration for any change or additional

information to the agency regarding the UST system within 30 days from the date of the occurrence of the change or addition; PENALTY: \$8,504; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202301665

Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: May 9, 2023



Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **June 20, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on June 20, 2023**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Adrian Gutierrez; DOCKET NUMBER: 2021-0903-LII-E; TCEQ ID NUMBER: RN106903909; LOCATION: 9807 Oriole Drive, Austin, Travis County; TYPE OF FACILITY: landscape irrigation business; RULES VIOLATED: 30 TAC §334.35(d)(2), by failing to obtain all permits and inspections required to install an irrigation system; 30 TAC §334.61(b), by failing to prepare an irrigation plan that shows that the irrigation system provides complete coverage of all areas to be irrigated; 30 TAC §334.62(a), by failing to design the irrigation system so that no components are used in a way which exceeds the manufacturer's published performance limitations for the component; and 30 TAC §334.52(c), by failing to ensure the backflow prevention device is tested prior to being placed in service and provide the test results to the local water purveyor within ten business days of testing the backflow prevention assembly; PENALTY: \$11,400; STAFF ATTORNEY: Cynthia Sirois, Litigation, MC 175, (512) 239-3392; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753, (512) 339-2929.

(2) COMPANY: MT Everest Brothers Inc dba Royal Food Mart; DOCKET NUMBER: 2021-0165-PST-E; TCEQ ID NUMBER: RN102382058; LOCATION: 5480 College Street, Beaumont, Jefferson County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases at a frequency of at least once every 30 days; PENALTY: \$;4,500; STAFF ATTORNEY: Barrett Hollingsworth, Litigation, MC175 (512) 239-0657; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202301666

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: May 9, 2023



Notice of Public Meeting Proposed Air Quality Permit No. 78606

APPLICATION. Yellow Jacket Readymix LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for the amendment of Permit No. 78606. This application would authorize modification of a Concrete Batch Plant located at 2219 Hartwick Road, Houston, Harris County, Texas 77093. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps>. 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=29.88534&lng=-95.35144&zoom=13&type=r> The proposed facility will emit the following air contaminants: particulate matter including (but not limited to) aggregate, cement, road dust, and particulate matter with diameters of 10 microns or less and 2.5 microns or less.

This application was submitted to the TCEQ on January 18, 2023. The executive director has completed the administrative and technical reviews of the application and determined that the application meets all of the requirements of a standard permit authorized by 30 TAC §116.611, which would establish the conditions under which the plant must operate. The executive director has made a preliminary decision to issue the registration because it meets all applicable rules.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who re-

quested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Monday, June 12, 2023 at 7:00 p.m.

East Aldine District Town Center

2909 East Aldine Amphitheater Drive

Houston, Texas 77039

INFORMATION. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our Web site at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the permit number at the top of this form.

The application, executive director's preliminary decision, and standard permit will be available for viewing and copying at the TCEQ central office, the TCEQ Houston regional office, and at Scenic Woods Regional Library, 10677 Homestead Road, Houston Harris County, Texas 77016. The facility's compliance file, if any exists, is available for public review at the TCEQ Houston Regional Office, 5425 Polk Street Suite H, Houston, Texas. Visit www.tceq.texas.gov/goto/cbp to review the standard permit. Further information may also be obtained from Yellow Jacket Readymix LLC, 2219 Hartwick Rd, Houston, Texas 77093-1103 or by calling Mr. Chad Nerren, Project Manager at (936) 635-6524.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: May 09, 2023

TRD-202301680

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 10, 2023



General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following

project(s) during the period of April 29, 2023 to May 6, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.25, 30.32, and 30.41, 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 12, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, June 11, 2023.

FEDERAL AGENCY ACTIONS:

Applicant: Texas International Terminals LTD

Location: The project site is located in the Galveston Ship Channel, east of the Pelican Island Causeway, at 4800 Port Industrial Road, in Galveston, Galveston County, Texas.

