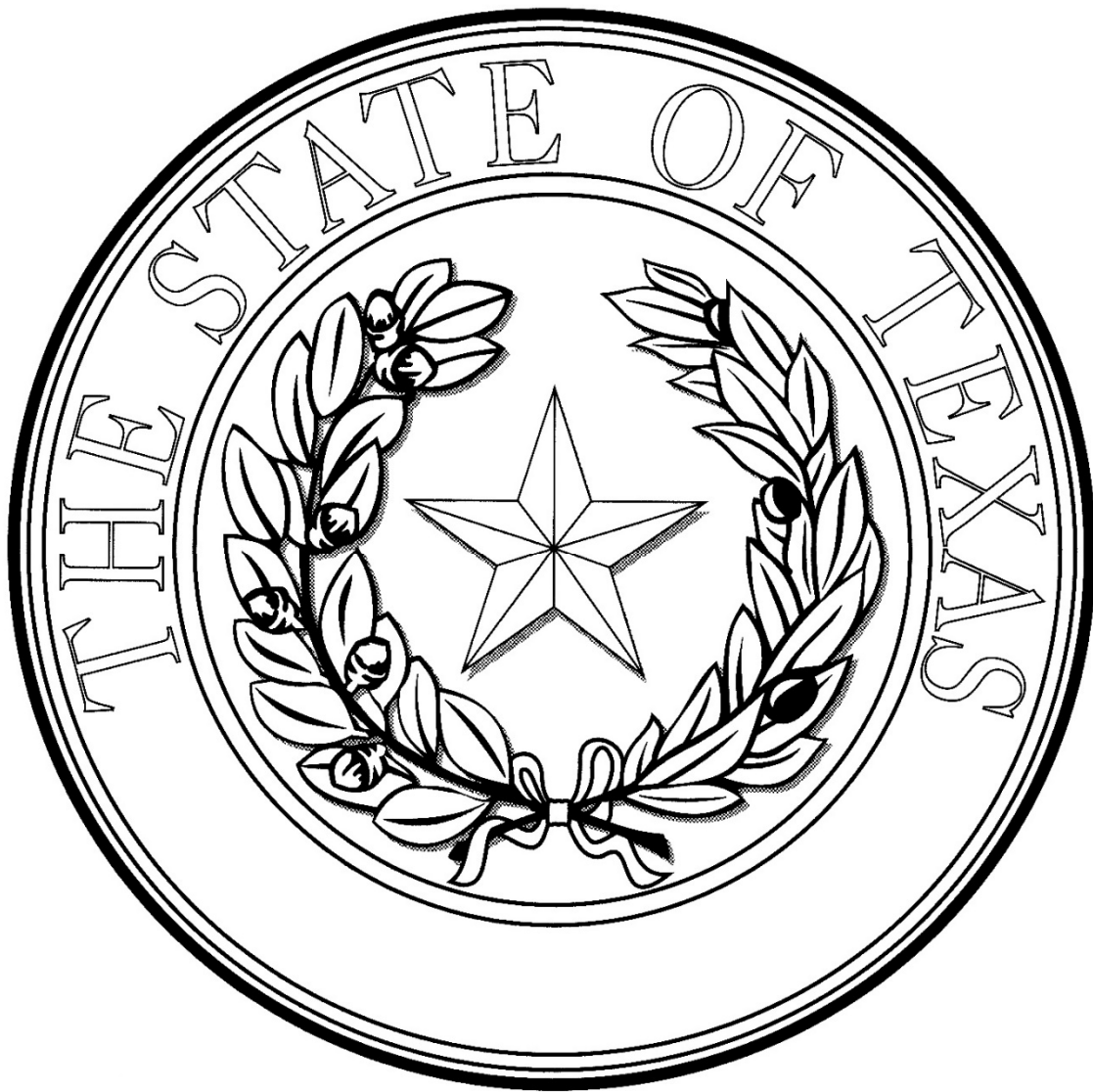

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THE GOVERNOR

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 October 19, 2023

Appointed to the Office of Small Business Assistance Advisory Task Force for a term to expire June 14, 2025, Eduardo A. Contreras of Austin, Texas (Mr. Contreras is being reappointed).

Appointed to the Office of Small Business Assistance Advisory Task Force for a term to expire June 14, 2025, Lisa A. Fullerton of Boerne, Texas (Ms. Fullerton is being reappointed).

Appointed to the Office of Small Business Assistance Advisory Task Force for a term to expire June 14, 2025, Omar Veliz of El Paso, Texas (Mr. Veliz is being reappointed).

Appointments for October 25, 2023

Appointed to the State Independent Living Council for a term to expire June 20, 2025, Lisa M. Thompson of Atlanta, Texas (replacing Eva M. Storey of Sugar Land, who resigned).

Appointed to the State Independent Living Council for a term to expire October 24, 2026, Erin "Amanda" Bowdoin of Forney, Texas (replacing April S. Pollreis of Amarillo, whose term expired).

Appointed to the State Independent Living Council for a term to expire October 24, 2026, Melva S. Henderson of Dallas, Texas (Ms. Henderson is being reappointed).

Appointed to the State Independent Living Council for a term to expire October 24, 2026, Bonnie M. Notargiacomo of Willis, Texas (Ms. Notargiacomo is being reappointed).

Appointed to the State Independent Living Council for a term to expire October 24, 2026, Juanita J. "Nita" Webber of Houston, Texas (replacing Debra L. Medellin of Alice, whose term expired).

Greg Abbott, Governor
TRD-202303919



Proclamation 41-4078

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 8, 2022, as amended and renewed in a number of subsequent proclamations, certifying that exceptional drought conditions posed a threat of imminent disaster in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same drought conditions continue to exist in these and other counties in Texas;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Anderson, Andrews, Angelina, Aransas, Archer, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Bosque, Brazoria, Brazos,

Brewster, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Chambers, Clay, Coke, Collin, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Culberson, Dallas, Denton, DeWitt, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fayette, Fort Bend, Freestone, Frio, Gaines, Galveston, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Grimes, Guadalupe, Hamilton, Hardeman, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Houston, Howard, Hudspeth, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Johnson, Karnes, Kaufman, Kendall, Kerr, Kimble, Kinney, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Loving, Madison, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Montague, Montgomery, Nacogdoches, Navarro, Newton, Orange, Palo Pinto, Panola, Parker, Pecos, Polk, Presidio, Reagan, Real, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Shelby, Smith, Somervell, Starr, Sutton, Tarrant, Taylor, Tom Green, Travis, Trinity, Tyler, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, and Zapata Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 21st day of October, 2023.

Greg Abbott, Governor
TRD-202303899



Proclamation 41-4079

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent

threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, I amended the aforementioned proclamation in a number of subsequent proclamations, including to modify the list of affected counties and therefore declare a state of disaster for those counties and for all state agencies affected by this disaster; and

WHEREAS, the certified conditions continue to exist and pose an ongoing and imminent threat of disaster as set forth in the prior proclamations;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster for Bee, Brewster, Brooks, Caldwell, Cameron, Chambers, Colorado, Crane, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Galveston, Goliad, Gonzales, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Mason, Maverick, McCulloch, McMullen, Med-

ina, Menard, Midland, Pecos, Presidio, Real, Refugio, San Patricio, Schleicher, Sutton, Terrell, Throckmorton, Uvalde, Val Verde, Victoria, Webb, Wharton, Wilbarger, Wilson, Zapata, and Zavala Counties and for all state agencies affected by this disaster. All orders, directions, suspensions, and authorizations provided in the Proclamation of May 31, 2021, as amended and renewed in subsequent proclamations, are in full force and effect.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 21st day of October, 2023.

Greg Abbott, Governor

TRD-202303900



THE ATTORNEY GENERAL

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

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

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

Requests for Opinions

RQ-0517-KP

Requestor:

The Honorable Franklin McDonough

31st Judicial District Attorney

Post Office Box 1592

Pampa, Texas 79066

Re: Whether a constable may simultaneously serve as a municipal court judge (RQ-0517-KP)

Briefs requested by November 22, 2023

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

TRD-202303911

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: October 24, 2023



Opinions

Opinion No. KP-0446

The Honorable Brandon Creighton

Chair, Senate Committee on Education

Texas State Senate

Post Office Box 12068

Austin, Texas 78711-2068

Re: Questions relating to the powers and duties of the Galveston Park Board of Trustees (RQ-0507-KP)

S U M M A R Y

Local Government Code chapter 306 authorizes certain municipalities to create a park board and gives such boards certain powers and responsibilities. While a home-rule municipality has the full power of self-government, it may not impose measures on a park board that conflict with state law.

Because the Legislature has not spoken to the issue of removal in chapter 306, a court would likely find the chapter does not preempt a munic-

ipal ordinance removing a park or facility from the park board's management and control.

Tax Code section 351.105 allows eligible coastal municipalities to contract for a park board to use a portion of the hotel occupancy tax for certain statutory purposes without further authorization beyond the contract. The extent to which a municipality may exercise control over the use of hotel occupancy tax funds allocated under section 351.105 will be determined by the provisions of the contract required by subsection 351.105(f)(1).

Opinion No. KP-0447

The Honorable Matthew E. Minick

Hardin County Attorney

Post Office Box 516

Kountze, Texas 77625

Re: Whether an elected constable may serve as a student resource officer, employed as an independent contractor, with a school district located in the constable's precinct (RQ-0506-KP)

S U M M A R Y

Education Code section 37.081 authorizes a school district to retain the services of a school resource officer. A court would likely conclude that a school resource officer may not be retained as an independent contractor. Neither Texas Constitution article XVI, subsection 40(a) nor the common-law doctrine of incompatibility prohibit a constable from acting as a school resource officer under a memorandum of understanding to retain the constable that complies with Education Code section 37.081.

Opinion No. KP-0448

The Honorable Renee Ann Mueller

Washington County Attorney

100 East Main, Suite 200

Brenham, Texas 77833

Re: Whether the District Attorney's Office located in a stand-alone building with no other courts or court offices is a building that houses the operations of a district, county, or justice court for purposes of an expenditure from the courthouse security fund (RQ-0509-KP)

S U M M A R Y

Under Code of Criminal Procedure article 102.017(b), a county commissioners court may use monies from the courthouse security fund to

purchase or repair bullet-proof glass related to buildings that house the operations of district, county, or justice courts. A court would likely conclude that a building does not house the operations of a district, county, or justice court if it is devoid of adjudicators.

Opinion No. KP-0449

The Honorable Eduardo Arredondo

Burnet County Attorney

220 South Pierce

Burnet, Texas 78611

Re: Whether a county commissioners court may cede authority to the county judge to hire a county commissioner's spouse for a position that reports directly to the county judge; and related questions involving Government Code chapter 573 (RQ-0511-KP)

S U M M A R Y

A commissioners court has implied authority to employ persons necessary to carry out county business. A commissioners court may, through official action, delegate to the county judge its implied authority to employ persons.

A court would likely conclude that a county judge who is delegated the commissioners court's implied authority to employ persons is prohibited by the anti-nepotism provision in Government Code section 573.041 from appointing the spouse of a county commissioner to a paid county position.

Pursuant to Government Code section 573.083, a public official who makes, confirms, or votes for an appointment or confirmation of an ineligible individual or who approves an account or authorizes the draw-

ing of a warrant or order to pay the individual's salary potentially commits a misdemeanor involving official misconduct.

Opinion No. KP-0450

The Honorable Matthew A. Mills

Hood County Attorney

1200 West Pearl Street

Granbury, Texas 76048

Re: Authority of the Hood County Development District No. 1 to add an additional member to its board of directors under Local Government Code chapter 383 (RQ-0002-AC)

S U M M A R Y

Local Government Code section 383.041 provides that a county development district is governed by a board of five directors. Local Government Code subsection 383.048(d) establishes who may serve as a board's assistant or deputy secretary. A court would likely conclude that subsection 383.048(d) does not authorize a county development district to add a sixth director to its board.

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

TRD-202303912

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: October 24, 2023



PROPOSED RULES

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

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

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER M. TEXAS EDUCATIONAL OPPORTUNITY GRANT PROGRAM

19 TAC §22.265

The Texas Higher Education Coordinating Board (Coordinating Board) proposes a new rule in Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter M, §22.265, concerning Texas Educational Opportunity Grant Program. Specifically, the new rule will make non-substantive conforming changes based on the consensus reached by the negotiated rulemaking committee on Texas Educational Opportunity Grant Program (August 2, 2023). Reports of negotiated rulemaking committees are public information and are available upon request from the Coordinating Board.

Rule 22.265 is added to make a non-substantive change regarding the placement of text within subchapter M. The text captured in this section, related to Disbursement of Funds to Institutions, is being removed from §22.262 and §22.264 and added in §22.265 verbatim to maintain consistency in the rule structure used in the subchapters of chapter 22. The rule explains the manner in which an institution may request its allocated funding through the Texas Educational Opportunity Grant Program and how unused allocations are handled.

Texas Education Code, §61.0331, requires negotiated rulemaking when adopting a rule related to the allocation or distribution of funding, including financial aid and other trustee funds. Texas Education Code, §61.07761, requires the Coordinating Board to establish and publish the allocation methodologies and to develop procedures to verify the accuracy of the application of those allocation methodologies by Coordinating Board staff.

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

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

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the non-substantive conforming changes required to support the negotiated rulemaking activities to expand student eligibility and provide greater institutional flexibility for the Texas Educational Opportunity Grant Program. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

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

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

The new rule is proposed under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when adopting a rule relating to the allocation or distribution of funds, including financial aid or other trustee funds.

The proposed new rule affects Texas Education Code, Chapter 56, Subchapter P.

§22.265. Disbursement of Funds to Institutions.

As requested by institutions throughout the academic year, the Board shall forward to each participating institution a portion of its allocation of funds for timely disbursement to students. Institutions will have until the close of business on August 1, or the first working day thereafter if it falls on a weekend or holiday, to encumber program funds from

their allocation. After that date, institutions lose claim to any funds in the current fiscal year not yet drawn down from the Board for timely disbursement to students. Funds released in this manner in the first year of the biennium become available to the institution for use in the second year of the biennium. Funds released in this manner in the second year of the biennium become available to the Board for utilization in grant processing. Should these unspent funds result in additional funding available for the next biennium's program, revised allocations, calculated according to the allocation methodology outlined in this rule, will be issued to participating institutions during the fall semester.

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 October 20, 2023.

TRD-202303890

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: December 3, 2023

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



SUBCHAPTER N. TEXAS LEADERSHIP SCHOLARS PROGRAM

19 TAC §§22.285 - 22.297

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter N, §§22.285 - 22.297, concerning the establishment of the Texas Leadership Scholars Program, a merit-based scholarship and leadership opportunity program for high-achieving students with financial need. Specifically, this new subchapter provides information necessary for the implementation and administration of the Program.

Texas Education Code (TEC), Chapter 61, Subchapter T-3, requires the Coordinating Board to adopt rules for the administration of the program, including rules providing for the amount and permissible uses of a scholarship awarded under the program. The legislation only specified student eligibility, conditions for continued participation, and authorization for institutional agreements. The new rules provide clarity and guidance to students, participating institutions, and Coordinating Board staff for the program's implementation.

Specifically, these new sections will outline the authority and purpose, definitions, institutional eligibility requirements, student eligibility requirements, academic achievement support, leadership development opportunities, hardship provisions, scholarship amounts, allocation and disbursement of funds, which are necessary to administer the Texas Leadership Scholars Program.

Rule 22.285 indicates the specific sections of the TEC that provide the agency with authority to issue these rules, as well as the purpose of the Texas Leadership Scholars Program.

Rule 22.286 provides definitions for words and terms within Texas Leadership Scholars rules. The definitions provide clarity for words and terms that are integral to the understanding and administration of the Texas Leadership Scholars rules.

Rule 22.287 outlines the requirements institutions must fulfill to participate in the Texas Leadership Scholars program. The requirements are proposed to: (a) clarify the type of institution eligible to participate, and (b) provide rules specific to requirements the Coordinating Board is proposing to ensure effective administration of the Texas Leadership Scholars Program, such as the requirement that each participating institution enter into an agreement with the Coordinating Board. This section is proposed based on TEC, Section 61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Rule 22.288 outlines the eligibility requirements students must meet to allow an institution to select a student as a scholar under the Texas Leadership Scholars Program. The requirements are proposed to: (a) gather in one place the statutory requirements for the Texas Leadership Scholars Program, including the requirements related to a student's financial need; (b) clarify aspects of the statutory requirements, including the requirements related to the student graduating with a distinguished level of achievement under the Foundation School Program, and qualified either for automatic admission, be nominated, or graduate with a Texas First Diploma; and (c) clarify aspects of the statutory requirements related to student's eligibility to continue in the program, such as making satisfactory academic progress and participation in programmatic requirements. This section is proposed based on TEC, Section 61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Rule 22.289 outlines the satisfactory academic progress requirements related to a student's eligibility to continue in the program. This section is proposed based on TEC, Section 61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Rule 22.290 outlines the guidelines for scholars to transfer to another eligible institution. The requirements are proposed to: (a) clarify that scholars are eligible to transfer once during the student's eligibility period; and (b) clarify that the Coordinating Board will make sure that the scholar will receive the scholarship funds during their eligibility period. This section is proposed based on TEC, Section 61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Rule 22.291 outlines the process and the criteria in which institutions will select students to receive the Texas Leadership Scholars scholarship. The requirements are proposed to: (a) clarify that students will indicate interest through an application; and (b) that institutions will make selections based on a student's eligibility, evidence of leadership, service, and academic achievement. This section is proposed based on TEC, Section 61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Rules 22.292 and 22.293 outline the requirements that institutions must fulfill to provide programmatic experiences for scholars in the program. The requirements are proposed to: (a) clarify the types of academic achievement and leadership development programmatic elements institutions must provide for scholars; and (b) clarify if the institution is unable to provide the listed programmatic elements, the process for approval for alternative programming. This section is proposed based on TEC, Section 61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Rule 22.294 outlines the requirements that institutions must follow to determine when scholars are no longer eligible to participate in the Texas Leadership Scholars Program. The requirements are proposed to: (a) gather in one place the statutory requirements for the Texas Leadership Scholars Program, including the requirements related to a student's enrollment and the transfer policy; and (b) clarify the aspects of the statutory requirements, such as the student being enrolled in a baccalaureate degree and receiving the scholarship for no more than four years.

Rule 22.295 outlines the criteria for an institution to allow an eligible scholar a hardship provision under the Texas Leadership Scholars Program. This section provides institutions with the provisions for hardship consideration and defines the conditions the hardship may include such as severe illness. This section outlines the process in which the institution must document the circumstances of the hardship.

Rule 22.296 outlines the scholarship amounts and how the Coordinating Board will allocate the funds to institutions. The proposed rule provides the process in which the number of initial scholarships is determined, the number of scholarships for returning scholars, and the annual allocation formula for each institution.

Rule 22.297 establishes the mechanisms by which the Coordinating Board will disburse the funds to each participating institutions to support their participation in the Texas Leadership Scholars Program, as well as the institutions' participation in the process. The proposed rule provides the frequency of disbursements to each institution and the way the institutions will have the opportunity to review the calculation for accuracy. This section is proposed based on TEC, Section 61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Dr. Jennielle Strother, Assistant Commissioner for Student Success, has determined that for each of the first five years the sections are in effect the rules do not impose additional costs of compliance beyond those provided in statute. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

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

Dr. Jennielle Strother has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be the increase in number of high-achieving, economically disadvantaged students who pursue higher education opportunities they may not have been able to afford or access otherwise. There are no anticipated economic costs to persons who are required to comply with the sections as proposed. Participation in the Texas Leadership Scholars program is voluntary.

