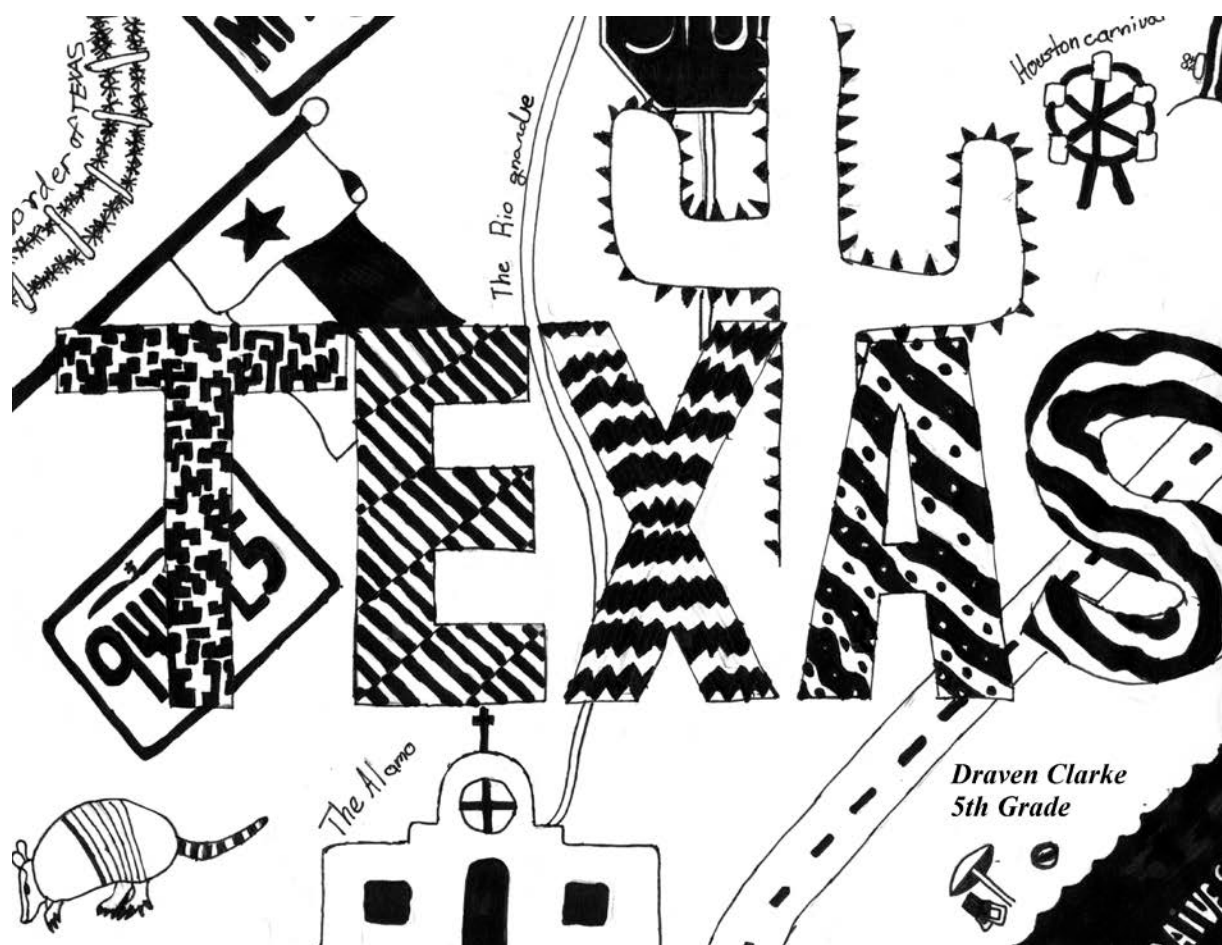


TEXAS REGISTER

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

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

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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

Appointment for June 5, 2015

Appointed to be the Executive Commissioner of Health and Human Services for a term to expire February 1, 2017, Christopher R. "Chris" Traylor of Austin (replacing Kyle Janek of Austin whose term expired).

Appointments for June 10, 2015

Designating Bech K. Bruun as presiding officer of the Texas Water Development Board for a term to expire at the pleasure of the Governor. Mr. Bruun is replacing Carlos Rubinstein of Austin as presiding officer.

Appointments for June 11, 2015

Appointed to the Texas Woman's University Board of Regents for a term to expire February 1, 2021, John V. "Vic" Lattimore, Jr. of Plano (replacing Sue S. Bancroft of Argyle whose term expired).