Latitude and Longitude: 29.307877, -94.822815

Project Description: The applicant proposes a modification to previously authorized Permit SWG-2012-00602 to authorize the one-time use of the Federal Open Water Placement Area (PA) 50 for the placement of up to 200,000-cubic-yards of maintenance material to be mechanically or hydraulically dredged from approximately 33 acres at the Texas International Terminals LTD (TXIT) Berths 2 & 3. The purpose of the maintenance dredging is to prevent unsafe navigation conditions within the Berth due to high rates of siltation predicted to occur due to the geomorphic position of the Berth. The applicant is not proposing mitigation as the proposed activities are only associated with dredging activities and would not cause impacts to any special aquatic sites.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2012-00602. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1245-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-202301664

Mark Havens

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: May 8, 2023

◆ ◆ ◆
Texas Department of Insurance

Company Licensing

Application for Amerigroup Texas, Inc., a domestic Health Maintenance Organization (HMO), to change its name to Wellpoint Texas, Inc. The home office is in Grand Prairie, Texas.

Application for Amerigroup Insurance Company, a domestic life, accident and/or health company, to change its name to Wellpoint Insurance Company. The home office is in Grand Prairie, Texas.

Application for UniCare Life & Health Insurance Company, a domestic life, accident and/or health company, to change its name to Wellpoint Life and Health Insurance Company. The home office is in Grand Prairie, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of John Carter, 1601 Congress Ave., Suite 6.900, Austin, Texas 78711.

TRD-202301687

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: May 10, 2023

◆ ◆ ◆
Texas Lottery Commission

Scratch Ticket Game Number 2474 "\$250 GRAND"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2474 is "\$250 GRAND". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2474 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2474.

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: \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000, \$250,000, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, MONEY BAG SYMBOL and STACK OF CASH SYMBOL.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2474 - 1.2D

PLAY SYMBOL	CAPTION
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$10,000	10TH
\$250,000	250TH
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT

18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRV
46	FRSX

47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
MONEY BAG SYMBOL	WINX5
STACK OF CASH SYMBOL	WINX10

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2474), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2474-0000001-001.

H. Pack - A Pack of the "\$250 GRAND" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The back of Ticket 001 will be shown on the front of the Pack; the back of Ticket 050 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.

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 "\$250 GRAND" Scratch Ticket Game No. 2474.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$250 GRAND" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched

off to expose seventy (70) Play Symbols. \$250 GRAND PLAY INSTRUCTIONS: If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "MONEY BAG" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "STACK OF CASH" Play Symbol, the player wins 10 TIMES the prize for that symbol. BONUS PLAY INSTRUCTIONS: If the player reveals 2 matching prize amounts in the same BONUS, the player wins that amount. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly seventy (70) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly seventy (70) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the seventy (70) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the seventy (70) 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: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. GENERAL: A Ticket can win as indicated by the prize structure.

C. GENERAL: A Ticket can win up to thirty-two (32) times.

D. GENERAL: The "MONEY BAG" (WINX5) and "STACK OF CASH" (WINX10) Play Symbols will never appear in any of the two (2) BONUS play areas.

E. BONUS: A Ticket can win up to one (1) time in each of the two (2) BONUS play areas.

F. BONUS: A Ticket will not have matching non-winning Prize Symbols across the two (2) BONUS play areas.

G. BONUS: Non-winning Prize Symbols in a BONUS play area will not be the same as winning Prize Symbols from another BONUS play area.

H. BONUS: A non-winning BONUS play area will have two (2) different Prize Symbols.

I. \$250 GRAND: A Ticket can win up to thirty (30) times in the main play area.

J. \$250 GRAND: All non-winning YOUR NUMBERS Play Symbols will be different.

K. \$250 GRAND: Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

L. \$250 GRAND: All YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., 10 and \$10, 20 and \$20, 30 and \$30 and 50 and \$50).

M. \$250 GRAND: All WINNING NUMBERS Play Symbols will be different.

N. \$250 GRAND: Tickets winning more than one (1) time will use as many WINNING NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

O. \$250 GRAND: On all Tickets, a Prize Symbol will not appear more than five (5) times, except as required by the prize structure to create multiple wins.

P. \$250 GRAND: On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

Q. \$250 GRAND: On winning and Non-Winning Tickets, the top cash prizes of \$1,000, \$10,000 and \$250,000 will each appear at least once, with respect to other parameters, play action or prize structure.