Government Growth Impact Statement

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

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

(5) the rules will create a new rule;

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

(7) the rules will change the number of individuals subject to the rule; and

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

Comments on the proposal may be submitted to Dr. Jennielle Strother, Assistant Commissioner for Student Success, P.O. Box 12788, Austin, Texas 78711-2788, or via email at CRI@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Education Code, Section 61.897, which provides the Coordinating Board with the authority to adopt rules as necessary to implement the Texas Leadership Scholars Program.

The proposed new sections affect Texas Education Code, Sections 61.891 - 61.897.

§22.285. Authority and Purpose.

(a) Authority for this subchapter is provided in Texas Education Code, chapter 61, subchapter T-3, §§61.891 - 61.897, Texas Leadership Scholars Program.

(b) The purpose of this program is to provide merit scholarships coupled with academic achievement support and leadership development to assist eligible students to enroll in and graduate from public institutions of higher education in this state.

§22.286. Definitions.

In addition to the words and terms defined in §22.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. In the event of conflict, the definitions in this subchapter shall control.

(1) Administrator--The institution of higher education contracted by the Texas Higher Education Coordinating Board to administer the Program.

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

(3) Commissioner--The Commissioner of Higher Education.

(4) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board and its staff.

(5) Eligible Institution--A general academic teaching institution as defined by section 61.003(3) of the Texas Education Code.

(6) Mentoring--A program in which a student is paired with or serves as a mentor.

(7) Program--The Texas Leadership Scholars Program.

(8) Scholar--An eligible student who applied and was selected to participate in the Texas Leadership Scholars Program by a participating institution.

(9) Scholarship--A scholarship awarded to a scholar under the Program.

§22.287. Eligible Institutions.

(a) Responsibilities. A participating eligible institution is required to:

(1) Abide by the General Provisions outlined in subchapter A of this chapter (relating to General Provisions);

(2) Create and comply with policies that prohibit discrimination against or deny participation in or the benefits of the Program described in this subchapter on the basis; of race, color, national origin, gender, religion, age, or disability;

(3) Comply with the Civil Rights Act of 1964, Title VI (Public Law 88-353) in avoiding discrimination in admissions or employment;

(4) Ensure each Scholar receives sufficient financial aid from federal, state, and institutional grants and scholarships other than the scholarship awarded under the program to cover full tuition and fees for 4 years at no cost to the Scholar so long as the Scholar maintains eligibility; and

(5) Provide all reports regarding the program to the Coordinating Board or Administrator.

(b) Approval.

(1) Agreement. Each eligible institution must enter into an agreement with the Coordinating Board, the terms of which shall be prescribed by the Commissioner, prior to receiving reimbursement through the program.

(2) Approval Deadline.

(A) Each eligible institution must indicate an intent to participate in the program by emailing the Administrator by June 15 and enter into an agreement with the Coordinating Board by August 31 for qualified students enrolled in that institution to be eligible to receive scholarships in the following biennium.

(B) Notwithstanding subparagraph (A) of this paragraph, for the 2023-24 academic year, an eligible institution may indicate intent to participate in the program by the administrative deadline established by the Commissioner.

§22.288. Eligible Students.

(a) To receive an initial award through the Program, a student must:

(1) Submit an application for scholarship consideration through the Coordinating Board or Administrator;

(2) Have Texas resident status, as determined by chapter 21, subchapter B of this title (relating to Determination of Resident Status);

(3) Graduate from a Texas public high school, including an open-enrollment charter school;

(4) Be enrolled full-time in a baccalaureate degree program at a participating institution the fall semester immediately following high school graduation;

(5) Have applied for any available financial aid assistance;

(6) Be TEXAS Grant eligible, as determined by subchapter L, §22.228 of this chapter (relating to Eligible Students) and meet one of the following criteria under subparagraph (A) or (B) of this paragraph:

(A) Graduate with a distinguished level of achievement under the foundation high school program, and:

(i) Graduate in the top 10% of the student's high school graduating class; or

(ii) Submit with the application a nomination letter from the student's high school principal or counselor; or

(B) Be eligible to graduate with a Texas First Diploma as set out in chapter 21, subchapter D of this title (relating to Texas First Early High School Completion Program).

(b) To receive a continuation award through the Program, a scholar must:

(1) Have previously received an initial year award through this Program;

(2) Be enrolled full-time in a baccalaureate degree program where the scholar received initial award or at another participating eligible institution to which the student has transferred during the period of eligibility;

(3) Make satisfactory academic progress toward the baccalaureate degree at the eligible institution, as defined in §22.289 of this subchapter (relating to Satisfactory Academic Progress) unless the scholar is granted a hardship extension in accordance with §22.295 of this subchapter (relating to Hardship Provision);

(4) Have completed or is on target to complete programmatic requirements set forth in §22.291 and §22.292 of this subchapter (relating to Scholarship Selection Criteria and Academic Achievement Support, respectively) as reported by participating institution.

§22.289. Satisfactory Academic Progress.

To qualify for a scholarship, each recipient of the scholarship shall meet the satisfactory academic progress requirements as utilized by the financial aid office of the eligible institution to determine eligibility for federal financial aid programs.

§22.290. Transfer.

A Scholar may transfer to another eligible institution not more than once during the student's period of eligibility. The Coordinating Board shall ensure that a participating eligible institution who enrolls a Scholar receives the scholarship funds for that student's remaining period of eligibility.

§22.291. Scholarship Selection Criteria.

The Coordinating Board or Administrator will receive scholarship applications and will forward qualified applications to each participating eligible institution of interest and the participating eligible institutions shall make selections based on a student's:

(1) Scholarship interest through the application;

(2) Ranking of the participating eligible institution as a top choice;

(3) Eligibility criteria set forth in §22.288 of this subchapter (relating to Eligible Students);

(4) Evidence of leadership and service within their high school and community; and

(5) Demonstrated academic achievement and ability.

§22.292. Academic Achievement Support.

(a) Each participating eligible institution shall ensure that each Scholar's experience includes, at a minimum, the following academic programmatic elements:

(1) Program cohort learning communities;

(2) Mentoring, research, and internship opportunities;

(3) Networking with state government, business, and civic leaders; and

(4) Statewide cohort learning institutes or seminars.

(b) The Coordinating Board may enter into agreements with participating eligible institutions to provide research-based support for

scholars to make satisfactory academic progress and graduate on time at participating institutions.

(c) If a participating eligible institution is unable to include a scholar or scholars in subsection (a) of this section, academic programmatic elements, they must provide alternative programming that has been approved by the Commissioner to aid the scholar in making academic progress.

§22.293. Leadership Development.

(a) Each participating eligible institution must ensure that a Scholar's experience includes, at a minimum, the following cohort-based leadership development elements:

(1) Leadership development programming; and

(2) Scholar summer programming which may be met through participating in a leadership conference, study abroad, or internship opportunities.

(b) The Coordinating Board may enter into agreements with participating eligible institutions to provide leadership development opportunities for scholars.

(c) If a participating eligible institution is unable to include a scholar or scholars in subsection (a) of this section, leadership development requirements, they must provide alternative programming that has been approved by the Commissioner to meet similar outcomes.

§22.294. Discontinuation of Eligibility or Non-Eligibility.

(a) A student who has already earned a baccalaureate degree at any public or private post-secondary institution is ineligible to participate in the program.

(b) Unless granted a hardship postponement in accordance with §22.295 of this subchapter (relating to Hardship Provisions), a student's eligibility for a grant ends:

(1) Five years from the start of the semester in which the student enrolls in the baccalaureate degree program at the eligible institution;

(2) Once the student has earned a cumulative total of 150 credit hours, including transferred hours, as verified by the student's institution; or

(3) If a Scholar transfers to another institution, except as authorized under §22.290 of this subchapter (relating to Transfer).

(c) Except as provided in §22.295 of this subchapter, a student may not receive a scholarship more than four years from the start of the semester in which the student enrolls in the baccalaureate degree program at the participating eligible institution.

§22.295. Hardship Provisions.

(a) In the event of a hardship or for other good cause as determined by the eligible institution, the Program Officer at the institution may allow an otherwise eligible Scholar to receive a scholarship:

(1) While enrolled in fewer semester credit hours than required in §22.288 of this subchapter (relating to Eligible Students);

(2) If the Scholar fails to meet the satisfactory academic progress requirements of §22.288 of this subchapter; or

(3) If the scholar requires an extension of the limits found in §22.294(b) of this subchapter (relating to Discontinuation of Eligibility or Non-Eligibility) to complete his or her degree.

(b) Hardship conditions may include:

(1) Documentation of a serious health/condition that makes the Scholar unable to attend school or complete academic study;

(2) Documentation that the Scholar is responsible for the care of a child, spouse, or parent who has a serious health condition, sick, injured, or and that the scholar's provision of care may affect his or her academic performance;

(3) The birth of a child or placement of a child with the student for adoption or foster care; or

(4) Scholar needing fewer than twelve semester credit hours to complete Scholar's degree plan.

(c) A hardship under this section may extend for a period of no longer than one year.

(d) Documentation of the hardship circumstances approved for a Scholar to receive a scholarship must be kept in the Scholar's files, and the institution must identify Scholars approved for a scholarship based on a hardship to the Coordinating Board, so that it may appropriately monitor each Scholar's period of eligibility.

(e) Eligible institutions shall adopt a hardship policy under this section, share such policy with Scholars and have the policy available in the financial aid office for public review upon request.

§22.296. Scholarship Amounts and Allocation of Funds.

(a) Funding. The Coordinating Board may not award through this program an amount that exceeds the amount of state appropriations and other funds that are available for this use.

(b) Scholarship Amounts.

(1) The amount of the scholarship in an academic year shall be the average cost of housing and food at the participating institution as approved by the Coordinating Board; and

(2) An institution may not reduce the amount of a scholarship by any gift aid for which the Scholar receiving the scholarship is eligible unless the total amount of a Scholar's scholarship plus any gift aid received exceeds the Scholar's cost of attendance.

(c) Allocation of Funds.

(1) The Commissioner shall determine and announce the number of initial scholarships available to each participating institution by January 31 of the prior fiscal year set forth in §22.288(a) of this subchapter (relating to Eligible Students);

(2) The number of scholarships for returning scholars will be the number of scholars eligible to receive the scholarship set forth in §22.288(b) of this subchapter; and

(3) Each participating eligible institution will receive an annual allocation equal to the number of scholarships times the average housing and food approved by the Commissioner. This amount shall include the amount necessary to cover the scholarships of a Scholar who transferred to the institution as authorized under this subchapter.

§22.297. Disbursement of Funds.

Upon request by an institution throughout the academic year, the Coordinating Board shall forward to each participating eligible institution a portion of its allocation of funds for timely disbursement to Scholars. Each participating eligible institution shall have until the close of business on August 1, or the first working day thereafter if it falls on a weekend or holiday, to encumber program funds from their allocation. After that date, an institution may lose any funds in the current fiscal year not yet drawn down from the Coordinating Board for timely disbursement to Scholars. Funds released in this manner are deemed returned to the Coordinating Board.

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

Filed with the Office of the Secretary of State on October 20, 2023.

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: December 3, 2023

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



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 61. SCHOOL DISTRICTS

SUBCHAPTER AA. COMMISSIONER'S

RULES ON SCHOOL FINANCE

The Texas Education Agency (TEA) proposes the repeal of §61.1008 and new §61.1008, concerning the school safety allotment. The proposed repeal and new rule would reflect changes to the school safety allotment made by House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and HB 3, 88th Texas Legislature, Regular Session, 2023.

BACKGROUND INFORMATION AND JUSTIFICATION: HB 3, 86th Texas Legislature, 2019, transferred many Foundation School Program formulas from Texas Education Code (TEC), Chapters 41 and 42, to Chapter 48. However, TEC, §42.168, which authorized the school safety allotment, remained in Chapter 42. Section 61.1008 was adopted to allow the school safety allotment authorized under TEC, §42.168, to be treated as an allotment under TEC, Chapter 48, Subchapter C. HB 1525, 87th Texas Legislature, Regular Session, 2021, transferred and redesignated TEC, §42.168, to §48.115, making the existing rule unnecessary.

HB 3, 88th Texas Legislature, Regular Session, 2023, amended TEC, §48.115(a)(2), to create a per-campus safety allotment in addition to the per-student funding districts and open-enrollment charter schools are currently provided by appropriation for each student in average daily attendance.

Proposed new §61.1008 would implement the school safety allotment authorized under TEC, §48.115.

Proposed new subsection (a) would clarify definitions applicable the school safety allotment.

Proposed new subsection (b) would clarify that eligibility for funding under TEC, §48.115(a)(2), is open to both school districts and open-enrollment charter schools based on qualifying campuses and that juvenile justice alternative education program (JJAEP) campuses or those campuses offering exclusively virtual instruction are not eligible for funding under §61.1008.

Proposed new subsection (c) would clarify the timeline for calculating the school safety allotment entitlement under TEC, §48.115(a)(2), using data from the Texas Student Data System Public Education Information Management System (TSDS PEIMS) summer submission.

Proposed new subsection (d) would clarify that school districts and open-enrollment charter schools will receive estimated funding for eligible campuses at the start of the school year based on the prior year's data from TSDS PEIMS. The final funding amount will be determined using current-year data from TSDS

PEIMS. Any discrepancies between the estimated and final funding will be resolved as part of the Foundation School Program settle-up process as outlined in TEC, §48.272.

FISCAL IMPACT: Mike Meyer, deputy commissioner of finance, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, 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 repeal an existing regulation to remove an unnecessary provision from rule. The proposed rulemaking would also create a new regulation to implement the school safety allotment authorized under TEC, §48.115.

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 or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Meyer 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 implement legislative changes that help school districts provide a safe and secure environment through the school safety allotment. 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 November 3, 2023, and ends December 4, 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 fourteen calendar days after notice of the proposal has been published in the *Texas Register* on November 3, 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/).

19 TAC §61.1008

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §48.004, which requires the commissioner to adopt rules and take action, as necessary, to implement and administer the Foundation School Program; and TEC, §48.115, as amended by House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and HB 3, 88th Texas Legislature, Regular Session, 2023, which establishes provisions for the school safety allotment.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §48.004 and §48.115, as amended by House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and HB 3, 88th Texas Legislature, Regular Session, 2023.

§61.1008. School Safety Allotment.

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 October 23, 2023.

TRD-202303892

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



19 TAC §61.1008

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §48.004, which requires the commissioner to adopt rules and take action, as necessary, to implement and administer the Foundation School Program; and TEC, §48.115, as amended by House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and HB 3, 88th Texas Legislature, Regular Session, 2023, which establishes provisions for the school safety allotment.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §48.004 and §48.115, as amended by House Bill (HB) 1525, 87th Texas Legislature, Regular Session, 2021, and HB 3, 88th Texas Legislature, Regular Session, 2023.

§61.1008. School Safety Allotment.

(a) Definitions. The following definitions apply to the school safety allotment (SSA) in accordance with Texas Education Code (TEC), §48.115.

(1) School district campus--a campus that:

(A) has its own unique campus ID number registered with the Texas Education Agency (TEA), an assigned administrator, enrolled students who are counted for average daily attendance, and assigned instructional staff;

(B) receives federal, state, or local funds or any combination of the three as its primary support;

(C) provides instruction in the Texas Essential Knowledge and Skills;

(D) has one or more grade groups in the range from early education through Grade 12; and

(E) is not a program for students enrolled in another public school, does not provide only virtual instruction, and does not use only facilities not subject to the district's control.

(2) Instructional facility--a term that has the meaning defined by §61.1031(a)(3) of this title (relating to School Safety Requirements).

(b) Eligibility.

(1) Both school districts and open-enrollment charter schools are eligible for the SSA.

(2) Funding under TEC, §48.115(a)(2), will be calculated for campuses that qualify as a school district or an open-enrollment charter school campus and an instructional facility, as defined in subsection (a) of this section, used for teaching the curriculum required by TEC, Chapter 28.

(3) Juvenile justice alternative education program campuses or campuses that provide only virtual instruction are not eligible for funding under TEC, §48.115(a)(2).

(c) Entitlement. In the fall of each school year, as part of the settle-up process for the preceding school year, campus data reported through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) for eligible campuses with confirmed enrollment and average daily attendance from the TSDS PEIMS summer submission will be used to calculate the allotment provided by TEC, 48.115(a)(2).

(d) Estimates. School districts and open-enrollment charter schools will be provided with estimated funding during a school year for eligible campuses based on the prior year's summer TSDS PEIMS data using the same methodology described in subsection (c) of this section to calculate the entitlement. The final entitlement will be based on data from the current school year as provided for in subsection (c) of this section. Any difference from the estimated entitlement will be addressed as part of the Foundation School Program settle-up process according to the provisions of TEC, §48.272.

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

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



CHAPTER 62. COMMISSIONER'S RULES CONCERNING OPTIONS FOR LOCAL REVENUE LEVELS IN EXCESS OF ENTITLEMENT

19 TAC §62.1072

(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 figures in 19 TAC §62.1072 are not included in the print version of the Texas Register. The figures are available in the on-line version of the November 3, 2023, issue of the Texas Register.)

The Texas Education Agency (TEA) proposes an amendment to §62.1072, concerning options and procedures for local revenue in excess of entitlement. The proposed amendment would adopt as a part of the Texas Administrative Code (TAC) the official TEA publications *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2023-2024 School Year* and *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2024-2025 School Year*. The manuals contain the processes and procedures that TEA will use in the administration of the provisions of Texas Education Code (TEC), Chapter 49, and the fiscal, procedural, and administrative requirements that school districts subject to TEC, Chapter 49, must meet.

BACKGROUND INFORMATION AND JUSTIFICATION: The procedures contained in each yearly manual for districts determined to have local revenue in excess of entitlement are proposed as part of the TAC. The intent is to biennially update §62.1072 to refer to the most recently published manuals for the current and upcoming school years. Manuals adopted for previous school years will remain in effect with respect to those school years.

The proposed amendment to §62.1072 would adopt in rule the official TEA publications *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2023-2024 School Year* as Figure: 19 TAC §62.1072(a) and *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2024-2025 School Year* as Figure: 19 TAC §62.1072(b). The section title would be updated to reflect the manuals adopted in the rule.

Each school year's options and procedures for districts determined to have local revenue in excess of entitlement explain how districts subject to excess local revenue are identified; the fiscal, procedural, and administrative requirements those districts must meet; and the consequences for not meeting requirements. The options and procedures also provide information on using the online Foundation School Program (FSP) System to fulfill certain requirements.

The following significant changes are addressed in the updated publications.

In *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2023-2024 School Year*, dates would be changed throughout the manual, and a new date would be added to the calendar to reflect when the agency will provide official notification to districts with local revenue in excess of entitlement after review notification for the 2022-2023 school year in accordance with TEC, §49.0041. Non-substantive, technical edits would also be made.

In *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2024-2025 School Year*, information related to TEC, §48.278, Equalized Wealth Transition Grant, would be removed since the statute expires on September 1, 2024.

FISCAL IMPACT: Mike Meyer, deputy commissioner of finance, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government,

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 by removing references to TEC, §48.278, Equalized Wealth Transition Grant, in the publication that applies to the 2024-2025 school year since the statute expires on September 1, 2024. The proposed rulemaking would also expand an existing regulation by adopting new publications for the 2023-2024 and 2024-2025 school years.

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 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: Mr. Meyer 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 inform the public of the existence of annual publications specifying the processes, procedures, and requirements used in the manuals for school districts with local revenue in excess of entitlement that are established biennially by the commissioner of education and communicated to all school districts. There is no anticipated economic cost to persons who are required to comply with this proposal.