Appointed to the Texas Woman's University Board of Regents for a term to expire February 1, 2021, Nolan E. Perez of Harlingen (replacing Lola Chriss of Rowlett whose term expired).

Appointed to the Texas Woman's University Board of Regents for a term to expire February 1, 2021, Ann S. McGinity of Pearland (Dr. McGinity is being reappointed).

Appointments for June 17, 2015

Designating Jean L. "Jeanne" Olinger as presiding officer of the Texas Funeral Service Commission for a term to expire June 17, 2018. Dr. Olinger is replacing Elwynn "Gene" Allen of Kerrville as presiding officer.

Appointed to the Board of Pilot Commissioners for Galveston County Ports for a term to expire February 1, 2019, W. Bradshaw "Brad" Boney of Galveston (Mr. Boney is being reappointed).

Appointed to the Board of Pilot Commissioners for Galveston County Ports for a term to expire February 1, 2019, Kenneth R. "Kenny" Koncaba, Jr. of Friendswood (replacing Edward A. "Eddie" Janek of Galveston whose term expired).

Appointments for June 18, 2015

Designating Donna M. Bahorich of Houston as chair of the Texas State Board of Education for a term to expire February 1, 2017 (replacing Barbara Cargill of The Woodlands whose term expired).

Greg Abbott, Governor

TRD-201502453



Proclamation 41-3411

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, issued Emergency Disaster Proclamations on May 11, May 15, May 25 and May 26, 2015, certifying that the severe weather, tornado and flooding event that began on May 4, 2015, has caused a disaster in many Texas counties. Se-

vere weather, tornadoes and flooding continue in these and other counties in Texas.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I hereby amend these aforementioned proclamations and declare a disaster in Angelina, Archer, Bastrop, Blanco, Bosque, Bowie, Burleson, Caldwell, Cass, Cherokee, Clay, Collin, Comal, Cooke, Denton, Dewitt, Eastland, Edwards, Ellis, Fannin, Fayette, Gaines, Garza, Gillespie, Grayson, Grimes, Guadalupe, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Houston, Jasper, Johnson, Kaufman, Kendall, Lamar, Leon, Liberty, Lynn, Madison, Milam, Montague, Navarro, Newton, Nueces, Parker, Real, Red River, Refugio, Rusk, Sabine, San Jacinto, Smith, Travis, Tyler, Uvalde, Van Zandt, Victoria, Walker, Waller, Wharton, Wichita, Williamson, Wilson, Wise and Zavala counties.

Pursuant to Section 418.017 of the 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 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.

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 29th day of May, 2015.

Greg Abbott, Governor

TRD-201502454



Proclamation 41-3414

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, issued Emergency Disaster Proclamations on May 11, May 15, May 25, May 26 and May 29, 2015, certifying that the severe weather, tornado and flooding event that began on May 4, 2015, has caused a disaster in many Texas counties. Disaster conditions persist in many parts of the state.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I hereby amend these aforementioned proclamations and declare a disaster in Angelina, Archer, Atascosa, Austin, Bastrop, Baylor, Blanco, Bosque, Bowie, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Cass, Chambers, Cherokee, Clay, Collin, Comal, Comanche, Cooke, Dallas, Denton, Dewitt, Eastland, Edwards, Ellis, Erath, Fannin, Fayette, Fort Bend, Gaines, Garza, Gillespie, Grayson, Grimes, Guadalupe, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Houston, Jack, Jasper, Johnson, Kaufman, Kendall, Lamar, Lee, Leon, Liberty, Lubbock, Lynn, Madison, Milam, Montague, Nacogdoches, Navarro, Newton,

Nueces, Palo Pinto, Parker, Polk, Real, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Tarrant, Travis, Trinity, Tyler, Uvalde, Van Zandt, Victoria, Walker, Waller, Wharton, Wichita, Williamson, Wilson, Wise and Zavala counties.

Pursuant to Section 418.017 of the 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 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 3rd day of June, 2015.