R. \$250 GRAND: The "MONEY BAG" (WINX5) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

S. \$250 GRAND: The "MONEY BAG" (WINX5) Play Symbol will never appear on a Non-Winning Ticket.

T. \$250 GRAND: The "MONEY BAG" (WINX5) Play Symbol will win 5 TIMES the prize for that Play Symbol and will win as per the prize structure.

U. \$250 GRAND: The "MONEY BAG" (WINX5) Play Symbol will never appear more than one (1) time on a Ticket.

V. \$250 GRAND: The "STACK OF CASH" (WINX10) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

W. \$250 GRAND: The "STACK OF CASH" (WINX10) Play Symbol will never appear on a Non-Winning Ticket.

X. \$250 GRAND: The "STACK OF CASH" (WINX10) Play Symbol will win 10 TIMES the prize for that Play Symbol and will win as per the prize structure.

Y. \$250 GRAND: The "STACK OF CASH" (WINX10) Play Symbol will never appear more than one (1) time on a Ticket.

Z. \$250 GRAND: The "MONEY BAG" (WINX5) and "STACK OF CASH" (WINX10) Play Symbols can appear on the same winning Ticket as indicated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$250 GRAND" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$250 GRAND" Scratch Ticket Game prize of \$1,000, \$10,000 or \$250,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$250 GRAND" 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 "\$250 GRAND" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$250 GRAND" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 9,000,000 Scratch Tickets in Scratch Ticket Game No. 2474. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2474 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	1,116,000	8.06
\$20.00	468,000	19.23
\$30.00	216,000	41.67
\$50.00	432,000	20.83
\$100	75,750	118.81
\$200	19,275	466.93
\$500	2,700	3,333.33
\$1,000	45	200,000.00
\$10,000	10	900,000.00
\$250,000	6	1,500,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.86. 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. 2474 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. 2474, 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-202301678
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: May 9, 2023



Scratch Ticket Game Number 2495 "PLATINUM MILLIONS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2495 is "PLATINUM MILLIONS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2495 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2495.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 5X SYMBOL, 10X SYMBOL, 20X

SYMBOL, \$20.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$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. 2495 - 1.2D

PLAY SYMBOL	CAPTION
1	ONE
2	TWO
3	THR
4	FOR
6	SIX
7	SVN
8	EGT
9	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
5X SYMBOL	WINX5
10X SYMBOL	WINX10
20X SYMBOL	WINX20
\$20.00	TWY\$

\$25.00	TWV\$
\$50.00	FFTY\$
\$75.00	SVFV\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$20,000	20TH
\$1,000,000	TPPZ

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2495), 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: 2495-0000001-001.

H. Pack - A Pack of the "PLATINUM MILLIONS" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). The front of 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 "PLATINUM MILLIONS" Scratch Ticket Game No. 2495.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "PLATINUM MILLIONS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the

LUCKY NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-six (66) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-six (66) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-six (66) 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. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to thirty (30) times.

D. A non-winning Prize Symbol will never match a winning Prize Symbol.

E. On winning and Non-Winning Tickets, the top cash prizes of \$1,000, \$20,000 and \$1,000,000 will each appear at least once, except on Tickets winning thirty (30) times and with respect to other parameters, play action or prize structure.

F. No matching non-winning YOUR NUMBERS Play Symbols will appear on a Ticket.

G. Tickets winning more than one (1) time will use as many LUCKY NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

H. No matching LUCKY NUMBERS Play Symbols will appear on a Ticket.

I. All YOUR NUMBERS Play Symbols, excluding the "5X" (WINX5), "10X" (WINX10) and "20X" (WINX20) Play Symbols, will never equal the corresponding Prize Symbol (i.e., \$25 and 25 and \$50 and 50).

J. On all Tickets, a Prize Symbol will not appear more than four (4) times, except as required by the prize structure to create multiple wins.