DATA AND REPORTING IMPACT: The proposal would place the specific procedures contained in the publications *Options and Procedures for Local Revenue in Excess of Entitlement 2023-2024 School Year* and *Options and Procedures for Local Revenue in Excess of Entitlement 2024-2025 School Year* in the TAC. TEA administers the options for local revenue in excess of entitlement of TEC, Chapter 49, according to the procedures specified in each yearly manual for districts with excess local revenue. Data reporting requirements are addressed primarily through the online FSP System.

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 November 3, 2023, and ends December 4, 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 November 3, 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 amendment is proposed under Texas Education Code (TEC), §49.006, which authorizes the commissioner of education to adopt rules necessary for the implementation of TEC, Chapter 49, Options for Local Revenue Levels in Excess of Entitlement.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §49.006.

§62.1072. *Options and Procedures for Local Revenue in Excess of Entitlement, 2023-2024 [2021-2022] and 2024-2025 [2022-2023] School Years.*

(a) For the 2023-2024 [2021-2022] school year, the processes and procedures that the Texas Education Agency (TEA) will use in the administration of the provisions of the Texas Education Code (TEC), Chapter 49, and the fiscal, procedural, and administrative requirements that school districts subject to the TEC, Chapter 49, must meet are described in the official TEA publication *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2023-2024 [2021-2022] School Year*; provided in this subsection.

Figure: 19 TAC §62.1072(a)

[Figure: 19 TAC §62.1072(a)]

(b) For the 2024-2025 [2022-2023] school year, the processes and procedures that the TEA will use in the administration of the provisions of the TEC, Chapter 49, and the fiscal, procedural, and administrative requirements that school districts subject to the TEC, Chapter 49, must meet are described in the official TEA publication *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2024-2025 [2022-2023] School Year*; provided in this subsection.

Figure: 19 TAC §62.1072(b)

[Figure: 19 TAC §62.1072(b)]

(c) The specific processes, procedures, and requirements used in the manuals for districts with local revenue in excess of entitlement are established biennially by the commissioner of education and communicated to all school districts.

(d) School district actions and inactions in previous school years and data from those school years will continue to be subject to the annual manual for districts with local revenue in excess of entitlement with respect to those 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 October 23, 2023.

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: December 3, 2023

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

◆ ◆ ◆
TITLE 28. INSURANCE

PART 2. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

CHAPTER 133. GENERAL MEDICAL PROVISIONS

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) proposes to amend 28 TAC §§133.240, 133.250, 133.305, and 133.308, concerning medical disputes for workers' compensation claims. The amendments implement House Bill (HB) 90, 88th Legislature, Regular Session (2023).

EXPLANATION. HB 90 added Labor Code §§401.027, 501.027, 501.028, and 501.029; and amended Labor Code §501.001. The proposed amendments to §§133.240, 133.250, 133.305, and 133.308 are necessary to implement the changes in HB 90 by clarifying workers' compensation coverage for authorized travel by members of the Texas military forces, ensuring that insurance carriers expedite claims for medical benefits by injured members of the Texas military forces, and ensuring that DWC expedites disputes about those claims. The proposed amendments also include an update to the agency's address and non-substantive editorial and formatting changes that make updates for plain language and agency style to improve the rule's clarity.

Section 133.240. The amendments to §133.240 correct typos in existing text and add the requirement from HB 90 that an insurance carrier must accelerate and give priority to a qualifying claim for medical benefits by a member of the Texas military forces, including all required health care for the claim. Amending §133.240 is necessary to ensure that the rule is consistent with HB 90.

Section 133.250. The amendments to §133.250 correct typos in existing text and add the requirement from HB 90 that an insurance carrier must accelerate and give priority to a qualifying claim for medical benefits by a member of the Texas military forces, including all required health care for the claim. Amending §133.250 is necessary to ensure that the rule is consistent with HB 90.

Section 133.305. The amendments to §133.305 add references to the definitions in Government Code §437.001 for "state active duty," "state training and other duty," and "Texas military forces." The amendments also add the requirement from HB 90 that, for a claim under Labor Code §501.028, the travel of a member of the Texas military forces to or from the member's duty location is considered to be in the course and scope of the member's employment if the member is serving on state active duty and engaged in authorized duty under written orders, or is on state training and other duty. Amending §133.305 is necessary to ensure that the rule is consistent with HB 90.

Section 133.308. The amendments to §133.308 update the address for the Managed Care Quality Assurance (MCQA) Office at the Texas Department of Insurance. The amendments also add the requirement from HB 90 that DWC will accelerate and give priority to an appeal from a denial of a qualifying claim for medical benefits made by a member of the Texas military forces, as well as to actions involving all health care required to cure or relieve the effects naturally resulting from a compensable injury. The amendments add the requirement from HB 90 that the member must notify DWC and the independent review officer that the contested case hearing or appeal involves a member of the Texas military forces. Amending §133.308 is necessary to ensure that the rule contains the current MCQA office address and that it is consistent with HB 90.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Deputy Commissioner for Health and Safety Mary Landrum has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the sections, other than that imposed by the statute. This determination was made because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

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

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Landrum expects that enforcing and administering the proposed amendments will have the public benefits of reducing administrative hurdles for members of the Texas military forces with compensable injuries, and ensuring that DWC's rules conform to Labor Code §§401.027, 501.001, 501.027, 501.028, and 501.029, as added and amended by HB 90, and are current and accurate, which promotes transparent and efficient regulation.

Ms. Landrum expects that the proposed amendments will not increase the cost to comply with Labor Code §§401.027, 501.001, 501.027, 501.028, and 501.029, as added and amended by HB 90, because they do not impose requirements beyond those in the statutes. HB 90 clarified workers' compensation coverage for authorized travel by members of the Texas military forces, required that insurance carriers expedite claims for medical benefits by injured members of the Texas military forces, and required that DWC expedite disputes about those claims. Any cost associated with those requirements does not result from the enforcement or administration of the proposed amendments.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. DWC has determined that the proposed amendments will not have an adverse economic effect or a disproportionate economic impact on small or micro businesses, or on rural communities because the proposed amendments implement the requirements in HB 90 and make editorial changes only. The proposed amendments do not change the people the rule affects or impose additional costs. As a result, and in accordance with Government Code §2006.002(c), DWC is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. DWC has determined that this proposal does not impose a possible cost on regulated persons. As a result, no additional rule amendments are required under Government Code §2001.0045.

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

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

DWC made these determinations because the proposed amendments are necessary to implement the changes in HB 90 that clarify workers' compensation coverage for authorized travel by members of the Texas military forces, ensure that insurance carriers expedite claims for medical benefits by injured members of the Texas military forces, and ensure that DWC expedites disputes about those claims. The proposed amendments do not change the people the rules affect or impose additional costs.

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

REQUEST FOR PUBLIC COMMENT. DWC will consider any written comments on the proposal that DWC receives no later than 5 p.m., Central time, on December 4, 2023. Send your comments to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050.

To request a public hearing on the proposal, submit a request before the end of the comment period to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050. The request for public hearing must be separate from any comments. If DWC holds a public hearing, it will consider written and oral comments presented at the hearing.

SUBCHAPTER C. MEDICAL BILL PROCESSING/AUDIT BY INSURANCE CARRIER

28 TAC §133.240, §133.250

STATUTORY AUTHORITY. DWC proposes amendments to §§133.240 and 133.250 under Labor Code §§401.027, 501.001, 501.027, 501.028, 501.029, 402.00111, 402.00116, and 402.061.

Labor Code §401.027, as added by HB 90, 88th Legislature, Regular Session (2023), provides that the travel of a member of

the Texas military forces to or from the member's duty location while serving on state active duty and engaged in authorized duty under written orders or while on state training and other duty is considered to be in the course and scope of the member's employment.

Labor Code §501.001, as amended by HB 90, 88th Legislature, Regular Session (2023), defines "post-traumatic stress disorder," as well as "state active duty" and "Texas military forces."

Labor Code §501.027, as added by HB 90, 88th Legislature, Regular Session (2023), provides requirements for coverage for post-traumatic stress disorder suffered by a member of the Texas military forces on state active duty as a compensable injury.

Labor Code §501.028, as added by HB 90, 88th Legislature, Regular Session (2023), requires an insurance carrier to accelerate and give priority to a claim for medical benefits by a member of the Texas military forces to which §501.028 applies. This includes all health care required to cure or relieve the effects naturally resulting from a compensable injury, defined as a serious bodily injury, as defined by Penal Code §1.07, sustained by a member of the Texas military forces while on state active duty. Section 501.028 requires DWC to accelerate, under rules adopted by the DWC commissioner, a contested case hearing requested by, or an appeal submitted by, a member of the Texas military forces to which §501.028 applies, about the denial of such a claim. Section 501.028 also requires the member to notify DWC and an independent review organization that the contested case or appeal involves a member of the Texas military forces.

Labor Code §501.029, as added by HB 90, 88th Legislature, Regular Session (2023), provides that the purpose of §501.028 is to ensure that a claim for medical benefits by an injured member of the Texas military forces to which §501.029 applies is accelerated by an insurance carrier to the full extent authorized by current law.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

CROSS-REFERENCE TO STATUTE. The amendments to §§133.240 and 133.250 implement the changes to Labor Code §§401.027, 501.001, 501.027, 501.028, and 501.029, enacted by HB 90, 88th Legislature, Regular Session (2023).

§133.240. Medical Payments and Denials.

(a) - (o) (No change.)

(p) For the purposes of this section, all utilization review must be performed by an insurance carrier that is registered with or a utilization review agent that is certified by the Texas Department of Insurance to perform utilization review in accordance with Insurance Code [§] Chapter 4201 and Chapter 19 of this title.

(1) All [Additionally, all] utilization review agents or registered insurance carriers who perform utilization review under this section must comply with Labor Code §504.055 and any other pro-

visions of Chapter 19, Subchapter U of this title (relating to Utilization Reviews for Health Care Provided under Workers' Compensation Insurance Coverage) that relate to the expedited provision of medical benefits to first responders employed by political subdivisions who sustain a serious bodily injury in the course and scope of employment.

(2) In accordance with Labor Code §501.028(b), an insurance carrier must accelerate and give priority to a claim for medical benefits:

(A) by a member of the Texas military forces who,

(i) while on state active duty,

(ii) sustains a serious bodily injury, as defined by Penal Code §1.07;

(B) including all health care required to cure or relieve the effects naturally resulting from a compensable injury.

(q) (No change.)

§133.250. Reconsideration for Payment of Medical Bills.

(a) - (i) (No change.)

(j) For the purposes of this section, all utilization review must be performed by an insurance carrier that is registered with, or a utilization review agent that is certified by, the Texas Department of Insurance to perform utilization review in accordance with Insurance Code [§] Chapter 4201 and Chapter 19 of this title.

(1) All [Additionally, all] utilization review agents or registered insurance carriers who perform utilization review under this section must comply with Labor Code §504.055 and any other provisions of Chapter 19, Subchapter U of this title (relating to Utilization Reviews for Health Care Provided under Workers' Compensation Insurance Coverage) that relate to the expedited provision of medical benefits to first responders employed by political subdivisions who sustain a serious bodily injury in the course and scope of employment.

(2) In accordance with Labor Code §501.028(b), an insurance carrier must accelerate and give priority to a claim for medical benefits:

(A) by a member of the Texas military forces who,

(i) while on state active duty,

(ii) sustains a serious bodily injury, as defined by Penal Code §1.07;

(B) including all health care required to cure or relieve the effects naturally resulting from a compensable injury.

(k) (No change.)

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

Filed with the Office of the Secretary of State on October 23, 2023.

TRD-202303896

Kara Mace

General Counsel

Texas Department of Insurance, Division of Workers' Compensation

Earliest possible date of adoption: December 3, 2023

For further information, please call: (512) 804-4703



SUBCHAPTER D. DISPUTE OF MEDICAL BILLS

28 TAC §133.305, §133.308

STATUTORY AUTHORITY. DWC proposes amendments to §§133.305 and 133.308 under Labor Code §§401.027, 501.001, 501.027, 501.028, 501.029, 402.00111, 402.00116, and 402.061.

Labor Code §401.027, as added by HB 90, 88th Legislature, Regular Session (2023), provides that the travel of a member of the Texas military forces to or from the member's duty location while serving on state active duty and engaged in authorized duty under written orders or while on state training and other duty is considered to be in the course and scope of the member's employment.

Labor Code §501.001, as amended by HB 90, 88th Legislature, Regular Session (2023), defines "post-traumatic stress disorder," as well as "state active duty" and "Texas military forces."

Labor Code §501.027, as added by HB 90, 88th Legislature, Regular Session (2023), provides requirements for coverage for post-traumatic stress disorder suffered by a member of the Texas military forces on state active duty as a compensable injury.

Labor Code §501.028, as added by HB 90, 88th Legislature, Regular Session (2023), requires an insurance carrier to accelerate and give priority to a claim for medical benefits by a member of the Texas military forces to which §501.028 applies. This includes all health care required to cure or relieve the effects naturally resulting from a compensable injury, defined as a serious bodily injury, as defined by Penal Code §1.07, sustained by a member of the Texas military forces while on state active duty. Section 501.028 requires DWC to accelerate, under rules adopted by the DWC commissioner, a contested case hearing requested by, or an appeal submitted by, a member of the Texas military forces to which §501.028 applies, about the denial of such a claim. Section 501.028 also requires the member to notify DWC and an independent review organization that the contested case or appeal involves a member of the Texas military forces.

Labor Code §501.029, as added by HB 90, 88th Legislature, Regular Session (2023), provides that the purpose of §501.028 is to ensure that a claim for medical benefits by an injured member of the Texas military forces to which §501.029 applies is accelerated by an insurance carrier to the full extent authorized by current law.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

CROSS-REFERENCE TO STATUTE. The amendments to §§133.305 and 133.308 implement the changes to Labor Code §§401.027, 501.001, 501.027, 501.028, and 501.029, enacted by HB 90, 88th Legislature, Regular Session (2023).

§133.305. *MDR--General.*

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

(1) - (11) (No change.)

(12) State active duty--As defined by §437.001, Government Code.

(13) State training and other duty--As defined by §437.001, Government Code.

(14) Texas military forces--As defined by §437.001, Government Code.

(b) - (e) (No change.)

(f) Texas Military Forces. For a claim under Labor Code §501.028, the travel of a member of the Texas military forces to or from the member's duty location is considered to be in the course and scope of the member's employment if the member is:

(1) serving on state active duty and engaged in authorized duty under written orders; or

(2) on state training and other duty.

§133.308. *MDR of Medical Necessity Disputes.*

(a) - (f) (No change.)

(g) Requests. A request for independent review must be filed in the form and manner prescribed by the department. The department's IRO request form may be obtained from:

(1) the department's website at <http://www.tdi.texas.gov/>;
or

(2) the Managed Care Quality Assurance Office, Mail Code LH-MCQA [103-6A], Texas Department of Insurance, P.O. Box 12030 [149104], Austin, Texas 78711-2030 [78714-9104].

(h) - (t) (No change.)

(u) First Responders. In accordance with Labor Code §504.055(d), an appeal regarding the denial of a claim for medical benefits, including all health care required to cure or relieve the effects naturally resulting from a compensable injury involving a first responder will be accelerated by the division and given priority. The party seeking to expedite the contested case hearing or appeal must ~~shall~~ provide notice to the division and independent review organization that the contested case hearing or appeal involves a first responder.

(v) Texas Military Forces. In accordance with Labor Code §501.028, the division will accelerate and give priority to an appeal from a denial of a claim for medical benefits.

(1) This subsection applies to a claim for medical benefits made by a member of the Texas military forces who, while on state active duty, sustains a serious bodily injury, as defined by Penal Code §1.07.

(2) The division will accelerate and give priority to actions involving all health care required to cure or relieve the effects naturally resulting from a compensable injury.

(3) The member must notify the division and IRO that the CCH or appeal involves a member of the Texas military forces.

(w) ~~(+)~~ Enforcement. The department or the division may initiate appropriate proceedings under Chapter 12 of this title or Labor Code, Title 5 and division rules against an independent review organization or a person conducting independent reviews.

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 October 23, 2023.

TRD-202303897

Kara Mace

General Counsel

Texas Department of Insurance, Division of Workers' Compensation

Earliest possible date of adoption: December 3, 2023

For further information, please call: (512) 804-4703



CHAPTER 134. BENEFITS--GUIDELINES FOR MEDICAL SERVICES, CHARGES, AND PAYMENTS

SUBCHAPTER G. PROSPECTIVE AND CONCURRENT REVIEW OF HEALTH CARE

28 TAC §134.600

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) proposes to amend 28 TAC §134.600, concerning preauthorization, concurrent utilization review, and voluntary certification of health care. The amendments implement House Bill (HB) 90, 88th Legislature, Regular Session (2023).

EXPLANATION. HB 90 added Labor Code §§401.027, 501.027, 501.028, and 501.029; and amended Labor Code §501.001. The proposed amendments to §134.600 are necessary to implement the changes in HB 90 by ensuring that insurance carriers expedite claims for medical benefits by injured members of the Texas military forces, including all health care required for the compensable injury. The proposed amendments also include nonsubstantive editorial and formatting changes that make updates for plain language and agency style to improve the rule's clarity.

Section 134.600. The amendments to §134.600 correct typos in existing text and add the requirement from HB 90 that an insurance carrier must accelerate and give priority to a qualifying claim for medical benefits by a member of the Texas military forces, including all required health care for the claim. Amending §134.600 is necessary to ensure that the rule is consistent with HB 90.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Deputy Commissioner for Health and Safety Mary Landrum has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the section, other than that imposed by the statute. This determination was made because the proposed amendments do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

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

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments are in effect, Ms. Landrum

expects that enforcing and administering the proposed amendments will have the public benefits of reducing administrative hurdles for members of the Texas military forces with compensable injuries, and ensuring that DWC's rules conform to Labor Code §§401.027, 501.001, 501.027, 501.028, and 501.029, as added and amended by HB 90, and are current and accurate, which promotes transparent and efficient regulation.

Ms. Landrum expects that the proposed amendments will not increase the cost to comply with Labor Code §§401.027, 501.001, 501.027, 501.028, and 501.029, as added and amended by HB 90, because they do not impose requirements beyond those in the statutes. HB 90 clarified workers' compensation coverage for authorized travel by members of the Texas military forces, required that insurance carriers expedite claims for medical benefits by injured members of the Texas military forces, and required that DWC expedite disputes about those claims. Any cost associated with those requirements does not result from the enforcement or administration of the proposed amendments.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. DWC has determined that the proposed amendments will not have an adverse economic effect or a disproportionate economic impact on small or micro businesses, or on rural communities because the proposed amendments implement the requirements in HB 90 and make editorial changes only. The proposed amendments do not change the people the rule affects or impose additional costs. As a result, and in accordance with Government Code §2006.002(c), DWC is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. DWC has determined that this proposal does not impose a possible cost on regulated persons. As a result, no additional rule amendments are required under Government Code §2001.0045.

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

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

DWC made these determinations because the proposed amendments are necessary to implement the changes in HB 90 that ensure that insurance carriers expedite claims for medical benefits by injured members of the Texas military forces. The proposed amendments do not change the people the rule affects or impose additional costs.

TAKINGS IMPACT ASSESSMENT. DWC has determined that no private real property interests are affected by this proposal, and this proposal does not restrict or limit an owner's right to

property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

REQUEST FOR PUBLIC COMMENT. DWC will consider any written comments on the proposal that DWC receives no later than 5 p.m., Central time, on December 4, 2023. Send your comments to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050.

To request a public hearing on the proposal, submit a request before the end of the comment period to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050. The request for public hearing must be separate from any comments. If DWC holds a public hearing, it will consider written and oral comments presented at the hearing.

STATUTORY AUTHORITY. DWC proposes amendments to §134.600 under Labor Code §§401.027, 501.001, 501.027, 501.028, 501.029, 402.00111, 402.00116, and 402.061.