Greg Abbott, Governor

TRD-201502455



Proclamation 41-3417

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, issued Emergency Disaster Proclamations on May 11, May 15, May 25, May 26, May 29 and June 3, 2015, certifying that the severe weather, tornado and flooding event that began on May 4, 2015, has caused a disaster in many Texas counties. Disaster conditions persist in many parts of the state.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I hereby amend the aforementioned proclamations and declare a disaster in Angelina, Archer, Atascosa, Austin, Bastrop, Baylor, Bell, Blanco, Bosque, Bowie, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Callahan, Cass, Chambers, Cherokee, Clay, Collin, Comal, Comanche, Cooke, Dallas, Denton, Dewitt, Dickens, Eastland, Edwards, Ellis, Erath, Fannin, Fayette, Fort Bend, Frio, Gaines, Garza, Gillespie, Gonzales, Grayson, Grimes, Guadalupe, Harris, Harrison, Hartley, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Jack, Jasper, Johnson, Jones, Kaufman, Kendall, Lamar, Lee, Leon, Liberty, Lubbock, Lynn, Madison, Milam, Montague, Nacogdoches, Navarro, Newton, Nueces, Palo Pinto, Parker, Polk, Real, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Tarrant, Throckmorton, Travis, Trinity, Tyler, Uvalde, Van Zandt, Victoria, Walker, Waller, Wharton, Wichita, Williamson, Wilson, Wise, Young and Zavala counties.

Pursuant to Section 418.017 of the 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 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 18th day of June, 2015.

Greg Abbott, Governor

TRD-201502456



Proclamation 41-3457

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, issued Emergency Disaster Proclamations on May 11, May 15, May 25, May 26, May 29, June 3 and June 18, 2015, certifying that the severe weather, tornado and flooding event that began on May 4, 2015, has caused a disaster in many Texas counties. Disaster conditions persist in many parts of the state.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I hereby amend the aforementioned proclamations and declare a disaster in Angelina, Archer, Atascosa, Austin, Bastrop, Baylor, Bell, Blanco, Bosque, Bowie, Brazoria, Brazos, Brown, Burleson, Caldwell, Calhoun, Callahan, Cass, Chambers, Cherokee, Clay, Collin, Comal, Comanche, Cooke, Dallas, Delta, Denton, Dewitt, Dickens, Eastland, Edwards, Ellis, Erath, Fannin, Fayette, Fort Bend, Frio, Gaines, Galveston, Garza, Gillespie, Gonzales, Grayson, Grimes, Guadalupe, Harris, Harrison, Hartley, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Jack, Jasper, Johnson, Jones, Kaufman, Kendall, Lamar, Lee, Leon, Liberty, Lubbock, Lynn, Madison, Milam, Montague, Montgomery, Nacogdoches, Navarro, Newton, Nueces, Orange, Palo Pinto, Parker, Polk, Real, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Tarrant, Throckmorton, Travis, Trinity, Tyler, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Wharton, Wichita, Williamson, Wilson, Wise, Young and Zavala counties.

Pursuant to Section 418.017 of the 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 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 22nd day of June, 2015.





Zack David Thomason 9th Grade

THE ATTORNEY GENERAL

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

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

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

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

Requests for Opinions

RQ-0030-KP

Requestor:

The Honorable Ori T. White

Pecos County Attorney

103 West Callaghan

Fort Stockton, Texas 79735

Re: Whether nepotism laws prohibit a county hospital from employing a county judge's spouse (RQ-0030-KP)

Briefs requested by July 23, 2015

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

TRD-201502433

Amanda Crawford

General Counsel

Office of the Attorney General

Filed: June 26, 2015



Requests for Opinions

RQ-0031-KP

Requestor:

The Honorable Dan Patrick

Lieutenant Governor of Texas

Post Office Box 12068

Austin, Texas 78711-2068

Re: Request for opinion regarding the rights of government officials involved with issuing same-sex marriage licenses and conducting same-sex wedding ceremonies (RQ-0031-KP)

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

TRD-201502435

Amanda Crawford

General Counsel

Office of the Attorney General

Filed: June 26, 2015



Opinions

Opinion No. KP-0025

The Honorable Dan Patrick

Lieutenant Governor of Texas

Post Office Box 12068

Austin, Texas 78711-2068

Re: Rights of government officials involved with issuing same-sex marriage licenses and conducting same-sex wedding ceremonies (RQ-0031-KP)

S U M M A R Y

A court would likely conclude that county clerks and their employees may refuse to issue same-sex marriage licenses due to their religious beliefs so long as same-sex marriage licenses are ultimately issued. A court would likely conclude that justices of the peace and judges may refuse to conduct same-sex wedding ceremonies due to their religious beliefs so long as the requested ceremonies ultimately occur.