K. On Non-Winning Tickets, a LUCKY NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

L. The "5X" (WINX5) Play Symbol will never appear more than once on a Ticket.

M. The "5X" (WINX5) Play Symbol will win 5 TIMES the prize for that Play Symbol and will win as per the prize structure.

N. The "5X" (WINX5) Play Symbol will never appear on a Non-Winning Ticket.

O. The "5X" (WINX5) Play Symbol will never appear as a LUCKY NUMBERS Play Symbol.

P. The "10X" (WINX10) Play Symbol will never appear more than once on a Ticket.

Q. The "10X" (WINX10) Play Symbol will win 10 TIMES the prize for that Play Symbol and will win as per the prize structure.

R. The "10X" (WINX10) Play Symbol will never appear on a Non-Winning Ticket.

S. The "10X" (WINX10) Play Symbol will never appear as a LUCKY NUMBERS Play Symbol.

T. The "20X" (WINX20) Play Symbol will never appear more than once on a Ticket.

U. The "20X" (WINX20) Play Symbol will win 20 TIMES the prize for that Play Symbol and will win as per the prize structure.

V. The "20X" (WINX20) Play Symbol will never appear on a Non-Winning Ticket.

W. The "20X" (WINX20) Play Symbol will never appear as a LUCKY NUMBERS Play Symbol.

X. No two (2) different multiplier Play Symbols can appear on the same Ticket, with the exception of the "10X" (WINX10) and "20X" (WINX20) Play Symbols, which can only appear together as per the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "PLATINUM MILLIONS" Scratch Ticket Game prize of \$20.00, \$25.00, \$50.00, \$75.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$75.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check

shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "PLATINUM MILLIONS" Scratch Ticket Game prize of \$1,000, \$20,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "PLATINUM MILLIONS" 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 "PLATINUM MILLIONS" 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 "PLATINUM MILLIONS" 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 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2495. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2495 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	771,840	10.42
\$25.00	257,280	31.25
\$50.00	514,560	15.63
\$75.00	257,280	31.25
\$100	321,600	25.00
\$200	71,020	113.21
\$500	5,360	1,500.00
\$1,000	280	28,714.29
\$20,000	20	402,000.00
\$1,000,000	4	2,010,000.00

*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 3.66. 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. 2495 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. 2495, 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.

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 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: May 9, 2023



Scratch Ticket Game Number 2512 "PREMIER WINNINGS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2512 is "PREMIER WINNINGS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2512 shall be \$100.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2512.

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: \$150, \$200, \$300, \$500, \$1,000, \$10,000, \$100,000, \$10,000,000, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 and DIAMOND SYMBOL.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2512 - 1.2D

PLAY SYMBOL	CAPTION
\$150	ONFF
\$200	TOHN
\$300	THHN
\$500	FVHN
\$1,000	ONTH
\$10,000	10TH
\$100,000	100TH
\$10,000,000	TPPZ
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN

20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRV
46	FRSX
47	FRSV
48	FRET

49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
DIAMOND SYMBOL	DBL

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2512), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 015 within each Pack. The format will be: 2512-0000001-001.

H. Pack - A Pack of the "PREMIER WINNINGS" Scratch Ticket Game contains 015 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The front of Ticket 001 will be shown on the front of the Pack; the back of Ticket 015 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.

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 "PREMIER WINNINGS" Scratch Ticket Game No. 2512.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "PREMIER WINNINGS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-seven (67) Play Symbols. BONUS PLAY INSTRUCTIONS: If a player reveals 2 matching prize amounts in the same BONUS, the player wins that amount. PREMIER WINNINGS PLAY INSTRUCTIONS: If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number.

If the player reveals a "DIAMOND" Play Symbol, the player wins DOUBLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-seven (67) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-seven (67) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-seven (67) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-seven (67) 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: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. GENERAL: A Ticket can win as indicated by the prize structure.

C. GENERAL: A Ticket can win up to thirty-one (31) times.

D. GENERAL: The "DIAMOND" (DBL) Play Symbol will never appear in any of the three (3) BONUS play areas.

E. BONUS: A Ticket can win up to one (1) time in each of the three (3) BONUS play areas.

F. BONUS: A Ticket will not have matching non-winning Prize Symbols across the three (3) BONUS play areas.

G. BONUS: Non-winning Prize Symbols in a BONUS play area will not be the same as winning Prize Symbols from another BONUS play area.