Labor Code §401.027, as added by HB 90, 88th Legislature, Regular Session (2023), provides that the travel of a member of the Texas military forces to or from the member's duty location while serving on state active duty and engaged in authorized duty under written orders or while on state training and other duty is considered to be in the course and scope of the member's employment.

Labor Code §501.001, as amended by HB 90, 88th Legislature, Regular Session (2023), defines "post-traumatic stress disorder," as well as "state active duty" and "Texas military forces."

Labor Code §501.027, as added by HB 90, 88th Legislature, Regular Session (2023), provides requirements for coverage for post-traumatic stress disorder suffered by a member of the Texas military forces on state active duty as a compensable injury.

Labor Code §501.028, as added by HB 90, 88th Legislature, Regular Session (2023), requires an insurance carrier to accelerate and give priority to a claim for medical benefits by a member of the Texas military forces to which §501.028 applies. This includes all health care required to cure or relieve the effects naturally resulting from a compensable injury, defined as a serious bodily injury, as defined by Penal Code §1.07, sustained by a member of the Texas military forces while on state active duty. Section 501.028 requires DWC to accelerate, under rules adopted by the DWC commissioner, a contested case hearing requested by, or an appeal submitted by, a member of the Texas military forces to which §501.028 applies, about the denial of such a claim. Section 501.028 also requires the member to notify DWC and an independent review organization that the contested case or appeal involves a member of the Texas military forces.

Labor Code §501.029, as added by HB 90, 88th Legislature, Regular Session (2023), provides that the purpose of §501.028 is to ensure that a claim for medical benefits by an injured member of the Texas military forces to which §501.029 applies is accelerated by an insurance carrier to the full extent authorized by current law.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

CROSS-REFERENCE TO STATUTE. The amendments to §134.600 implement the changes to Labor Code §§401.027, 501.001, 501.027, 501.028, and 501.029, enacted by HB 90, 88th Legislature, Regular Session (2023).

§134.600. Preauthorization, Concurrent Utilization Review, and Voluntary Certification of Health Care.

(a) - (t) (No change.)

(u) For the purposes of this section, all utilization review must be performed by an insurance carrier that is registered with, or a utilization review agent that is certified by, the Texas Department of Insurance to perform utilization review in accordance with Insurance Code [;] Chapter 4201 and Chapter 19 of this title (relating to Licensing and Regulation of Insurance Professionals). [Agents' Licensing]. Additionally, all utilization review agents or registered insurance carriers who perform utilization review under this section must comply with Labor Code §504.055 and any other provisions of Chapter 19, Subchapter U of this title (relating to Utilization Reviews for Health Care Provided under Workers' Compensation Insurance Coverage) that relate to the expedited provision of medical benefits to first responders employed by political subdivisions who sustain a serious bodily injury in course and scope of employment.]

(1) All utilization review agents or registered insurance carriers who perform utilization review under this section must comply with Labor Code §504.055 and any other provisions of Chapter 19, Subchapter U of this title (relating to Utilization Reviews for Health Care Provided under Workers' Compensation Insurance Coverage) that relate to the expedited provision of medical benefits to first responders employed by political subdivisions who sustain a serious bodily injury in the course and scope of employment.

(2) In accordance with Labor Code §501.028(b), an insurance carrier must accelerate and give priority to a claim for medical benefits:

(A) by a member of the Texas military forces who,

(i) while on state active duty,

(ii) sustains a serious bodily injury, as defined by Penal Code §1.07;

(B) including all health care required to cure or relieve the effects naturally resulting from a compensable injury.

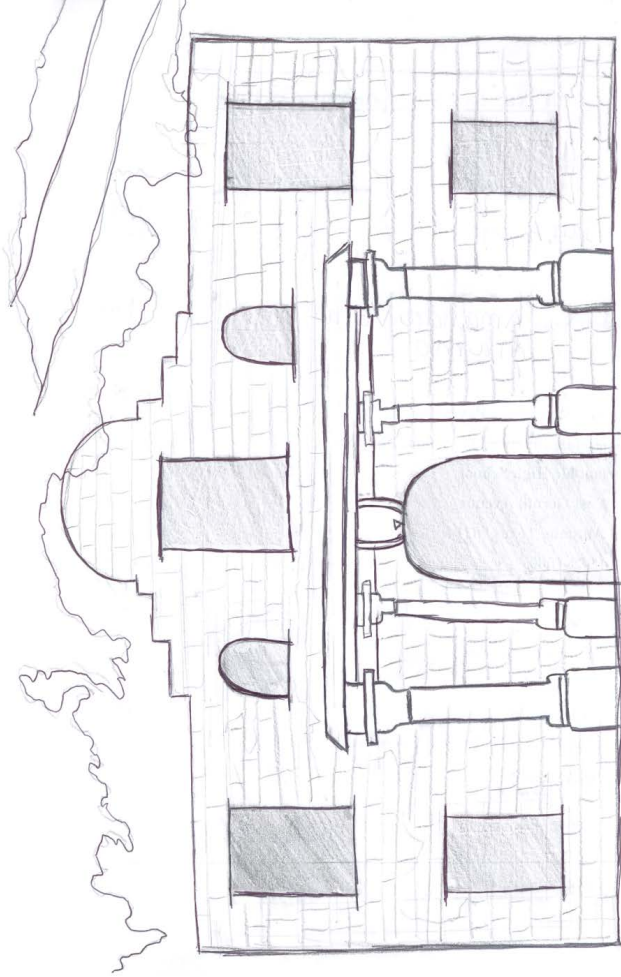
The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TRD-202303894

Kara Mace
General Counsel
Texas Department of Insurance, Division of Workers' Compensation
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For further information, please call: (512) 804-4703





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 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER N. TEXAS LEADERSHIP SCHOLARS PROGRAM

19 TAC §§22.265 - 22.277

The Texas Higher Education Coordinating Board withdraws proposed new §§22.265 - 22.277 which appeared in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5929).

Filed with the Office of the Secretary of State on October 20, 2023.

TRD-202303888

Nichole Bunker-Henderson

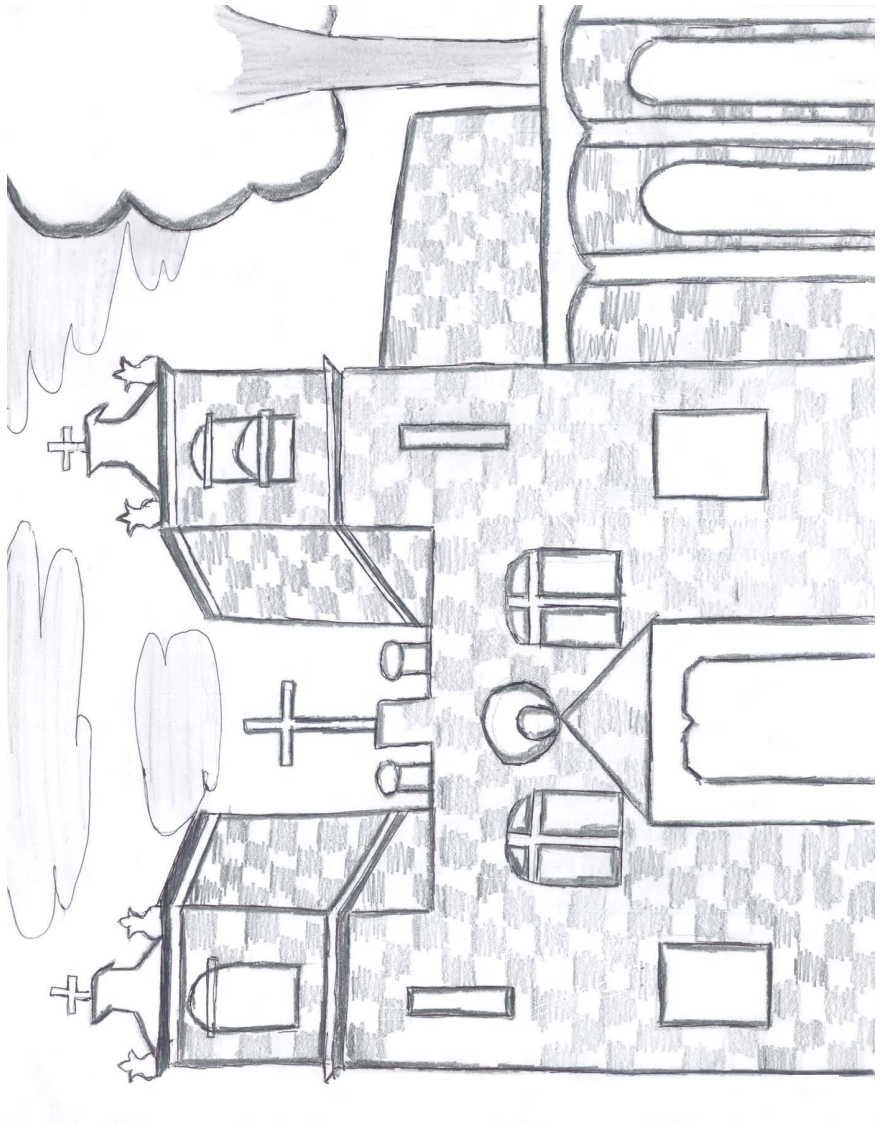
General Counsel

Texas Higher Education Coordinating Board

Effective date: October 20, 2023

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





ADOPTED RULES

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

TITLE 1. ADMINISTRATION

PART 2. TEXAS ETHICS COMMISSION

CHAPTER 18. GENERAL RULES CONCERNING REPORTS

1 TAC §§18.21, 18.23 - 18.26

The Texas Ethics Commission (the Commission) adopts the repeal of §§18.21, 18.23, 18.24, 18.25 and 18.26 of Chapter 18, Title 1 of the Texas Administrative Code, regarding the administrative waivers of statutory civil penalties for late filing of statements and reports. The repeals are adopted without changes to the proposed text as published in the May 5, 2023, issue of the *Texas Register* (48 TexReg 2265). The rules will not be republished.

The Commission seeks to simplify the rules and streamline the processing of requests for waiver or reduction of civil penalties for late reports assessed through the "administrative process." The rules as currently constructed are overly complicated. The complexity makes it difficult and time-consuming for staff to process waiver requests. The complexity also makes it difficult for the regulated community to understand their rights under the rules. The Commission believes the rules need to change substantially for the Commission to timely process waiver requests. These repeals are adopted along with new Ethics Commission Rules §§18.21, 18.24, 18.25 and 18.26, which are submitted separately.

No public comments were received on these repealed rules.

The repeal of these rules is adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, and Chapters 305, 571, and 572 of the Government Code.

The repeal of these rules affects Title 15 of the Election Code, and Chapters 305, 571, and 572 of the Government Code.

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

Filed with the Office of the Secretary of State on October 19, 2023.

TRD-202303875

James Tinley

General Counsel

Texas Ethics Commission

Effective date: January 1, 2024

Proposal publication date: May 5, 2023

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

1 TAC §§18.21, 18.24 - 18.26

The Texas Ethics Commission (the Commission) adopts new Texas Ethics Commission Rules in Chapter 18. Specifically, the Commission adopts new rules §18.21, regarding Jurisdiction to Consider Waiver Request, §18.24, regarding General Guidelines for Administrative Waiver or Reduction of Statutory Civil Penalties, §18.25, regarding Administrative Waiver or Reduction of Certain Statutory Civil Penalties, and §18.26, regarding Administrative Waiver or Reduction of Statutory Civil Penalties in Excess of \$500. New §18.21 and §18.24 are adopted without changes to the proposed text as published in the May 5, 2023, issue of the *Texas Register* (48 TexReg 2265) and will not be republished. New §18.25 and §18.26 are adopted with changes to the proposed text and will be republished.

The Commission seeks to simplify the rules and streamline the processing of requests for waiver or reduction of civil penalties for late reports assessed through the administrative process. The rules as currently constructed are overly complicated. The complexity makes it difficult and time-consuming for staff to process waiver requests. The complexity also makes it difficult for the regulated community to understand their rights under the rules. The Commission believes the rules need to change substantially for the Commission to timely process waiver requests. These new rules are submitted along with the repeal of 1 TAC §§18.21, 18.23, 18.24, 18.25 and 18.26, which is submitted separately. The rules preserve the right to appeal the determination of a waiver or reduction under the rules to the Commission.

No public comments were received on these new rules.

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, and Chapters 305, 571, and 572 of the Government Code.

The adoptions affect Title 15 of the Election Code, and Chapters 305, 571, and 572 of the Government Code.

§18.25. Administrative Waiver or Reduction of Certain Statutory Civil Penalties.

(a) The executive director shall apply this section to a late report subject to a statutory civil penalty of not more than \$500.

(b) The executive director shall use the following chart to determine the level of waiver or reduction of a civil penalty under this section:

Figure: 1 TAC §18.25(b)

§18.26. Administrative Waiver or Reduction of Statutory Civil Penalties in Excess of \$500.

(a) The executive director shall apply this section to a late report subject to a statutory civil penalty in excess of \$500.

(b) The executive director shall use the following chart to determine the level of waiver or reduction of a civil penalty under this section:

Figure: 1 TAC §18.26(b)

(c) For purposes of using the chart in subsection (b) of this section:

(1) where the chart identifies a dollar amount, that is the amount of the reduced or waived penalty; and

(2) where the chart identifies a percentage, that is the percentage by which the penalty is reduced.

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 October 19, 2023.

TRD-202303876

James Tinley

General Counsel

Texas Ethics Commission

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Proposal publication date: May 5, 2023

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



1 TAC §18.31

The Texas Ethics Commission (the Commission) adopts amendments to Texas Ethics Commission rules in Chapter 18. Specifically, the Commission amends §18.31, regarding Adjustments to Reporting Thresholds. The amendment is adopted without changes to the proposed text as published in the August 11, 2023, issue of the *Texas Register* (48 TexReg 4341). The rule will not be republished.

Section 571.064(b) of the Government Code requires the Commission to annually adjust reporting thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. The laws under the Commission's authority that include reporting thresholds are Title 15 of the Election Code (campaign finance law), Chapter 305 of the Government Code (lobby law), Chapter 572 of the Government Code (personal financial statements), Chapters 302 and 303 of the Government Code (speaker election, governor for a day, and speaker's reunion day ceremony reports), and section 2155.003 of the Government Code (reporting requirements applicable to the comptroller).

The Commission first adopted adjustments to reporting thresholds in 2019, which were effective on January 1, 2020. These new adjustments, if adopted, will be effective on January 1, 2024, to apply to contributions and expenditures that occur on or after that date. The thresholds contained in the statutes listed in Figures 1 through 5 of 18.31 are also referenced in numerous Commission rules. Those rules have been amended to direct filers to the charts in Rule 18.31; amendments to these rules have been submitted concurrently with this proposal.

No public comments were received on this amended rule.

The amended rule is adopted under Texas Government Code Section 571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, Chapters 302, 303, 305, 572, and section 2155.003 of the Government Code. The amended rule affects Title 15 of the Election Code, Chapters 302, 303, 305, 572, and section 2155.003 of the Government Code.

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

Filed with the Office of the Secretary of State on October 19, 2023.

TRD-202303877

James Tinley

General Counsel

Texas Ethics Commission

Effective date: January 1, 2024

Proposal publication date: August 11, 2023

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



CHAPTER 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES

The Texas Ethics Commission adopts amendments to Texas Ethics Commission rules in Chapter 20, Texas Administrative Code (TAC). Specifically, the Commission adopts amendments to §20.62, regarding Reporting Staff Reimbursement, and §20.65, regarding Reporting No Activity; §20.217, regarding Modified Reporting, §20.219, regarding Content of Candidate's Sworn Report of Contributions and Expenditures, §20.220, regarding Additional Disclosure for the Texas Comptroller of Public Accounts, and §20.221, regarding Special Pre-Election Report by Certain Candidates; §20.275, regarding Exception from Filing Requirement for Certain Local Officeholders, and §20.279, regarding Contents of Officeholder's Sworn Report of Contributions and Expenditures, §20.301, regarding Thresholds for Campaign Treasurer Appointment, §20.303, regarding Appointment of Campaign Treasurer, §20.313, regarding Converting to a General-Purpose Committee, §20.329, regarding Modified Reporting, §20.331, regarding Contents of Specific-Purpose Committee Sworn Report of Contributions and Expenditures, and §20.333, regarding Special Pre-Election Report by Certain Specific-Purpose Committees; §20.401, regarding Thresholds for Appointment of Campaign Treasurer by a General-Purpose Committee, §20.405, regarding Campaign Treasurer Appointment for a General-Purpose Committee, §20.431 regarding Monthly Reporting, §20.433 regarding Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures, §20.434, regarding Alternate Reporting Requirements for General-Purpose Committees, and §20.435, regarding Special Pre-Election Reports by Certain General-Purpose Committees; §20.553, regarding County Executive Committee Accepting Contributions or Making Expenditures Under Certain Amount, and §20.555, regarding County Executive Committee Accepting Contributions or Making Expenditures That Exceed Certain Amount. The amendments are adopted without changes to the proposed text as published in the August 11, 2023, issue of the *Texas Register* (48 TexReg 4342). The rules will not be republished.

Section 571.064(b) of the Texas Government Code requires the Commission to annually adjust reporting thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. The laws under the Commission's authority that include reporting thresholds are Title 15 of the Election Code (campaign finance law), Chapter 305 of the Government Code (lobby law), Chapter 572 of the Government Code (personal financial statements), Chapters 302 and 303 of the Government Code (speaker election, governor for a day, and speaker's reunion day ceremony reports), and section 2155.003 of the Government Code (reporting requirements applicable to the comptroller).

These amended rules direct filers to the reporting thresholds adjusted by amendments to Figures 1 through 5 in Commission Rule 18.31, which has been submitted concurrently with this adoption.

No public comments were received on these amended rules.

SUBCHAPTER B. GENERAL REPORTING RULES

1 TAC §20.62, §20.65

The amendments are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, and Texas Government Code §571.064, which requires the Commission to annually adjust reporting thresholds in accordance with that statute.

The amended rules affect Title 15 of the Election 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 October 19, 2023.

TRD-202303878

James Tinley

General Counsel

Texas Ethics Commission

Effective date: January 1, 2024

Proposal publication date: August 11, 2023

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



SUBCHAPTER C. REPORTING REQUIREMENTS FOR A CANDIDATE

1 TAC §§20.217, 20.219 - 20.221

The amendments are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, Texas Government Code §571.064, which requires the Commission to annually adjust reporting thresholds in accordance with that statute; and Texas Government Code §2155.003, which requires the Commission to adopt rules to implement that section.

The amended rules affect Title 15 of the Election 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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James Tinley

General Counsel

Texas Ethics Commission

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



SUBCHAPTER D. REPORTING REQUIREMENTS FOR AN OFFICEHOLDER WHO DOES NOT HAVE A CAMPAIGN TREASURER APPOINTMENT ON FILE

1 TAC §20.275, §20.279

The amendments are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, and Texas Government Code §571.064, which requires the Commission to annually adjust reporting thresholds in accordance with that statute.

The amended rules affect Title 15 of the Election 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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James Tinley

General Counsel

Texas Ethics Commission

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



SUBCHAPTER E. REPORTS BY A SPECIFIC-PURPOSE COMMITTEE

1 TAC §§20.301, 20.303, 20.313, 20.329, 20.331, 20.333

The amendments are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, and Texas Government Code §571.064, which requires the Commission to annually adjust reporting thresholds in accordance with that statute.