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

TRD-201502460

Amanda Crawford

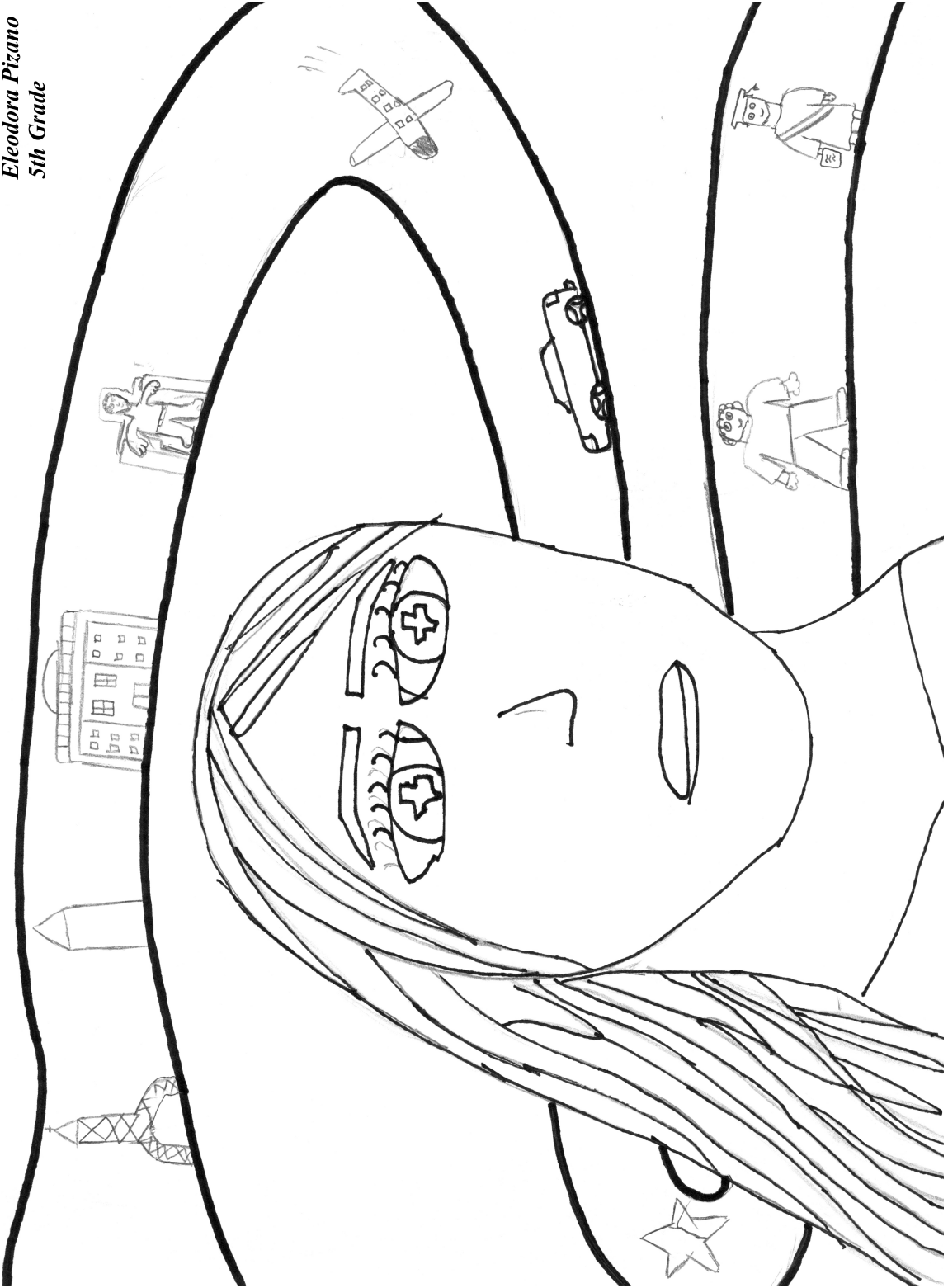
General Counsel

Office of the Attorney General

Filed: June 29, 2015



Eleodora Pizano
5th Grade



PROPOSED RULES

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

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

TITLE 1. ADMINISTRATION

PART 4. OFFICE OF THE SECRETARY OF STATE

CHAPTER 81. ELECTIONS

SUBCHAPTER A. VOTER REGISTRATION

1 TAC §81.10

The Office of the Secretary of State, Elections Division, proposes a new rule, §81.10, concerning the printing of a voter's name on the voter registration certificate. Texas Election Code §15.001(a)(1) provides that each voter registration certificate must contain "the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state." However, the application for voter registration does not provide a place for the voter to indicate the form in which their name should be printed on their registration certificate. The Secretary of State has determined that while a voter's former name must be supplied on the application under §13.002, it is does not serve any purpose by appearing on the voter registration certificate. Therefore, a voter's former name as it appears on their application is not required to be printed on the voter registration certificate.