H. BONUS: A non-winning BONUS play area will have two (2) different Prize Symbols.

I. PREMIER WINNINGS: A Ticket can win up to twenty-eight (28) times in the main play area.

J. PREMIER WINNINGS: All non-winning YOUR NUMBERS Play Symbols will be different.

K. PREMIER WINNINGS: Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

L. PREMIER WINNINGS: All WINNING NUMBERS Play Symbols will be different.

M. PREMIER WINNINGS: Tickets winning more than one (1) time will use as many WINNING NUMBERS Play Symbols as possible to create matches, unless restricted by other parameters, play action or prize structure.

N. PREMIER WINNINGS: On all Tickets, a Prize Symbol will not appear more than five (5) times, except as required by the prize structure to create multiple wins.

O. PREMIER WINNINGS: On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

P. PREMIER WINNINGS: On winning and Non-Winning Tickets, the top cash prizes of \$10,000, \$100,000 and \$10,000,000 will each appear at least once, with respect to other parameters, play action or prize structure.

Q. PREMIER WINNINGS: The "DIAMOND" (DBL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

R. PREMIER WINNINGS: The "DIAMOND" (DBL) Play Symbol will never appear on a Non-Winning Ticket.

S. PREMIER WINNINGS: The "DIAMOND" (DBL) Play Symbol will win DOUBLE the prize for that symbol and will win as per the prize structure.

T. PREMIER WINNINGS: The "DIAMOND" (DBL) Play Symbol will never appear more than one (1) time on a Ticket.

2.3 Procedure for Claiming Prizes.

A. To claim a "PREMIER WINNINGS" Scratch Ticket Game prize of \$150, \$200, \$300 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$150, \$200, \$300 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 "PREMIER WINNINGS" Scratch Ticket Game prize of \$1,000, \$10,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. To claim a "PREMIER WINNINGS" Scratch Ticket Game top level prize of \$10,000,000, the claimant must sign the winning Scratch

Ticket and present it at Texas Lottery Commission headquarters in Austin, Texas. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification and proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). The Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. As an alternative method of claiming a "PREMIER WINNINGS" Scratch Ticket Game prize, with the exception of the top level prize of \$10,000,000, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed a 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.

E. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

F. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "PREMIER WINNINGS" 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 "PREMIER WINNINGS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 9,000,000 Scratch Tickets in Scratch Ticket Game No. 2512. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2512 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$150	750,000	12.00
\$200	900,000	10.00
\$300	450,000	20.00
\$500	450,000	20.00
\$1,000	25,125	358.21
\$10,000	150	60,000.00
\$100,000	25	360,000.00
\$10,000,000	4	2,250,000.00

*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 3.49. 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. 2512 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. 2512, 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-202301677
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: May 9, 2023

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Middle Rio Grande Workforce Development Board

Public Notice Request for Proposals (RFP) Operation and Management of Child Care Services Program

Workforce Solutions Middle Rio Grande Board (WFSMRGB) as the administrative entity, fiscal agent and grant recipient for programs funded by the Texas Workforce Commission is soliciting proposals for the operation and management of the Child Care Services Program. Workforce Solutions Middle Rio Grande service delivery area includes Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, Val Verde and Zavala counties.

The initial contract period for this procurement will be **October 1, 2023 to September 30, 2024**. WFSMRGB may extend the contract period on an annual basis for up to four (4) additional years upon successful sub-recipient's performance and availability of funding. Eligible service providers must have extensive knowledge and experience including a successful track record in managing child care services programs, state and federal laws and statutes.

A bidder's conference will be held at the Board offices at 216 West Main, Suite B, Uvalde, Texas 78801 on **Friday, May 26, 2023 @ 10:00 a.m.** Bidders also have the option of participating in the bidder's conference via conference call. To request call-in information, send an e-mail to Marisa Cervantes at marisa.cervantes1@wfsmrg.org

Proposals must be received at the physical address listed below by June 19, 2023 **no later than 12:00 p.m. (CST)**. WFSMRGB will not accept proposals after the indicated due date and time. There will be no exceptions.