The amended rules affect Title 15 of the Election 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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James Tinley
General Counsel
Texas Ethics Commission
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For further information, please call: (512) 463-5800

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**SUBCHAPTER F. REPORTING RE-
QUIREMENT FOR A GENERAL PURPOSE
COMMITTEE**

1 TAC §§20.401, 20.405, 20.431, 20.433 - 20.435

The amendments are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, and Texas Government Code §571.064, which requires the Commission to annually adjust reporting thresholds in accordance with that statute.

The amended rules affect Title 15 of the Election 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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James Tinley
General Counsel
Texas Ethics Commission
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For further information, please call: (512) 463-5800

◆ ◆ ◆
**SUBCHAPTER I. RULES APPLICABLE TO A
POLITICAL PARTY'S COUNTY EXECUTIVE
COMMITTEE**

1 TAC §20.553, §20.555

The amendments are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, and Texas Government Code §571.064, which requires the Commission to annually adjust reporting thresholds in accordance with that statute.

The amended rules affect Title 15 of the Election 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-202303883
James Tinley
General Counsel
Texas Ethics Commission
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Proposal publication date: August 11, 2023
For further information, please call: (512) 463-5800

◆ ◆ ◆
**CHAPTER 22. RESTRICTIONS ON
CONTRIBUTIONS AND EXPENDITURES**

1 TAC §§22.1, 22.6, 22.7

The Texas Ethics Commission adopts an amendment to Texas Ethics Commission rules in Chapter 22. Specifically, the Commission adopts amendments to §22.1, regarding Certain Campaign Treasurer Appointments Required before Political Activity Begins, §22.6, regarding Reporting Direct Campaign Expenditures, and §22.7, regarding Contribution from Out-of-State Committee. The amendments are adopted without changes to the proposed text as published in the August 11, 2023, issue of the *Texas Register* (48 TexReg 4356). The rules will not be republished.

Section 571.064(b) of the Texas Government Code requires the Commission to annually adjust reporting thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. The laws under the Commission's authority that include reporting thresholds are Title 15 of the Election Code (campaign finance law), Chapter 305 of the Government Code (lobby law), Chapter 572 of the Government Code (personal financial statements), Chapters 302 and 303 of the Government Code (speaker election, governor for a day, and speaker's reunion day ceremony reports), and section 2155.003 of the Government Code (reporting requirements applicable to the comptroller).

These amended rules direct filers to the reporting thresholds adjusted by amendments to Figures 1 through 5 in Commission Rule 18.31, which has been submitted concurrently with this adoption.

No public comments were received on these amended rules.

The amendments are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code, and Texas Government Code §571.064, which requires the Commission to annually adjust reporting thresholds in accordance with that statute.

The amended rules affect Title 15 of the Election 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-202303884

James Tinley
General Counsel
Texas Ethics Commission
Effective date: January 1, 2024
Proposal publication date: August 11, 2023
For further information, please call: (512) 463-5800



CHAPTER 34. REGULATION OF LOBBYISTS SUBCHAPTER B. REGISTRATION REQUIRED

1 TAC §34.41, §34.43

The Texas Ethics Commission adopts an amendment to Texas Ethics Commission rules in Chapter 34. Specifically, the Commission adopts amendments to §34.41, regarding Expenditure Threshold, and §34.43, regarding Compensation and Reimbursement Threshold. The amendments are adopted without changes to the proposed text as published in the August 11, 2023, issue of the *Texas Register* (48 TexReg 4357). The rules will not be republished.

Section 571.064(b) of the Texas Government Code requires the Commission to annually adjust reporting thresholds upward to the nearest multiple of \$10 in accordance with the percentage increase for the previous year in the Consumer Price Index for Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor. The laws under the Commission's authority that include reporting thresholds are Title 15 of the Election Code (campaign finance law), Chapter 305 of the Government Code (lobby law), Chapter 572 of the Government Code (personal financial statements), Chapters 302 and 303 of the Government Code (speaker election, governor for a day, and speaker's reunion day ceremony reports), and section 2155.003 of the Government Code (reporting requirements applicable to the comptroller).

These amended rules direct filers to the reporting thresholds adjusted by amendments to Figures 1 through 5 in Commission Rule 18.31, which has been submitted concurrently with this adoption.

No public comments were received on these amended rules.

The amendments are adopted under Texas Government Code §571.062, which authorizes the commission to adopt rules to administer Chapter 305 of the Election Code; Texas Government Code §305.003, which authorizes the Commission to determine by rule the amount of expenditures made or compensation received over which a person is required to register as a lobbyist; and Texas Government Code §571.064, which requires the Commission to annually adjust reporting thresholds in accordance with that statute.

The amended rules affect Chapter 305 of the Government Code.

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

Filed with the Office of the Secretary of State on October 19, 2023.

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James Tinley
General Counsel
Texas Ethics Commission
Effective date: January 1, 2024
Proposal publication date: August 11, 2023
For further information, please call: (512) 463-5800



PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

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

SUBCHAPTER B. ADVISORY COMMITTEES DIVISION 1. COMMITTEES

1 TAC §351.823

The Texas Health and Human Services Commission (HHSC) adopts an amendment to §351.823, concerning the e-Health Advisory Committee. The amendment to §351.823 is adopted with changes to the proposed text as published in the July 14, 2023, issue of the *Texas Register* (48 TexReg 3790). The rule will be republished.

BACKGROUND AND JUSTIFICATION

The e-Health Advisory Committee (eHAC) was established in 2016 by the HHSC Executive Commissioner, under the authority of Texas Government Code §531.012. This statute requires the HHSC Executive Commissioner to establish and maintain advisory committees; establish rules for the operation of advisory committees; and for advisory committees to provide recommendations to the executive commissioner and the Texas Legislature.

The eHAC advises the HHSC Executive Commissioner and Health and Human Services (HHS) agencies on strategic planning, policy, rules, and services related to the use of health information technology, health information exchange systems, telemedicine, telehealth, and home telemonitoring services. Members meet approximately four times per year in Austin, at the discretion of the eHAC Chair.

Texas Administrative Code Title 1, Part 15, §351.823(i), currently sets the committee's abolishment date on December 31, 2023. In an eHAC meeting held June 6, 2022, committee members voted to recommend amending the committee rule to extend the eHAC for four additional years so the committee can continue to advise on issues related to health information technology and exchange systems, as well as teleservices. A recommendation to extend the committee by four years was also included in the committee's biennial report to the agency in December 2022 (<https://www.hhs.texas.gov/sites/default/files/documents/hhs-ehac-report-dec-2023.pdf>). In response, HHSC proposed to amend §351.823 to extend this committee for two years, from December 31, 2023, to December 31, 2025.

Additional amendments to §351.823 reorganize and format the rule to ensure its consistency with other agency advisory committee rules established under Texas Government Code §531.012.

COMMENTS

The 31-day comment period ended August 14, 2023.

During this period, HHSC received comments regarding the proposed rule from four commenters, including the Texas Association of Health Plans, Quest Diagnostics, and the Texas e-Health Alliance. Following is a summary of comments relating to the amendment to §351.823 and HHSC's responses.

Comment: The Chief Executive Officer at the Texas Association of Health Plans (TAHP) communicated support of a two-year extension of eHAC. TAHP communicated, "eHAC has played critical roles in recommending Texas Medicaid Medical Policy updates to the definition of telemedicine to ensure new technologies could be effectively used during the pandemic, worked to ensure that Texas' health data standards do not deviate from national standards, and improved access to remote patient monitoring for Texas' most vulnerable patients." TAHP expressed belief that, "eHAC serves an important role in furthering [TAHP's] goals by examining the ways health information technology and exchange systems can deliver cost-effective and efficient telemedicine, telehealth, and home telemonitoring services."

Response: This comment supports HHSC's proposal for a two-year extension of the eHAC and the agency will make no revisions to the rule.

Comment: The Chief Executive Officer at the Texas e-Health Alliance and the Vice-President and General Manager at Quest Diagnostics' Southwest Region proposed a four-year extension of the committee, opposing HHSC's proposed two-year extension. Both entities supported a four-year extension with further justification by stating:

"...particularly after the pandemic, a four-year extension will ensure that the issues discussed at eHAC continue to be seen as critical components of the agency's mission and that stakeholders will be able to rely on the committee as a resource and a place where they can provide input."

"A four-year extension...will allow the eHAC to better absorb and respond to the e-health related legislation that passes each session."

Both entities also noted a four-year extension would be consistent with extensions for other committees.

Response: The agency appreciates the comments but declines to make revisions to the rule. The agency prefers to extend the committee for two years and believes an extension until December 31, 2025, enables the committee to continue advising on issues related to health information technology and exchange systems, as well as teleservices. A two-year extension will also allow HHSC the opportunity to evaluate the eHAC and assess the agency's committee needs.

Comment: The agency received an email referencing this rule project, but the body of the email received contained no text.

Response: The Rules Coordination Office alerted the sender but received no response. No revision to the rule is made in response to this email.

HHSC made an edit to subsection (g)(2) for clarification and updated a sentence that stated that, "[a] member serves no more than two consecutive terms..." to "[a] member may serve up to two consecutive terms...."

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §531.0055, which provides that the Executive Commissioner

of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.012(c)(1), which requires the Executive Commissioner to adopt rules consistent with Texas Government Code Chapter 2110 to govern an advisory committee's report requirements.

§351.823. *e-Health Advisory Committee.*

(a) **Statutory authority.** The e-Health Advisory Committee (committee) is established under Texas Government Code §531.012 and is subject to §351.801 of this division (relating to Authority and General Provisions).

(b) **Purpose.** The committee advises the Texas Health and Human Services Commission (HHSC) Executive Commissioner and Health and Human Services system agencies (HHS agencies) on strategic planning, policy, rules, and services related to the use of health information technology, health information exchange systems, telemedicine, telehealth, and home telemonitoring services.

(c) **Tasks.** The committee:

(1) advises HHS agencies on the development, implementation, and long-range plans for health care information technology and health information exchange, including the use of electronic health records, computerized clinical support systems, health information exchange systems for exchanging clinical and other types of health information, and other methods of incorporating health information technology in pursuit of greater cost-effectiveness and better patient outcomes in health care and population health;

(2) advises HHS agencies on incentives for increasing health care provider adoption and usage of an electronic health record and health information exchange systems;

(3) advises HHS agencies on the development, use, and long-range plans for telemedicine, telehealth, and home telemonitoring services, including consultations, reimbursements, and new benefits for inclusion in Medicaid telemedicine, telehealth, and home telemonitoring programs;

(4) makes recommendations to HHS agencies through regularly scheduled meetings and verbal or written recommendations communicated to HHSC staff assigned to the committee;

(5) performs other tasks consistent with its purpose as requested by the Executive Commissioner; and

(6) adopts bylaws to guide the operation of the committee.

(d) **Reporting Requirements.**

(1) No later than December 1 of each even-numbered year, the committee files a written report with the HHSC Executive Commissioner and the Texas Legislature covering the meetings and activities not covered in its most recent report filed with the HHSC Executive Commissioner and Texas Legislature through September 30 of the even-numbered year the report is due to be filed. The report includes:

(A) a list of the meeting dates;

(B) the members' attendance records;

(C) a brief description of actions taken by the committee;

(D) a description of how the committee accomplished its tasks;

(E) a summary of the status of any rules that the committee recommended to HHSC;

(F) a description of activities the committee anticipates undertaking in the next fiscal year;

(G) recommended amendments to this section;

(H) any policy recommendations; and

(I) the costs related to the committee, including the cost of HHSC staff time spent supporting the committee's activities and the source of funds used to support the committee's activities.

(2) No later than December 1 of each odd-numbered year, the committee submits to the HHSC Executive Commissioner an informational briefing memorandum describing the committee's costs, accomplishments, and areas of focus that covers October 1 of the preceding year through September 30 of the odd-numbered year the informational briefing memorandum is due to be filed.

(e) Meetings.

(1) Open meetings. The committee complies with the requirements for open meetings under Texas Government Code Chapter 551, as if it were a governmental body.

(2) Frequency. The committee will meet at least three times a year at the call of the presiding officer.

(3) Quorum. A majority of members constitutes a quorum.

(f) Membership.

(1) The committee is composed of no more than 24 members appointed by the HHSC Executive Commissioner. In selecting members to serve on the committee, HHSC considers the applicants' qualifications, background, and interest in serving.

(2) The committee includes representatives of HHS agencies, other state agencies, and other health and human services stakeholders concerned with the use of health information technology, health information exchange systems, telemedicine, telehealth, and home telemonitoring services. The committee comprises the following voting and non-voting ex officio members:

(A) Voting members representing the following categories:

(i) at least one representative from the Texas Medical Board;

(ii) at least one representative from the Texas Board of Nursing;

(iii) at least one representative from the Texas State Board of Pharmacy;

(iv) at least one representative from the Statewide Health Coordinating Council;

(v) at least one representative of a managed care organization;

(vi) at least one representative of the pharmaceutical industry;

(vii) at least one representative of a health science center in Texas;

(viii) at least one expert on telemedicine;

(ix) at least one expert on home telemonitoring services;

(x) at least one representative of consumers of health services provided through telemedicine;

(xi) at least one Medicaid provider or child health plan program provider;

(xii) at least one representative from the Texas Health Services Authority established under Texas Health and Safety Code Chapter 182;

(xiii) at least one representative of a local or regional health information exchange; and

(xiv) at least one representative with expertise related to the implementation of electronic health records, computerized clinical support systems, and health information exchange systems for exchanging clinical and other types of health information.

(B) Non-voting ex officio members representing the following categories:

(i) at least two non-voting ex officio representatives from HHSC; and

(ii) at least one non-voting ex officio representative from the Texas Department of State Health Services.

(3) When appointing members, the HHSC Executive Commissioner considers the cultural, ethnic, and geographic diversity of Texas, including representation from at least 6 of the 11 Public Health Regions as defined by the Texas Department of State Health Services in accordance with Texas Health and Safety Code §121.007.

(4) Members are appointed for staggered terms so that the terms of half of the members expire on December 31st of each year. Regardless of the term limit, a member serves until the member's replacement has been appointed. This ensures sufficient, appropriate representation.

(A) If a vacancy occurs, the HHSC Executive Commissioner appoints a person to serve the unexpired portion of that term.

(B) Except as may be necessary to stagger terms, the term of each member is two years. A member may apply and be appointed for a second two-year term, which may be served consecutively or nonconsecutively.

(C) This section does not apply to non-voting ex officio members, who serve at the pleasure of the HHSC Executive Commissioner.

(g) Officers. The committee selects from its members the presiding officer and an assistant presiding officer.

(1) The presiding officer serves until July 1st of each even-numbered year. The assistant presiding officer serves until July 1 of each odd-numbered year.

(2) A member may serve up to two consecutive terms as presiding officer or assistant presiding officer.

(3) A member whose term has expired is not eligible to serve in the officer role of chair or vice chair once another person has been appointed to fill the member's position on the committee.

(h) Required Training. Each member must complete training on relevant statutes and rules, including this section; §351.801 of this subchapter; Texas Government Code §531.012; Texas Government Code Chapters 551, 552, and 2110; the HHS Ethics Policy, and other relevant HHS policies. Training will be provided by HHSC.

(i) Travel Reimbursement. Unless permitted by the current General Appropriations Act, members of the committee are not paid to participate in the committee nor reimbursed for travel to and from meetings.

(j) Date of abolition. The committee is abolished and this section expires on December 31, 2025.

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

Filed with the Office of the Secretary of State on October 19, 2023.

TRD-202303874

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Effective date: November 8, 2023

Proposal publication date: July 14, 2023

For further information, please call: (512) 239-8300



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 146. REVOCATION OF PAROLE OR MANDATORY SUPERVISION

37 TAC §146.6, §146.8

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 146, Revocation of Parole or Mandatory Supervision, §146.6 and §146.8. The rules are adopted with changes to the proposed text as published in the August 11, 2023, issue of the *Texas Register* (46 TexReg 4383). The changes were made to accurately denote the revisions made by the 88th Legislature in SB 374 to Government Code, Section 508.282(a). The rules will be republished.

The amendments are adopted to reflect the changes made by the 88th Legislature in SB 374 to Government Code, Section 508.282(a) regarding the time for the parole panel, board designee, or department to dispose of the charges against an inmate or person described by Government Code, Section 508.281(a), and to also provide edits for uniformity and consistency throughout the rules.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under Texas Government Code Sections 508.036(b), 508.0441(a)(5), 508.045(c), 508.281, 508.2811, and 508.283. Section 508.036(b) requires the Board to adopt rules relating to the decision-making processes used by the Board and parole panels. Section 508.0441(a)(5) vests the Board with the authority to determine the continuation, modification, and revocation of parole or mandatory supervision. Section 508.045(c) provides parole panels with the authority to conduct parole revocation and mandatory supervision revocation hearings; and to grant, deny, or revoke parole or mandatory supervision. Sections 508.281 and 508.2811 relate to hearings to determine violations of the releasee's parole or mandatory supervision. Sections 508.282 and 508.283 concern deadlines and sanctions for parole revocation and mandatory supervision revocation hearings.

§146.6. Scheduling of Preliminary Hearing.

(a) Upon request, the Board or the Board's scheduling staff shall schedule a preliminary hearing unless:

(1) more than fourteen calendar days have elapsed from the time the warrant is executed; or

(2) information has not been presented to the Board or the Board's scheduling staff that the releasee was served with the following:

(A) notice of the right to a preliminary hearing and that its purpose is to determine whether there is probable cause or reasonable belief to believe the releasee has committed a parole violation;

(B) written notice of the allegations of parole violation against the releasee;

(C) notice of the right to full disclosure of the evidence;

(D) notice that releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(E) notice that the releasee has the right to confront and cross-examine adverse witnesses unless the Hearing Officer specifically finds good cause for not allowing confrontation of the witness;

(F) notice that the case will be heard by a parole panel or designee of the Board;

(G) notice that the releasee has the opportunity to waive in writing the right to either or both of the preliminary and revocation hearings, with the additional understanding that, if the releasee waives the revocation hearing, the Board will in all probability revoke; and

(H) notice that the releasee has the right to retain an attorney and the conditional right to an appointed attorney.

(b) For the purposes of subsection (a)(1) of this section, a warrant is executed if:

(1) the releasee is arrested only on a charge that the releasee has committed a violation of a condition of parole or mandatory supervision and is not charged before the 91st day with the commission of an offense; or

(2) the sheriff having custody of the releasee notifies the division that the releasee has discharged the sentence or that the prosecutor has dismissed the charge under Article 32.02, Code of Criminal Procedure.

(c) If the Board or the Board's scheduling staff receives a request for a preliminary hearing later than the fourteenth calendar day following the provisions described in subsection (a)(1) of this section, the Board or the Board's scheduling staff shall require the requestor to provide an explanation of the delay.

§146.8. Scheduling of Revocation Hearings.

(a) Upon request, the Board or the Board's scheduling staff shall schedule a revocation hearing unless information has not been presented to the Board or the Board's scheduling staff that the releasee was served with the following:

(1) notice of the right to a revocation hearing and that its purpose is to make a final evaluation of any contested relevant facts and consideration of whether the facts as determined warrant revocation of parole;

(2) written notice of the allegations of parole violation against the releasee;

(3) notice of the right to full disclosure of the evidence against the releasee;

(4) notice that releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(5) notice that the releasee has the right to confront and cross-examine adverse witnesses unless the Hearing Officer specifically finds good cause for not allowing confrontation of the witness;

(6) notice that releasee has an opportunity to be heard and to show that he did not violate the conditions, or if the releasee did, that circumstances in mitigation suggest that the violation does not warrant revocation;

(7) notice that the case will be heard by a parole panel or designee of the Board;

(8) notice that the releasee has the opportunity to waive in writing the right to either or both of the preliminary and revocation hearings, with the additional understanding that, if the releasee waives the revocation hearing, the Board will in all probability revoke; and

(9) notice that the releasee has the right to retain an attorney and the conditional right to an appointed attorney.