Workforce Solutions Middle Rio Grande Board

216 W. Main Street, Suite B

Uvalde, Texas 78801

Workforce Solutions Middle Rio Grande is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. RELAY TEXAS: 1-800-735-2989 (TDD) and 1-800-735-2988 or 7-1-1 (voice).

TRD-202301640

Elizabeth Sifuentes

Executive Director

Middle Rio Grande Workforce Development Board

Filed: May 4, 2023



Public Notice Request for Qualifications (RFQ) Proposal Reading Services

WFSMRGB will issue a formal solicitation under a Request for Qualifications (RFQ) method for the Management and Operations of the Workforce Solutions of the Middle Rio Grande Board Child Care Services.

Under this proposal reading solicitation, WFSMRGB will be selecting individuals for the evaluation of the above-mentioned proposal. The team will be comprised of a minimum of three (3) individuals. Based on the individual's qualifications, respondents will be considered for the task of reading and evaluating proposals. In addition, one of the proposal readers for the assigned team will be selected by WFSMRGB to act as Lead Evaluator.

Interested proposers may access the Request for Qualification at www.wfsmrg.org (click the business opportunities tab) or by contacting Marisa Cervantes via email at marisa.cervantes@wfsmrg.org

Bids must be received no later than 5:00 p.m. (CST), Monday, June 19, 2023, at the address below. Bids submitted after the deadline will not be accepted.

Workforce Solutions Middle Rio Grande Board

Attention: Marisa Cervantes

216 W. Main, Suite B

Uvalde, Texas 78801

For more information about this notice, call Marisa Cervantes at (830) 591-2833 or (830) 222-8941

Workforce Solutions is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities. RELAY TEXAS: 1-800-735-2989 (TDD) and 1-800-735-2988 or 7-1-1 (voice). Historically Underutilized Businesses (HUB's) are encouraged to apply.

TRD-202301639

Elizabeth Sifuentes

Executive Director

Middle Rio Grande Workforce Development Board

Filed: May 4, 2023



North Central Texas Council of Governments

Request for Proposals

Hosted Website Solution for www.TryParkingIt.com, the Regional Commute Tracking, Ride-Matching, and Commuter Reward System Website for the North Central Texas Council of Governments

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from firms for a hosted website solution for NCTCOG's existing commute tracking and ride-matching website and app, www.tryparkingit.com. The hosted website solution will allow commuters in the North Central Texas region to record information about alternative commute trips and locate ride-matches for traditional carpools and vanpools, along with transit, biking and walking partner matches. The hosted website solution will also offer sustainable incentives to motivate commuters to increase their use and reporting of alternative commutes.

Proposals must be received no later than 5:00 p.m., Central Time, on **Friday, June 9, 2023**, to Sonya Landrum, Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011 and electronic submissions to TransRFPs@nctcog.org. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on Friday, May 19, 2023.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202301688

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: May 10, 2023



Texas State Board of Pharmacy

Correction of Error

The Texas State Board of Pharmacy proposed amendments to 22 TAC §295.8 in the March 17, 2023, issue of the *Texas Register* (48 TexReg 1503). Due to an error by the Texas Register, the name of the section was published incorrectly. The correct name of the section is:

§295.8. Continuing Education Requirements

The adoption of the proposed amendments to 22 TAC §295.8 is published in the Adopted Rules section of this issue.

TRD-202301661



Public Utility Commission of Texas

Notice of Application for Approval of the Provision of Non-Emergency 311 Service

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) for approval to provide non-emergency 311 services.

Docket Style and Number: Application of Consolidated Communications of Texas Company for Administrative Approval to Provide Non-Emergency 311 Service for the City of Diboll, Docket Number 54961.

The Application: On May 5, 2023, Consolidated Communications of Texas Company filed an application with the commission under 16 Texas Administrative Code §26.127, for approval to provide non-emergency 311 service for the City of Diboll. As a certified telecommunications utility (CTU), Consolidated Communications Company of Texas seeks approval on behalf of Diboll to provide non-emergency 311 ser-

vinces to Diboll's residents within the city limits of Diboll, Texas, and to portions of surrounding communities in Consolidated Communications of Texas Company's certificated service area.

Non-emergency 311 service is available to local governmental entities to provide to their residents an easy-to-remember number to call for access to non-emergency services. By implementing 311 service, communities can improve 911 response times for those callers with true emergencies. Each local government entity that elects to implement 311 service will determine the types of non-emergency calls their 311-call center will handle.

Persons who wish to comment on this application should notify the commission by June 19, 2023. Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the Public Utility Commission's Customer Protection Division at (512) 936-7120 or toll free at (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All comments or motions to intervene should reference Docket Number 54961.

TRD-202301679
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: May 9, 2023



South East Texas Regional Planning Commission

Mass Notification System Vendor Invitation for Bid

The South East Texas Regional Planning Commission (SETRPC) is soliciting qualified vendors to provide mass notification services to meet the regional emergency alerting network needs for jurisdictions within the Hardin, Jasper, Jefferson, and Orange County region.

For a complete Invitation for Bid package, visit the SETRPC website, www.setrpc.org. For any questions, please contact Stephen Curran via email at scurran@setrpc.org by May 26, 2023, by 2:00 p.m. CST. Submit bids to Stephen Curran, SETRPC, 2210 Eastex Freeway, Beaumont, Texas 77703. Final bids will be due by Monday, June 12, 2023, by 12:00 p.m. CST. Bids will not be accepted after the deadline.

Proposals will be reviewed by an evaluation committee with selection based on Review Criteria included in the Invitation for Bid package.

TRD-202301669
Stephen Curran
Criminal Justice and Homeland Security Division Director
South East Texas Regional Planning Commission
Filed: May 9, 2023



Supreme Court of Texas

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 6 (Joint Order, Court of Criminal Appeals Misc. Docket No. 23-002)

Supreme Court of Texas

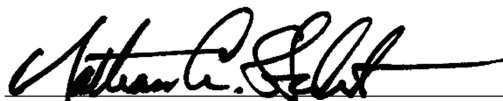
Misc. Docket No. 23-9027

Preliminary Approval of Amendments to Texas Rule of Appellate Procedure 6

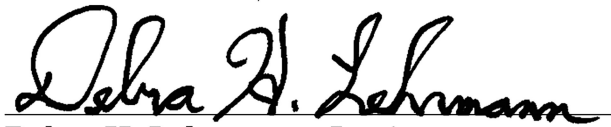
ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rule of Appellate Procedure 6.
2. Comments regarding the proposed amendments should be submitted in writing to rulescomments@txcourts.gov by August 1, 2023.
3. The Court will issue an order finalizing the rules after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments to take effect on September 1, 2023.
4. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

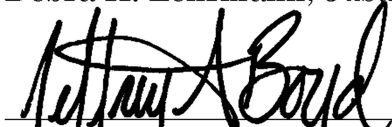
Dated: May 2, 2023.



Nathan L. Hecht, Chief Justice



Debra H. Lehrmann, Justice




Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



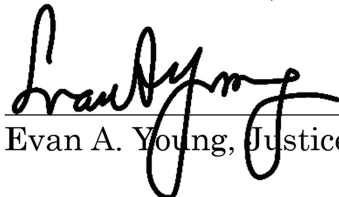
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF APPELLATE PROCEDURE

Rule 6. Representation by Counsel

6.4. Nonrepresentation Notice

- (a) *In General.* If, in accordance with paragraph 6.3(b), the lead counsel in the trial court is being sent notices, copies of documents, or other communications, that attorney may file a nonrepresentation notice in the appellate court. The notice must:
- (1) state that the attorney is not representing the party on appeal;
 - (2) state that the court and other counsel should communicate directly with the party in the future;
 - (3) give the party's name and last known address and telephone number; and
 - (4) be signed by the party.
- (b) *Appointed Counsel.* In a criminal case, an attorney appointed by the trial court to represent an indigent party cannot file a nonrepresentation notice.
- (c) *Withdrawal of Non-Lead Counsel.* If an attorney other than lead counsel will no longer represent a party, but lead counsel will continue to represent the party, the non-lead counsel should file a nonrepresentation notice. The notice should state that non-lead counsel will no longer represent the client and identify counsel who will continue to represent the party.