(b) If the releasee is not entitled to a preliminary hearing and requests a revocation hearing, the Board or the Board's scheduling staff shall schedule a revocation hearing unless:

(1) more than fourteen calendar days have elapsed from the time that the warrant is executed; or

(2) information has not been presented to the Board or the Board's scheduling staff that the releasee was served with the following:

(A) notice of the right to a revocation hearing and that its purpose is to make a final evaluation of any contested relevant facts and consideration of whether the facts as determined warrant revocation of parole;

(B) written notice of the claimed allegations of parole violation against the releasee;

(C) notice of the right to full disclosure of the evidence;

(D) notice that releasee has the opportunity to be heard in person and to present witnesses and documentary evidence;

(E) notice that the releasee has the right to confront and cross-examine adverse witnesses unless the Hearing Officer specifically finds good cause for not allowing confrontation of the witness;

(F) notice that releasee has an opportunity to be heard and to show that he did not violate the conditions, or if the releasee did, that circumstances in mitigation suggest that the violation does not warrant revocation;

(G) notice that the case will be heard by a parole panel or designee of the Board;

(H) notice that the releasee has the opportunity to waive in writing the right to either or both of the preliminary and revocation hearings, with the additional understanding that, if the releasee waives the revocation hearing, the Board will in all probability revoke; and

(I) notice that the releasee has the right to retain an attorney and the conditional right to an appointed attorney.

(c) If the Board or the Board's scheduling staff receives a request for a revocation hearing later than the fourteenth calendar day following the provisions described in subsection (b)(1) of this section, the Board or the Board's scheduling staff shall require the requestor to provide an explanation of the delay.

(d) For the purposes of subsection (b)(1) of this section, a warrant is executed if:

(1) the releasee is arrested only on a charge that the releasee has committed a violation of a condition of parole or mandatory supervision and is not charged before the 91st day with the commission of an offense; or

(2) the sheriff having custody of the releasee notifies the division that the releasee has discharged the sentence or that the prosecutor has dismissed the charge under Article 32.02, Code of Criminal Procedure.

(e) In cases under subsection (d) of this section, a revocation hearing shall be held within a reasonable time.

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 October 19, 2023.

TRD-202303887

Bettie Wells

General Counsel

Texas Board of Pardons and Paroles

Effective date: November 8, 2023

Proposal publication date: August 11, 2023

For further information, please call: (512) 406-5478





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

Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

Chapter 357, Independent Living Services

Subchapter A General Rules

Subchapter B Allocation of Funds

Subchapter C Independent Living Services

Subchapter D Consumer Participation

Subchapter E Consumer Rights

Subchapter F Technical Assistance and Training

Subchapter G Referrals

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 357, Independent Living Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 357" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (texas.gov).

TRD-202303909

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: October 24, 2023



Texas Forensic Science Commission

Title 37, Part 15

The Texas Forensic Science Commission (Commission) files this notice of its intent to review 37 Texas Administrative Code Chapter 651, DNA, CODIS, Forensic Analysis, and Crime Laboratories. The review is conducted in accordance with 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 the review, the Commission will assess whether the reasons for initially adopting the rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.

For 30 days following the publication of this notice, the Commission will accept public comments regarding the review. Comments should be directed to Leigh Tomlin, Associate General Counsel, Texas Forensic Science Commission, 1700 North Congress Avenue, Suite 445, Austin, Texas 78701 or by email at Leigh.tomlin@fsc.texas.gov.

Any proposed changes to these rules, as a result of the review, will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period prior to possible final adoption.

TRD-202303902

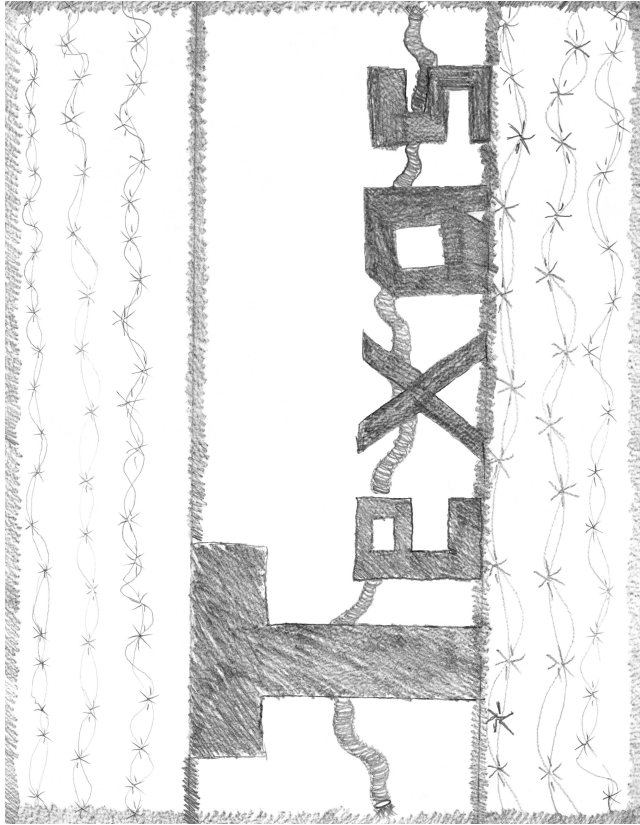
Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

Filed: October 24, 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: 1 TAC §18.25(b)

# OF PRIOR LATE OFFENSES IN PAST 5 YEARS	ADJUSTED FINE
0	Waiver
1	\$100
2	\$250
3 or more	No reduction or waiver

Figure: 1 TAC §18.26(b)

Prior Late Offenses	Total Political Expenditures or Contributions in Reporting Period									
	<\$5k	<\$10k	<\$20k	<\$30k	<\$40k	<\$50k	<\$60k	<\$70k	<\$80k	<\$90k
0	\$0	90%	80%	70%	60%	50%	40%	30%	20%	10%
1	\$100	70%	60%	50%	40%	30%	20%	10%	0%	0%
2	\$250	50%	40%	30%	20%	10%	0%	0%	0%	0%



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/30/23 - 11/05/23 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/30/23 - 11/05/23 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202303921

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: October 25, 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 **December 7, 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 **December 7, 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, pro-

vides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Apple Springs Independent School District; DOCKET NUMBER: 2021-1595-MWD-E; IDENTIFIER: RN101607851; LOCATION: Apple Springs, Trinity County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.65 and §305.125(2) and TWC, §26.121(a)(1), by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$13,750; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: City of Crystal City; DOCKET NUMBER: 2022-0431-PWS-E; IDENTIFIER: RN101242162; LOCATION: Crystal City, Zavala County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; PENALTY: \$690; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(3) COMPANY: City of Pearland; DOCKET NUMBER: 2022-0781-MWD-E; IDENTIFIER: RN101609196; LOCATION: Pearland, Brazoria County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010134007, Interim I Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$83,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$83,375; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: Energy Transfer GC NGL Fractionators LLC f/k/a Lone Star NGL Fractionators LLC; DOCKET NUMBER: 2021-0408-AIR-E; IDENTIFIER: RN106018260; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: natural gas processing plant; RULES VIOLATED: 30 TAC §101.201(b)(1)(D), (G), and (H) and §122.143(4), Federal Operating Permit (FOP) Number O3586, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 2.F, and Texas Health and Safety Code (THSC), §382.085(b), by failing to identify all required information on the final record for a reportable emissions event; and 30 TAC §§116.115(c), 116.615(2), and 122.143(4), Standard Permit Registration Number 93813, FOP Number O3586, GTC and STC Numbers 8, 11.B, 12, and 15.B, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$83,200; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$38,480; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: ExxonMobil Pipeline Company; DOCKET NUMBER: 2021-1370-AIR-E; IDENTIFIER: RN105149819; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: refined prod-

ucts pipeline; RULE VIOLATED: Texas Health and Safety Code, §382.085(a) and (b), by failing to prevent unauthorized emissions; PENALTY: \$67,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$33,750; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: HEAVENS MOBILE HOME PARK, LLC; DOCKET NUMBER: 2023-0226-UTL-E; IDENTIFIER: RN101214229; LOCATION: Kerrville, Kerr 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: \$600; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(7) COMPANY: J&M Pallet Recycle LLC dba Midway Truck Stop; DOCKET NUMBER: 2023-0951-MLM-E; IDENTIFIER: RN103048799; LOCATION: Gilmer, Upshur County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULES VIOLATED: 30 TAC §111.201 and Texas Health and Safety Code, §382.085(b), by failing to not cause, suffer, allow, or permit outdoor burning within the State of Texas; and 30 TAC §330.15(a) and (c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of MSW; PENALTY: \$6,951; ENFORCEMENT COORDINATOR: Ramyia Wandt, (512) 239-2513; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(8) COMPANY: The George R. Brown Partnership, L.P.; DOCKET NUMBER: 2022-1627-AIR-E; IDENTIFIER: RN111240834; LOCATION: Post, Garza County; TYPE OF FACILITY: sour natural gas and condensate/crude oil production facility; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$1,675; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$670; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(9) COMPANY: The Kansas City Southern Railway Company; DOCKET NUMBER: 2021-0593-WQ-E; IDENTIFIER: RN111127288; LOCATION: Mauriceville, Orange County; TYPE OF FACILITY: train derailment site; RULE VIOLATED: TWC, §26.121(a)(1), by failing to prevent an unauthorized discharge of industrial waste into or adjacent to any water in the state; PENALTY: \$45,000; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-0356; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(10) COMPANY: Vander Horst Enterprises, LLC and 360 AG MANAGEMENT LLC; DOCKET NUMBER: 2022-0795-AGR-E; IDENTIFIER: RN102739307; LOCATION: Dublin, Erath County; TYPE OF FACILITY: concentrated animal feeding operation (CAFO); RULES VIOLATED: 30 TAC §305.125(1) and §321.40(d), TWC, §26.121, and Texas Pollutant Discharge Elimination System (TPDES) CAFO General Permit Number TXG921489, Part III.A.12.(c)(1), by failing to prevent the unauthorized discharge of agricultural waste into or adjacent to any water in the state; 30 TAC §305.125(8) and TPDES CAFO General Permit Number TXG921489, Part II.C.3.(a), by failing to submit a Notice of Change for a Substantial Change; 30 TAC §321.40(b) and TPDES CAFO General Permit Number TXG921489, Part III.A.12.(c)(4), by failing to apply waste at agronomic rates and hydrologic needs; 30 TAC §321.40(h) and §321.42(w) and TPDES

CAFO General Permit Number TXG921489, Part III.A.12.(f)(1), by failing to adhere to required buffers; 30 TAC §321.40(m)(1)(B) and TPDES CAFO General Permit Number TXG921489, Part III.A.13.(a)(2), by failing to collect and analyze soil samples prior to waste application; 30 TAC §321.44 and TPDES CAFO General Permit Number TXG921489, Part IV.B.5, by failing to properly notify the TCEQ of a discharge to water in the state; and 30 TAC §321.46(d)(10) and TPDES CAFO General Permit Number TXG921489, Part IV.A.2.(a)(b), by failing to keep records in the pollution prevention plan for a minimum of five years from the date the record was created; PENALTY: \$17,213; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202303901

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: October 24, 2023



Enforcement Orders

An agreed order was adopted regarding Joseph Gaber dba Cody's Market, Docket No. 2020-1500-PST-E on October 25, 2023 assessing \$14,677 in administrative penalties with \$2,935 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding A & K ENTERPRISES, INC. dba Country Food Store, Docket No. 2021-0549-PWS-E on October 25, 2023 assessing \$5,775 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Benjamin Pence, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Shell USA, Inc. f/k/a Shell Oil Company, Docket No. 2021-0555-AIR-E on October 25, 2023 assessing \$13,125 in administrative penalties with \$2,625 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, 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 Sofiyashanu Enterprises Inc dba 1604 Corner Store, Docket No. 2021-0964-PST-E on October 25, 2023 assessing \$3,869 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine Keithley, 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 Cinco Southwest Municipal Utility District No. 1, Docket No. 2021-0987-MWD-E on October 25, 2023 assessing \$42,000 in administrative penalties with \$8,400 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 US Ecology Texas, Inc., Docket No. 2022-0806-WDW-E on October 25, 2023 assessing \$70,300 in administrative penalties with \$14,060 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, 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 Ferguson Food Mart LLC dba EZ Stop 3, Docket No. 2022-0965-PST-E on October 25, 2023 assessing \$32,713 in administrative penalties with \$6,542 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, 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 Pool Brothers, LLC, Docket No. 2023-0551-MWD-E on October 25, 2023 assessing \$25,866 in administrative penalties with \$5,173 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 order was adopted regarding Ranch Hand Apartments, LLC, Docket No. 2022-0063-PWS-E on October 25, 2023 assessing \$43,750 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.

TRD-202303933

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 25, 2023



Notice of an Application for a Temporary Water Use Permit Application No. 13883

Notices Issued October 19, 2023

Phillips 66 Company, Applicant, 8189 Old FM 524, Old Ocean, Texas 77463, seeks a temporary water use permit to divert and use not to exceed 55.40 acre-feet of water, within a period of three years, from a point on Jones Creek, tributary of Intracoastal Waterway, Brazos-Colorado Coastal Basin, at a maximum diversion rate of 8.91 cfs (4,000 gpm) for industrial purposes in Brazoria County. More information on the application and how to participate in the permitting process is given below.

The application was received on October 28, 2022. Additional information and fees were received on February 2, February 10, May 11, May 15, and May 19, 2023. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 31, 2023.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, stream-flow restrictions and installing a measuring device for diversions. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by November 6, 2023. A public meeting is intended for the taking of public comment, and is not a contested

case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by November 6, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by November 6, 2023.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 13883 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202303927

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 25, 2023



Notice of an Application to Amend a Water Use Permit Application No. 5778A

Notices Issued October 24, 2023

Upper Trinity Regional Water District, P.O. Box 305, Lewisville, Texas 75067, Applicant, seeks to amend Water Use Permit No. 5778 to authorize the use of the bed and banks of an unnamed tributary of Little Elm Creek, Little Elm Creek, Doe Branch, Cantrell Slough, North Hickory Creek, Hickory Creek, Ranger Branch, Clear Creek, Aubrey Branch, the Elm Fork Trinity River and the Elm Fork Trinity River (Lake Lewisville), Trinity River Basin to convey additional Lake Chapman-derived return flows for subsequent diversion and reuse for municipal and industrial purposes in UTRWD's service area in Denton, Collin, Grayson, Cooke, Wise, Dallas, and Tarrant counties, Trinity River Basin. The application does not request to increase the total volume of Lake Chapman-derived return flows available for reuse or to increase the maximum rate of diversion. More information on the application and how to participate in the permitting process is given below.

The application and partial fees were received on August 31, 2017. Additional information and fees were received on September 14, 2017 and July 20, 2018. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on August 9, 2018. Additional information was received on April 27, 2021. The application was amended and additional information was received on May 25, August 31, and December 2, 2022, and May 11 and June 14, 2023.

The Executive Director has completed the technical review of the application and prepared a draft amendment. The draft amendment, if granted, would include special conditions, including, but not limited to, maintaining an accounting plan. The application, technical memoranda, and Executive Director's draft amendment are available for viewing on the TCEQ web page at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps.

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by November 28, 2023. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by November 28, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by November 28, 2023.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRPERM 5778 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202303931

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 25, 2023



Notice of Application and Opportunity to Request a Public Meeting for a Municipal Solid Waste Facility

Notice issued on October 25, 2023

Proposed Registration No. 40337

Application. HD Waste Transfer Station, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for the proposed Registration No. 40337, to construct and operate a Type V municipal solid waste transfer station. The proposed facility, HD Waste & Recycling Transfer Station will be located at 10631 CF Hawn Freeway, Dallas, Texas 75217 in Dallas County. The applicant is requesting authorization to process, transfer, and recycle municipal solid waste that includes household waste, yard waste, commercial waste, nonhazardous industrial waste, special waste (authorized by TCEQ on a case-by-case basis), and construction and demolition waste. The registration application is available for viewing and copying at Kieberg-Rylie Branch Library located at 1301 Edd Road, Dallas, Texas 75253, and may be viewed online at <https://www.ftwweaverboos.com>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/1bb4XP0>. For exact location, refer to application.

Alternative Language Notice/ Aviso de idioma alternativo. Alternative language notice in Spanish is available at www.tceq.texas.gov/goto/mswapps. El aviso de idioma alternativo en español está disponible en www.tceq.texas.gov/goto/mswapps.

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application. Written public comments or written requests for a public meeting must be submitted to the Office of the Chief Clerk at the address included in the information section below. If a public meeting is held, comments may be made orally at the meeting or submitted in writing by the close of the public meeting. A public meeting will be held by the executive director if requested by a member of the legislature who represents the general area where the development is to be located, or if there is a substantial public interest in the proposed development. The purpose of the public meeting is for the public to provide input for consideration by the commission, and for the applicant and the commission staff to provide information to the public. A public meeting is not a contested case hearing. The executive director will review and consider public comments and written requests for a public meeting submitted during the comment period. The comment period shall begin on the date this notice is published and end 30 calendar days after this notice is published. The comment period shall be extended to the close of any public meeting. The executive director is not required to file a response to comments.

Executive Director Action. The executive director shall, after review of an application for registration, determine if the application will be approved or denied in whole or in part. If the executive director acts on an application, the chief clerk shall mail or otherwise transmit notice of the action and an explanation of the opportunity to file a motion to overturn the executive director's decision. The chief clerk shall mail this notice to the owner and operator, the public interest counsel, to adjacent landowners as shown on the required land ownership map and landowners list, and to other persons who timely filed public comment in response to public notice. Not all persons on the mailing list for this notice will receive the notice letter from the Office of the Chief Clerk.

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 above link, enter the registration number for this application, which is provided at the top of this notice.

Mailing List. If you submit public comments, you will be added to the mailing list for this application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. To be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

Agency Contacts and Information. All public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/ or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this registration application or the registration process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their webpage, www.tceq.texas.gov/goto/pep. General information regarding the TCEQ can be found on our website at www.tceq.texas.gov/. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from HD Waste Transfer Station, LLC at the mailing address P.O. Box 851734, Dallas, Texas 75185 or by calling Charles R. Marsh at (817) 735-9770.

TRD-202303932

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 25, 2023



Notice of District Petition

Notice issued October 20, 2023

TCEQ Internal Control No. D-08252023-052; Cathy Moore, individually and Mark Albrecht, individually, (Petitioners) filed a petition for creation of Williamson County Municipal Utility District No. 48 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §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 holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 506.558 acres located within Williamson County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control

local storm water or other local harmful excesses of water in the proposed District; (4) to design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; (5) design, acquire, construct, finance, improve, and maintain parks and recreational facilities; and (6) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$119,690,000 (\$94,110,000 for water, wastewater, and drainage, \$23,525,000 for roads, and \$2,325,000 for recreational).

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-202303929

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 25, 2023



Notice of District Petition

Notice issued October 20, 2023

TCEQ Internal Control No. D-06232023-046; JLM 100 Kaufman, LLC, a Texas limited liability company, (Petitioner) filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the annexation of land into Kaufman County Fresh Water Supply District No.

7A (District) under Local Government Code Section (§) 42.042 and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to all the property in the proposed annexation area to be included in the District; (2) there are no lienholders on the property to be annexed into the District; (3) the proposed property annexation will contain approximately 100.090 acres of land located within Kaufman County; and (4) all of the land within the proposed property annexation is within the extraterritorial jurisdiction of the City of Crandall, Texas (City). The property proposed for annexation is adjoined to the southern boundary of the district. Access to the annexation tract will be by County Road (CR) 261 to the north and Farm to Market Road (FM) 148 to the south. In accordance with Local Government Code §§ 42.0425 and 42.042, a petition was submitted to the City, requesting the City's consent to the annexation of land into the District. Information provided indicates that the City did not consent to the inclusion of the land into the District's area. After the 90-day period passed without receiving the City's consent to the annexation, the a petition was submitted to the City requesting the City provide water and sanitary sewer services to the proposed annexation area. The 120-day period for reaching a mutually agreeable contract expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Local Government Code § 42.042, failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the proposed annexation area 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-202303930

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 25, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **December 7, 2023**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on December 7, 2023**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Rampage Cattle Company, LLC; DOCKET NUMBER: 2021-0516-MSW-E; TCEQ ID NUMBER: RN109751255; LOCATION: 3951 Bandera Highway, Kerrville, Bandera County; TYPE OF FACILITY: unauthorized scrap tire disposal site; RULES VIOLATED: Texas Health and Safety Code, §361.112(a) and 30 TAC §328.60(a), by failing to obtain a scrap tire storage site registration for the site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in enclosed and lockable containers; PENALTY: \$10,000; STAFF ATTORNEY: Barrett Hollingsworth, Litigation, MC 175, (512) 239-0657; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202303904
Gitanjali Yadav
Deputy Director, Litigation
Texas Commission on Environmental Quality
Filed: October 24, 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 **December 7, 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 December 7, 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: City of Baird; DOCKET NUMBER: 2022-0646-MWD-E; TCEQ ID NUMBER: RN109458810; LOCATION: approximately 1,500 feet south of the intersection of Interstate 20 T Business Highway and Vine Street, and 16,100 feet east of the intersection of County Road 279 and Farm-to-Market Road 18, Baird, Callahan County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1) and 30 TAC §305.65, by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$9,375; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(2) COMPANY: PAPCO, INC.; DOCKET NUMBER: 2022-1370-AIR-E; TCEQ ID NUMBER: RN101923589; LOCATION: approximately 12 miles southwest of Sabine Pass, Jefferson County; TYPE OF FACILITY: crude oil production site; RULES VIOLATED: Texas Health and Safety Code, §382.085(b) and 30 TAC §101.10(b)(2) and (e), by failing to submit an annual emissions inventory update for the previous calendar year by March 31 of each year or as directed by the commission; PENALTY: \$2,625; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202303903

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: October 24, 2023



Notice of Public Meeting for a New Municipal Solid Waste Facility Registration Application No. 40335

Application. BAP Kennor Landfill, LLC has applied to the Texas Commission on Environmental Quality (TCEQ) for proposed Registration No. 40335 to construct and operate a Type V municipal solid waste recycling facility. The proposed facility, BAP Kennor C&D Recycling Facility, will be located at 3411 Silver Creek Road, Fort Worth 76108, in Tarrant County. The applicant is requesting authorization to store and recycle construction and demolition waste materials. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://areg.is/Ou5a11>. For exact location, refer to application.

Additional Notice. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the applications is complete the Executive Director may prepare a draft permit and preliminary decision on the application. **Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those that are on the mailing list for this application. That notice will contain the deadline for submitting public comments.**

Alternative Language Notice/Aviso de Idioma Alternativo. Alternative language notice in Spanish is available at www.tceq.texas.gov/goto/mswapps. El aviso de idioma alternativo en español está disponible en www.tceq.texas.gov/goto/mswapps.

Public Comment/Public Meeting. 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 registration 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 Discussion Period on the registration application, members of the public may state their formal comments orally into the official record. All formal comments will be considered before a decision is reached on the registration. The Executive Director is not required to file a response to comments.

The Public Meeting is to be held:

Tuesday, December 5, 2023 at 7:00 p.m.

Brewer High School Auditorium

1025 W. Loop 820 North

Fort Worth, Texas 76108

Information. Citizens 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.*

The registration application is available for viewing and copying at the White Settlement Library, 8215 White Settlement Road, Fort Worth, Texas 76108 and may be viewed online at <https://parkhill.com/tceq-permits/>. Further information may also be obtained from BAP Kennor

Landfill, LLC at the address stated above or by calling Mr. Tom Noons at (469) 591-1380.

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.

Issued Date: October 20, 2023

TRD-202303928

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 25, 2023



Notice of Water Quality Application

The following notice was issued on October 18, 2023:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS PUBLISHED IN THE *TEXAS REGISTER*.

INFORMATION SECTION

OQ Chemicals Corporation, which operates OQ Chemicals Bay City Plant, an organic chemicals manufacturing plant, has applied for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0000455000 to authorize the description change of process wastewater from "treated process wastewater from the neutral effluent treatment (NET) system" to "treated process wastewater" from Outfall 001. The draft permit authorizes the discharge of treated domestic wastewater and treated process wastewater, treated utility wastewater, stormwater, groundwater recovered during site excavations, stormwater from the old dewatering area and from landfill cells, groundwater from the bailing of monitor wells, groundwater from recovery wells, and hydrostatic test discharge water at a daily average flow not to exceed 2,280,000 gallons per day via Outfall 001, and utility wastewater, stormwater, and allowable non-stormwater discharges on an intermittent and flow-variable basis via Outfall 002. The facility is located at 2001 Farm-to-Market Road 3057, near the City of Bay City, Matagorda County, Texas 77414.

TRD-202303926

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 25, 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 October 16, 2023 to October 20, 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 §§30.20(f), 30.30(h), and 30.40(e), 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, October 27, 2023. The public comment period for this project will close at 5:00 p.m. on November 26, 2023.

Federal License and Permit Activities:

Applicant: Port of West Calhoun

Location: The project site is located the Gulf Intracoastal Waterway (GIWW), south of Highway 185 and west of Scurlock Drive, in Port O'Connor, Calhoun County, Texas.

Latitude and Longitude: 28.430325, -96.443543

Project Description: The applicant is proposing to construct a public marina. The applicant proposes to hydraulically dredge and mechanically excavate approximately 156,250 cubic yards, 7.35 acres of open water, wetlands and uplands to create an open water marina. The dredge material will be placed onsite and used to grade the project to the required contours for parking and transit lanes. The applicant also proposes to discharge approximately 43,365 cubic yards of clean fill (also some backfill from dredging) associated with the construction of a marina basin including boat ramps, breakwaters, bulkhead, parking lot/roads and associated grading into approximately 8.76 acres of WOTUS; 8.44 acres of wetlands and 0.32 acre of open water. Total impacts including excavation/dredging and fill are as follows: 13.73 acres wetland impacts and 2.38 acres of open water impacts. The applicant is proposing Permittee Responsible Mitigation (PRM) for impacts to WOTUS. Additionally, the applicant proposes to construct approximately 80 floating boat slips on concrete driven pilings within the open water marina. The applicant proposes to mitigate for the proposed impacts by implementation of a Permittee Responsible Mitigation Plan.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2023-00238. 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: 24-1041-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-202303898

Mark Havens

Chief Clerk

General Land Office

Filed: October 23, 2023



Texas Department of Housing and Community Affairs

Public Notice of Demolition/Reconstruction of Woodcrest Apartments

Woodcrest Apartments is an 80-unit affordable multifamily complex located at 2550 W 8th Street, Odessa, Texas 79763. The site consists

of a five residential structures constructed in 1972. The new property - to be known as Woodcrest Apartments - will be 5 residential buildings consisting of twelve 1-bedroom, forty-eight 2-bedroom, and twenty 3-bedroom units for a total of 80 units. Demolition will be completed in February 2024, and all units are anticipated to be reconstructed by October 2025. It is anticipated that all residents will not be permanently displaced as a result of reconstruction occurring over a 24-month period and temporary housing will not exceed 12-months. Funding is provided through Low Income Housing Tax Credit (LIHTC) equity from 42equity Partners with a potential award of HOME American Rescue Plan (HOME-ARP) funding provided by the Texas Department of Housing and Community Affairs, and deferred developer fee and contractor loyalty contribution. All 80 units will remain lower income dwelling units for 45 years from the date of initial occupancy as recorded in the Development's HOME-ARP and LIHTC Land Use Restriction Agreements.

Public Comment Period

Starts at 8:00 a.m. Austin local time on October 27, 2023.

Ends at 5:00 p.m. Austin local time on November 13, 2023.

Comments received after 5:00 p.m. Austin local time on November 13, 2023, will not be accepted.

Written comments may be submitted to:

Texas Department of Housing and Community Affairs

Attn: Carmen Roldan, Woodcrest Apartments

P.O. Box 13941

Austin, Texas 78711-3941

Email: carmen.rolدان@tdhca.state.tx.us

Written comments may be submitted in hard copy or email formats within the designated public comment period. Those making public comment are encouraged to reference the specific rule, policy, or plan related to their comment, as well as a specific reference or cite associated with each comment.

Please be aware that all comments submitted to the TDHCA will be considered public information.

Las personas que no pueden hablar, leer, escribir o entender el idioma inglés pueden llamar al (512) 475-3800 o al número de llamada gratuita (800) 525-0657 para solicitar asistencia con la traducción de documentos, eventos u otra información del Departamento de Vivienda y Asuntos Comunitarios de Texas (Texas Department of Housing and Community Affairs).

Quédese en la línea y permanezca en silencio durante nuestras indicaciones automatizadas de voz en inglés hasta que un representante responda. El representante lo pondrá en espera y le comunicará con un intérprete para ayudarle con su llamada.

Location of lower-income dwelling units that will be demolished



TRD-202303891
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Filed: October 23, 2023

◆ ◆ ◆
Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for Molina Healthcare of Illinois, Inc., a foreign Health Maintenance Organization (HMO). The home office is in Downers Grove, Illinois.

Application to do business in the state of Texas for Progressive Life Insurance Company, a foreign life, accident and/or health company. The home office is in Cleveland, Ohio.

Application to do business in the state of Texas for Kemper Reciprocal, a foreign fire and/or casualty company. The home office is in Chicago, Illinois.

Application for incorporation in the state of Texas for Impact Title Insurance Company, a domestic title company. The home office is in Lubbock, 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-202303923
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: October 25, 2023

◆ ◆ ◆
Correction of Error

The Texas Department of Insurance proposed new 28 TAC §§5.7101 - 5.7110 in the October 6, 2023, issue of the *Texas Register* (48 TexReg 5813). Due to an error by the Texas Department of Insurance, the Division name is incorrect. The text should read as follows:

DIVISION 2. MANDATORY RENEWAL OF PRIVATE PASSENGER AUTOMOBILE INSURANCE POLICIES

TRD-202303920

◆ ◆ ◆
Texas Department of Licensing and Regulation

Public Notice - Barbering and Cosmetology Criminal Conviction Guidelines

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that at its regularly scheduled meeting held October 10, 2023, the Commission adopted amendments to the Texas Department of Licensing and Regulation's (Department's) Criminal Conviction Guidelines pursuant to Texas Occupations Code §53.025(a). The Criminal Conviction Guidelines are updated from the original guidelines published on December 5, 2003 (28 TexReg 11018) to include the Barbering and Cosmetology program.

The Criminal Conviction Guidelines (guidelines) describe the process by which the Department determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. The guidelines present the general factors that are considered in all cases and the reasons why particular crimes are considered to relate to each type of license issued by the Department.

The Texas Legislature enacted House Bill 1560 (H.B. 1560), 87th Legislature, Regular Session (2021), which was the Texas Department of Regulation's Sunset Bill and continued the agency operations till 2032. That bill combined the Barbering and Cosmetology program under one statute.

The Criminal Conviction Guidelines for the Barbering and Cosmetology program will become a part of the overall guidelines that are already in place for other Department programs. The Department presented the Criminal Conviction Guidelines to the Commission on October 10, 2023, and were adopted as recommended.

A copy of the complete Criminal Conviction Guidelines is posted on the Department's website and may be obtained at www.tdlr.texas.gov. You may also contact the Enforcement Division at (512) 539-5600 or by email at enforcement@tdlr.texas.gov to obtain a copy of the complete guidelines.

Criminal Conviction Guidelines

BARBERING AND COSMETOLOGY

These guidelines are issued by the Texas Department of Licensing and Regulation (TDLR) pursuant to the **Texas Occupations Code, § 53.025(a)**. These guidelines describe the process by which TDLR determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. These guidelines present the general factors that are considered in all cases, and also the reasons why particular crimes are considered to relate to each type of license issued by TDLR.

Crimes involving prohibited sexual conduct or involving children as victims.

Reasons:

1. Licensees have direct contact with members of the general public often in settings with no one else present.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees have direct contact with persons in situations that have potential for confrontational behavior.
2. A person with a predisposition of a violent response would pose a risk to the public.

Crimes involving illegal manufacture or delivery of a controlled substance.

Reasons:

1. Licensees work in a business establishment under their control, that is difficult to monitor with customers constantly coming and going, sometimes lingering for varied periods of time, which would provide a person with a predisposition to sell controlled substances an effective cover of their selling of controlled substances.
2. Licensees have exclusive access to customers for extended periods of time providing the opportunity for persons with predisposition to sell controlled substances the opportunity to persuade the uninitiated to buy a controlled substance.

Crimes involving human trafficking.

Reasons:

1. Victims of human trafficking often lack legal immigration status, money, and the ability to speak English fluently. Such persons are at particular risk of being compelled or forced to provide labor.
2. Customers of barbering or cosmetology services often receive services in private rooms closed off from public view at the direction of a licensee or a licensed establishment's owner or manager. This arrangement could provide an effective cover for the sale of licensed or unlicensed services by victims of human trafficking through forced labor at the direction of a licensee or a licensed establishment's owner or manager. Accordingly, barbering or cosmetology work could provide a licensee or a licensed establishment's owner or manager with a predisposition to exploit vulnerable workers through forced labor an effective cover for that exploitation.
3. Regular access to a licensed establishment would provide licensees or a licensed establishment's owner or manager with a predisposition for and experience in human trafficking motivation to engage in further similar conduct to exploit victims of human trafficking through forced labor.

TRD-202303935
Mike Arismendez, Jr.
Executive Director
Texas Department of Licensing and Regulation
Filed: October 25, 2023



Public Notice - Barbering and Cosmetology Enforcement Plan

(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 figures are not included in the print version of the Texas Register. The figures are available in the on-line version of the November 3, 2023, issue of the Texas Register.)

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that at their regularly scheduled meeting held October 10, 2023, the Commission adopted the Texas Department of Licensing and Regulation's (Department) enforcement plan, which was established in compliance with Texas Occupations Code, §51.302(c).

The enforcement plan gives all license holders notice of the specific ranges of penalties and license sanctions that apply to specific alleged violations of the statutes and rules enforced by the Department. The enforcement plan also presents the criteria that are considered by the Department's Enforcement staff in determining the amount of a proposed administrative penalty or the magnitude of a proposed sanction. The enforcement plan is drafted to include the penalty matrix for the Barbering and Cosmetology program.

The Texas Legislature enacted House Bill 1560 (H.B. 1560), 87th Legislature, Regular Session (2021), which was the Texas Department of Regulation's Sunset Bill and continued the agency operations till 2032. That bill combined the Barbering and Cosmetology program under one statute.

The penalty matrix was presented to the Commission on October 10, 2023, and was adopted as recommended.

A copy of the enforcement plan is posted on the Department's website and may be downloaded at www.tdlr.texas.gov. You may also contact the Enforcement Division at (512) 539-5600 or by e-mail at enforcement@tdlr.texas.gov to obtain a copy of the plan.

TRD-202303934
Mike Arismendez, Jr.
Executive Director
Texas Department of Licensing and Regulation
Filed: October 25, 2023



North Central Texas Council of Governments

Request for Partners to Develop Advanced Transportation Technology and Innovation (ATTAIN)

The North Central Texas Council of Governments (NCTCOG) plans to propose an application leveraging the concepts of Digital Roads which will harness data, technology, and connectivity to improve the way roads are designed, built, operated, and traveled. This will enable safer trips, efficient and faster delivery, and an enhanced customer service for all. Proposed projects should integrate with the expansion of NCTCOG's, soon to be procured, regional TSMO Data Hub. The primary focus will be in the system development and operations with the emphasize on the expansion of the regional TSMO data hub use cases and the development of the next generation of local and regional transportation management systems using innovative concepts and technology. Projects should align with the goals of the Advanced Transportation Technology and Innovation (ATTAIN) program. While NCTCOG is an eligible applicant, staff believe that projects will likely be more successful if developed through a public-private partnership.

Through this Request for Partners (RFP), the North Central Texas Council of Governments is seeking private-sector and research partners for a proposal to the US Department of Transportation (USDOT) upcoming 2023 ATTAIN funding opportunity. A copy of the ATTAIN Notice of Funding Opportunity that details the \$60 million

grant program for Fiscal Year (FY) 2022 as well as the application requirements can be found on the USDOT website. NCTCOG will select Project Team(s) with whom it will collaborate to project(s) and submit competitive grant proposal(s) to relevant federal or State funding opportunities.

Proposals must be received no later than 5:00 p.m., Central Time, on Friday, November 17, 2023, to Nattalie Bettger, Senior 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 Partners was published at <https://www.nctcog.org/trans/funds/cfps> on Friday, October 27, 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-202303924

R. Michael Eastland
Executive Director

North Central Texas Council of Governments
Filed: October 25, 2023



Texas Parks and Wildlife Department

Notice of Contested Case Hearing

This is a notice of a contested case hearing as required under Government Code, §2001.051 and §2001.052.

SOAH Docket No. 802-24-02276

APPLICATION

Bill Lane (Flat Rock Creek Ranch LLC) submitted an application to Texas Parks and Wildlife Department (TPWD) for a General Sand and Gravel Permit pursuant to Parks and Wildlife Code, Chapter 86 and 31 TAC Chapter 69, Subchapter H. The applicant seeks to disturb streambed materials within Flat Rock Creek in Kerr County. The project location would be at approximately latitude 30.056597, longitude -99.510586, 1,400 feet upstream of the confluence of Flat Rock Creek with the North Fork Guadalupe River and 3.24 miles upstream of the FM 1340 crossing of the North Fork Guadalupe River near MO Ranch. The project purpose is to construct a dam and low water crossing.

TPWD received the application and required fees on December 15, 2022, and public notice of the application was published on June 2, 2023. A public comment hearing was held on June 23, 2023. The public comment period ended on August 16, 2023, after it was extended per requests from the public. During this time, TPWD received one written request for a contested case hearing. TPWD referred this request to the State Office of Administrative Hearings (SOAH) on September 29, 2023. TPWD has neither approved nor denied the application.

CONTESTED CASE HEARING

SOAH will conduct a prehearing conference on this application via videoconference at:

9:00 a.m. - November 14, 2023

To join the Zoom meeting via computer or smart device:
<https://soah-texas.zoomgov.com>

Meeting ID: 161 016 9464

Video Passcode: TPWD2276

To join the Zoom meeting via telephone dial: +1 669 254 5252

Meeting ID: 161 016 9464

Telephone Passcode: 77003184

The purpose of the preliminary hearing is to establish jurisdiction, determine party status, develop a procedural and discovery schedule, set a hearing on the merits date, and address any other relevant issues raised by the parties.

The hearing will be conducted in accordance with Parks and Wildlife Code, Chapter 86; Government Code, Chapter 2001; and the procedural rules of TPWD and SOAH, including 31 TAC Chapter 69 and 1 TAC Chapter 155.

The applicant is automatically a party in this hearing. If anyone else wishes to be a party to the hearing, he or she must attend the hearing and show how he or she would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and any person may request to be a party. Only persons named as parties may continue participation in the hearing.