6.5. Withdrawal of Lead Counsel

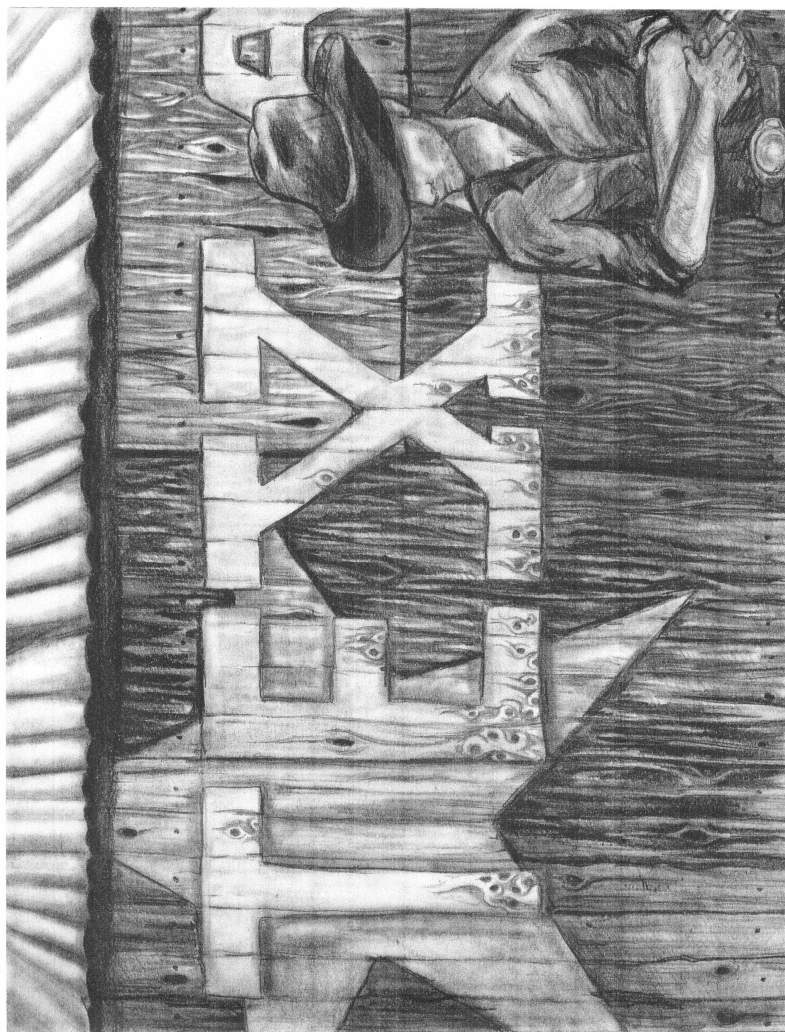
An appellate court may, on appropriate terms and conditions, permit ~~an attorney~~ lead counsel to withdraw from representing a party in the appellate court.

- (a) *Contents of Motion.* A motion for leave to withdraw must contain the following:
- (1) a list of current deadlines and settings in the case;

- (2) the party's name and last known address and telephone number;
 - (3) a statement that a copy of the motion was delivered to the party;
and
 - (4) a statement that the party was notified in writing of the right to
object to the motion.
- (b) *Delivery to Party.* The motion must be delivered to the party in person or mailed — both by certified and by first-class mail — to the party at the party's last known address.
- (c) *If Motion Granted.* If the court grants the motion, the withdrawing attorneylead counsel must immediately notify the party, in writing, of any deadlines or settings that the attorney knows about at the time of withdrawal but that were not previously disclosed to the party. The withdrawing attorneylead counsel must file a copy of that notice with the court clerk.
- (d) *Exception for Substitution of Lead Counsel.* If an attorney substitutes for a withdrawing attorneylead counsel, the motion to withdraw need not comply with (a) but must state only the substitute attorney's name, mailing address, telephone number, fax number, if any, and State Bar of Texas identification number. The withdrawing attorneylead counsel must comply with (b) but not (c).

TRD-202301638
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: May 4, 2023

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How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 48 (2023) is cited as follows: 48 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 “48 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 48 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <http://www.sos.state.tx.us>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
26. Health and Human Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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