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

INFORMATION

If you need more information about the hearing process for this application, please contact TPWD staff attorney Bridgett Meyer at (512) 389-8899 or bridgett.meyer@tpwd.texas.gov, or SOAH at (512) 475-4993.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

TRD-202303922

James Murphy
General Counsel

Texas Parks and Wildlife Department
Filed: October 25, 2023



Public Utility Commission of Texas

Notice of Application for Recovery of Universal Service Funding

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on October 17, 2023, for recovery of universal service funding under Public Utility Regulatory Act (PURA) §56.025 and 16 Texas Administrative Code (TAC) §26.406.

Docket Style and Number: Application of Border to Border Communications, Inc. to Recover Funds from the Texas Universal Service Fund under PURA §56.025 and 16 TAC §26.406 For Calendar Year 2023, Docket Number 55706.

The Application: Border to Border Communications, Inc. seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to Border to Border Communications for 2023. Border to Border Communications requests that the Commission allow recovery of funds from the TUSF in the amount of \$1,519,606 for 2023 to replace the projected reduction in FUSF revenue.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55706.

TRD-202303886
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: October 19, 2023

◆ ◆ ◆
Notice of Application to Adjust High Cost Support Under 16 TAC §26.407(h)

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on October 23, 2023, to adjust the high-cost support received from the Small and Rural Incumbent Local Exchange Company Universal Service Plan without effect to current rates.

Docket Title and Number: Application of South Plains Telephone Cooperative, Inc. to Adjust High Cost Support Under 16 TAC §26.407(h), Docket Number 55737.

South Plains Telephone Cooperative, Inc. requests a high-cost support adjustment increase of \$699,008 in annual high-cost support. According to South Plains Telephone, the requested adjustment complies with the cap of 140% of the annualized support the provider was authorized to receive in the previous 12 months, as required by 16 Texas Administrative Code §26.407(g)(1).

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas, 78711-3326, or by phone at (512) 936-7120 or toll free at 1-888-782-8477 as a deadline to intervene may be imposed. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55737.

TRD-202303913
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: October 24, 2023

◆ ◆ ◆
Notice of Application to Amend a Certificate of Convenience and Necessity for a Name Change

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on August 1, 2023, to amend a certificate of convenience and necessity for a name change to add one assumed name.

Docket Style and Number: Application of South Plains Telephone Cooperative, Inc. to Amend its Certificate of Convenience and Necessity, Docket Number 55310.

The Application: South Plains Telephone Cooperative, Inc. filed an application to change the name to add one assumed name on its certificate of convenience and necessity number 40077.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas by electronic mail at

puc.texas.gov, by phone at (512) 936-7120, or toll-free at (888) 782-8477. The deadline for intervention in this proceeding is December 4, 2023. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55310.

TRD-202303910
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: October 24, 2023

◆ ◆ ◆
Texas Department of Transportation

Public Notice - Advertising in Texas Department of Transportation's Travel Literature and *Texas Highways* Magazine

Advertising in Texas Department of Transportation Travel Literature and *Texas Highways* magazine, both in print and in digital or online assets. The Texas Department of Transportation is authorized by Texas Transportation Code, Chapter 204 to publish literature for the purpose of advertising the highways of this state and attracting traffic thereto, and to include paid advertising in such literature. Title 43, Texas Administrative Code, §§23.15 - 23.19 describe the policies governing advertising in department travel literature and *Texas Highways* magazine, both in print and in digital or online, lists acceptable and unacceptable subjects for advertising in department travel literature and the magazine, and describes the procedures by which the department will solicit advertising.

As required by 43 TAC §23.17 the department invites any entity or individual interested in advertising in department travel literature and *Texas Highways* magazine to contact AJR Media Group, phone: (800) 383-7677, email: TexasHighways@AJRMediaGroup.com.

The department is now accepting advertising for the 2025 edition of the *Texas State Travel Guide*, scheduled to be available in January 2025. The *Texas State Travel Guide* is designed to encourage readers to explore and travel to and within the State of Texas. The guide lists cities and towns, featuring population figures and recreational travel sites for each, along with maps and 4-color photography. The guide may also include sections listing Texas lakes, state parks, state and national forests, along with hunting and fishing information. The State of Texas distributes this vacation guide to travelers in Texas and to those who request information while planning to travel in Texas.

Media kits are available on the texashighways.com website. All *Texas State Travel Guide* insertion orders, including premium space will be accepted on a first-come first-served basis. Insertion orders for an inside front cover spread and inside back cover spread will take precedence over an inside front cover and inside back cover insertion order. In most cases, larger ads will be positioned ahead of smaller ads.

The department is now accepting advertising for the 2025 edition of the *Texas Official Travel Map* scheduled to be available in January 2025. The State of Texas distributes this map to travelers in Texas and to those who request information while planning to travel in Texas.

The department continues to accept advertising for all quarterly issues of the *Texas Highways Events Calendar*, beginning with the Spring 2024 calendar. The *Texas Highways Events Calendar* is published quarterly, corresponding with the seasons, to provide information about events happening in Texas throughout the year. The *Texas Highways Events Calendar* includes festivals, art exhibits, rodeos, indoor and outdoor music and theatre productions, concerts, nature tours, and more, depending on the season. The State of Texas distributes this quarterly

calendar to travelers in Texas and to those who request information on events happening around the state.

The calendar editions list events scheduled for the following months:

Figure 1

Events Calendar Year & Edition		Timing of Events Listed
2024	Spring	March, April, May
	Summer	June, July, August
	Fall	September, October, November
2024-2025	Winter	December 2024, January & February 2025

The advertising due dates for the *Texas Highways Events Calendar* vary depending on the issue involved. The publication deadline for accepting advertising space in the *Texas Highways Events Calendar* is the 15th of the fourth month preceding the issue date. The deadline for accepting materials for the *Texas Highways Events Calendar* is one week after space closing. When material or space closing dates fall on a Saturday, Sunday, or holiday, space and/or materials are due the preceding workday.

The department is now accepting advertising for all monthly 2024-2025 issues of *Texas Highways* magazine. *Texas Highways* magazine is published ten times annually and designed to encourage recreational travel within the state and to tell the Texas story to readers around the world. Accordingly, the content of the magazine is focused on Texas vacation, recreational, travel, or tourism related subjects, shopping opportunities in Texas and for Texas related products, various outdoor events, sites, facilities, and services in the state, transportation modes and facilities in the state, and other sites, products, facilities, and services that are travel related or Texas-based, and that are determined by

the department to be of cultural, educational, historical, or of recreational interest to *Texas Highways* readers.

The publication deadline for accepting advertising space in *Texas Highways* magazine is the 1st of the second month preceding the issue date. The deadline for accepting materials for *Texas Highways* magazine is seven days after space closing. When material or space closing dates fall on a Saturday, Sunday, or holiday, space and/or materials are due the preceding workday.

The rate card information for potential advertisers in the *Texas State Travel Guide*, the *Texas Highways Events Calendar*, the *Texas Highways* magazine, the *Texas Official Travel Map*, and related digital assets are included in this notice. Digital assets include *TexasHighways.com* and *Texas Highways* Newsletters.

TEXAS STATE TRAVEL GUIDE

Space Closing: October 2, 2024

Materials Due: October 9, 2024

First Distribution: January 2025

2025 Edition Advertising Rates

Approximate distribution for 2025: 500,000

Run of Publication	Net
Full Page	\$15,269
Two Thirds (2/3) Page	\$10,908
Half (1/2) Page	\$9,172
One Third (1/3) Page	\$5,501
One Sixth (1/6) Page	\$3,469

Premium Positions	Net
Cover 2 (Inside Front)	\$17,559
Cover 3 (Inside Back)	\$17,254
Cover 4 (Back)	\$18,323
Spread (Run of Publication)	\$29,010
Inside Front Cover Spread	\$31,186
Inside Back Cover Spread	\$30,896

Notes

·All rates are 4-color (no black and white).

·Special placement requests will be accommodated if possible and will result in a 10% surcharge. Rates for inserts, gatefolds, multi-title frequency advertising, and other special advertising will be quoted on request.

Umbrella Plans

·Plan A: 5% discount for 1x Texas State Travel Guide, 3x Texas Highways Magazine, 2x Texas Events Calendar

·Plan B: 10% discount for 1x Texas State Travel Guide, 6x Texas Highways Magazine, 4x Texas Events Calendar

·Plan C: 10% discount for 1x Texas State Travel Guide, 12x Texas Highways Magazine, 2x Texas Events Calendar

Contracted Umbrella Plan discount applies to TexasHighways.com, Texas Highways E-newsletters, and the Official Texas State Travel Map.

Advertising Contact

For additional details and to discuss other advertising opportunities, contact an advertising representative:

AJR Media Group

Phone: 800-383-7677

Email: TexasHighways@AJRMediaGroup.com

Payment

Payment with order or net 30 from invoice date.

TEXAS HIGHWAYS EVENTS CALENDAR

<u>Issue Date</u>	<u>Space Closing</u>	<u>Materials Due</u>	<u>Release Date</u>
Winter (Dec, Jan, Feb)	Aug 15	Aug 22	Nov 1
Spring (Mar, Apr, May)	Nov 15	Nov 22	Feb 1
Summer (Jun, Jul, Aug)	Feb 15	Feb 22	May 1
Fall (Sep, Oct, Nov)	May 15	May 22	Aug 1

*If 15th falls on a Saturday, Sunday, or holiday, space close or release date moves back to preceding Friday

2024-2025 Advertising Rates (Net)

Approximate quarterly distribution: 65,000

Run of Publication	1x	2x	4x
Full Page	\$2,173	\$2,106	\$2,037
Two Third (2/3) Page	\$1,834	\$1,783	\$1,715
Half (1/2) Page	\$1,494	\$1,459	\$1,392
One Third (1/3) Page	\$1,086	\$1,052	\$984

Premium Positions	1x	2x	4x
Cover 2 (Inside Front)	\$2,455	\$2,379	\$2,302
Cover 3 (Inside Back)	\$2,369	\$2,668	\$2,221
Cover 4 (Back)	\$2,499	\$2,421	\$2,343
Full Page Spread	\$4,129	\$4,001	\$3,871
Inside Front Cover Spread	\$4,397	\$4,261	\$4,122
Inside Back Cover Spread	\$4,315	\$4,181	\$4,045

Notes

- All rates are 4-color (no black and white).
- Special placement requests will be accommodated if possible and will result in a 10% surcharge. Rates for inserts, gatefolds, multi-title frequency advertising, and other special advertising will be quoted on request.

Umbrella Plans

- Plan A: 5% discount for 1x Texas State Travel Guide, 3x Texas Highways Magazine, 2x Texas Events Calendar
- Plan B: 10% discount for 1x Texas State Travel Guide, 6x Texas Highways Magazine, 4x Texas Events Calendar
- Plan C: 10% discount for 1x Texas State Travel Guide, 12x Texas Highways Magazine, 2x Texas Events Calendar

Contracted Umbrella Plan discount applies to TexasHighways.com, Texas Highways E-newsletters, and the Official Texas State Travel Map.

Advertising Contact

For additional details and to discuss other advertising opportunities, contact an advertising representative:

AJR Media Group

Phone: 800-383-7677

Email: TexasHighways@AJRMediaGroup.com

Payment

Payment with order or net 30 from invoice date.

TEXAS HIGHWAYS MAGAZINE

Space Deadline: 1st of the second month preceding issue date

Materials Deadline: Seven days after space closing

When material or space closing dates fall on a Sat, Sun, or a holiday, space or materials are due the preceding workday.

2024-2025 Rate Card (Net)

284,000+ Total Readership

Run of Publication	1x	3x	6x	10x	18x
Full Page	\$7,308	\$6,942	\$6,723	\$6,504	\$6,284
2/3 Page	\$6,035	\$5,733	\$5,553	\$5,371	\$5,191
1/2 Page	\$4,744	\$4,511	\$4,368	\$4,226	\$4,083
1/3 Page	\$3,413	\$3,243	\$3,141	\$3,038	\$2,935
1/6 Page	\$1,879	\$1,785	\$1,728	\$1,672	\$1,616
Spread	\$13,884	\$13,190	\$12,774	\$12,358	\$11,940

Premium Positions	1x	3x	6x	12x	18x
Cover 2	\$8,257	\$7,844	\$7,596	\$7,349	\$7,101
Cover 3	\$7,965	\$7,567	\$7,327	\$7,089	\$6,849
Cover 4	\$8,404	\$7,983	\$7,731	\$7,479	\$7,227
IFC Spread	\$14,787	\$14,048	\$13,604	\$13,157	\$12,716
IBC Spread	\$14,509	\$13,784	\$13,349	\$12,904	\$12,478

Notes

- Current circulation details available from advertising representative.
- All rates are 4-color (no black and white).
- Special placement requests will be accommodated if possible and will result in a 10% surcharge. Rates for inserts, gatefolds, multi-title frequency advertising, and other special advertising will be quoted on request.
- Co-op advertisements do not qualify for special placement; those with excessive photography, fonts, and copy will not be accepted.
- Back cover and inside front cover ad design must be approved by the Texas Highways Publisher.

Umbrella Plans

- Plan A: 5% discount for 1x Texas State Travel Guide, 3x Texas Highways Magazine, 2x Texas Events Calendar
- Plan B: 10% discount for 1x Texas State Travel Guide, 6x Texas Highways Magazine, 4x Texas Events Calendar
- Plan C: 10% discount for 1x Texas State Travel Guide, 12x Texas Highways Magazine, 2x Texas Events Calendar

Contracted Umbrella Plan discount applies to TexasHighways.com, Texas Highways E-newsletters, and the Official Texas State Travel Map.

Advertising Contact

For additional details and to discuss other advertising opportunities, including advertorials, contact an advertising representative:
 AJR Media Group
 Phone: 800-383-7677
 Email: TexasHighways@AJRMediaGroup.com

Payment

Payment with order or net 30 from invoice date.

TEXAS OFFICIAL TRAVEL MAP

Space Closing: October 2, 2024

Materials Due: October 9, 2024

First Distribution: January 2025

2025 Edition Advertising Rates

Approximate annual distribution: 500,000

Run of Publication	Net
Full Panel	\$15,477
Half (1/2) Panel	\$7,739

Notes

·All rates are 4-color (no black and white).

·Special placement requests will be accommodated if possible and will result in a 10% surcharge. Rates for inserts, gatefolds, multi-title frequency advertising, and other special advertising will be quoted on request.

Umbrella Plans

·Plan A: 5% discount for 1x Texas State Travel Guide, 3x Texas Highways Magazine, 2x Texas Events Calendar

·Plan B: 10% discount for 1x Texas State Travel Guide, 6x Texas Highways Magazine, 4x Texas Events Calendar

·Plan C: 10% discount for 1x Texas State Travel Guide, 12x Texas Highways Magazine, 2x Texas Events Calendar

Contracted Umbrella Plan discount applies to TexasHighways.com, Texas Highways E-newsletters, and the Official Texas State Travel Map.

Advertising Contact

For additional details and to discuss other advertising opportunities, contact an advertising representative:

AJR Media Group

Phone: 800-383-7677

Email: TexasHighways@AJRMediaGroup.com

Payment

Payment with order or net 30 from invoice date.

TEXAS HIGHWAYS WEBSITE (TEXASHIGHWAYS.COM)

Space & Materials Deadline: Minimum two weeks prior to the first of the month in which the ad is intended to run

2024-2025 Advertising Rates

Approximate annual website visits: 2.1 million+

Run of Site	Net
Double Medium Rectangle (300 x 250)	\$569
Double Half Page (600 x 1200)	\$799

Notes

- Current web statistics are available from advertising representatives.
- Custom opportunities, such as sponsored content and social media promotions may be available upon request; please contact an advertising representative.
- Based on available inventory.
- Banners are sold in 25,000 impression increments which are scheduled to be delivered in a 30-day period. If the impressions are not delivered in 30 days, banners will run until 25,000 impressions are delivered. Limit of 6 banners in each position (18 banners total) may be purchased for each product/service in a 12-month period.

Umbrella Plans

- Plan A: 5% discount for 1x Texas State Travel Guide, 3x Texas Highways Magazine, 2x Texas Events Calendar
- Plan B: 10% discount for 1x Texas State Travel Guide, 6x Texas Highways Magazine, 4x Texas Events Calendar
- Plan C: 10% discount for 1x Texas State Travel Guide, 12x Texas Highways Magazine, 2x Texas Events Calendar

Contracted Umbrella Plan discount applies to TexasHighways.com, Texas Highways E-newsletters, and the Official Texas State Travel Map.

Advertising Contact

For additional details and to discuss other advertising opportunities, contact an advertising representative:

AJR Media Group

Phone: 800-383-7677

Email: TexasHighways@AJRMediaGroup.com

Payment

Payment with order or net 30 from invoice date.

TEXAS HIGHWAYS NEWSLETTERS

Space close: The first Monday of the preceding month of delivery

Material close: Seven days after space closing

Release dates:

Issue 1 “Scenic Route” – the first week of each month

Issue 2 “Events” - On or about the 15th of the month

Issue 3 “Behind the Issue” – the last week of the month

When material or space closing dates fall on a Sat, Sun, or a holiday, space or materials are due the preceding workday.

2024-2025 Advertising Rates

Approximate opt-in recipients per issue: 96,000+

Placement	Net
Exclusive Banner (468 x 60)	\$1,840
Exclusive Sponsored Content (image & copy)	\$2,156

Notes

- Current e-newsletter statistics are available from advertising representatives.
- Based on available inventory.

Umbrella Plans

- Plan A: 5% discount for 1x Texas State Travel Guide, 3x Texas Highways Magazine, 2x Texas Events Calendar
- Plan B: 10% discount for 1x Texas State Travel Guide, 6x Texas Highways Magazine, 4x Texas Events Calendar
- Plan C: 10% discount for 1x Texas State Travel Guide, 12x Texas Highways Magazine, 2x Texas Events Calendar

Contracted Umbrella Plan discount applies to TexasHighways.com, Texas Highways E-newsletters, and the Official Texas State Travel Map.

Advertising Contact

For additional details and to discuss other advertising opportunities, contact an advertising representative:

AJR Media Group

Phone: 800-383-7677

Email: TexasHighways@AJRMediaGroup.com

Payment

Payment with order or net 30 from invoice date.

TRD-202303916

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Filed: October 24, 2023



Texas Water Development Board

Notice for 2022 State Water Plan Amendment Adoption

Notice Intent to Adopt Amendment

The Texas Water Development Board (TWDB) will consider the adoption of an amendment to the 2022 State Water Plan at its December regularly scheduled Board meeting.

The amendment under consideration is proposed by the Region H Regional Water Planning Group. Specifically, Region H added one recommended water management strategy and associated project to include the Devers Pump Station Relocation for the Lower Neches Valley Authority (LNVA). This amendment to the 2021 Region H Regional Water Plan was approved by the Board on October 5, 2023, along with approval to conduct the public hearing for the associated state water plan amendment.

The TWDB will conduct a public hearing in accordance with Texas Water Code §16.053(h) and 31 Texas Administrative Code §357.51(h), and §358.4(a) on November 14, 2023 to receive public comment on a proposed amendment to the 2022 State Water Plan, Water for Texas 2022. The hearing will begin at 1:00 p.m. in Room 172, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701.

Interested persons are encouraged to attend the public hearing to present comments concerning the proposed amendment. Those who cannot attend the hearings may provide written comments on or before November 14, 2023 to Mr. Ashley Harden, General Counsel, Texas Water Development Board, P.O. Box 13231, Capitol Station, Austin, Texas 78711 or by email to PUBLIC-COMMENT@twdb.texas.gov. The TWDB will receive public comment on the proposed amendment until close of business at 5:00 p.m. on November 14, 2023. A copy of the proposed amendment is available on the TWDB's web site at <http://www.twdb.texas.gov/waterplanning/swp/2022/index.asp>.

TRD-202303918
Ashley Harden
General Counsel
Texas Water Development Board
Filed: October 25, 2023



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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