Keith Ingram, Director of Elections, has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the new rule.

Mr. Ingram also has determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of enforcing the new rule will be to provide consistent and uniform guidance to counties and voters regarding the printing of former names on registration certificates. There will be no direct adverse economic impact for small businesses or micro businesses.

Comments on the proposal may be submitted to Keith Ingram, Director of Elections, Office of the Secretary of State, P.O. Box 12060, Austin, Texas 78711-2060. Comments may also be sent via email to: elections@sos.texas.gov. For comments submitted electronically, please include "Proposed Rule §81.10" in the subject line.

Comments must be received no later than thirty (30) days from the date of publication of the proposal in the *Texas Register*. Comments should be organized in a manner consistent with the organization of the proposed rule. Questions concerning the proposed rule may be directed to Elections Division, Office of the Texas Secretary of State, at (512) 463-5650.

Statutory Authority: Texas Election Code §15.001, §31.003.

The new rule is proposed under the Texas Election Code §31.003, which provides the Office of the Secretary of State with the authority to obtain and maintain uniformity in the application, interpretation, and operation of provisions under the Texas Election Code and other election laws. The new rule is also proposed under the Texas Election Code §15.001, which provides rulemaking authority to the Secretary of State regarding the appearance of a voter's name on a voter registration certificate.

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

§81.10. Printing of Name on Voter Registration Certificate.

(a) The phrase "(t)he voter's name in the form indicated by the voter" in Texas Election Code §15.001 shall not be read to include a former name provided by the voter on the voter registration application.

(b) The voter's name as it appears on the voter registration certificate shall reflect the information provided by the voter on the most recent application supplied by that voter to the voter registrar. The name on the voter registration certificate shall be restricted to first name, middle name (if any is supplied by the voter on the most recent application), and last name (including suffix, if any).

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

Filed with the Office of the Secretary of State on June 30, 2015.

TRD-201502464

Lindsey Wolf

General Counsel

Office of the Secretary of State

Earliest possible date of adoption: August 9, 2015

For further information, please call: (512) 463-5650



TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 17. MARKETING AND PROMOTION

SUBCHAPTER C. GO TEXAN CERTIFICATION MARK

4 TAC §17.55

The Texas Department of Agriculture (department) proposes amendments to Subchapter C, §17.55, relating to the use of the department's GO TEXAN mark. The amendments to §17.55 are proposed to clarify the registration process for the GO TEXAN program.

The amendments to §17.55 are proposed to make the registration and renewal processes more concise. The amendments also clarify the proper use of the GO TEXAN certification mark, including termination provisions.

Dan Hunter, Assistant Commissioner for Trade and Business Development, has determined that for the first five years the amended section is in effect, there will be no fiscal implications for state government as a result of administering or enforcing the section. Fees are currently being collected to operate the GO TEXAN program, as authorized by Texas Agriculture Code §12.0175, and there will be no additional costs to the department to continue to provide members with program benefits in order to promote Texas grown and made products. There will be no fiscal implications for local government.

Mr. Hunter has also determined that for each year of the first five years the proposed amended section is in effect, the public benefit will be that program benefits will continue to be provided to new and current members in a timely and cost efficient manner. There will be no increased costs to individuals, microbusinesses or small businesses as a result of the amended section as set out in this proposal.

Comments on the proposal may be submitted to Dan Hunter, Assistant Commissioner for Trade and Business Development, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendments to §17.55 are proposed pursuant to the Texas Agriculture Code §12.0175, which provides the department with authority to establish programs by rule to promote and market agricultural products and other products grown, processed, or produced in the state, and charge a membership fee, as provided by department rule, for each participant in a program, and adopt rules to administer a program established under §12.0175, and §12.031, which provides the department with the authority to assess and collect fees or royalties on department's registered certification marks for marketing and promotional activities authorized by §12.0175.

The statutory code affected by the proposal is Texas Agriculture Code Chapter 12.

§17.55. Registration and Use of the GO TEXAN Certification Mark.

(a) Membership. An annual fee for registration in the GO TEXAN program shall be paid to the department. Member registration fees are based on the applicant's tier selection at time of application. Applicants may select from four [~~three~~] different levels of membership, defined in paragraphs (1) - (4) below. Members in good standing with a current registration shall be granted licensed use of the GO TEXAN certification mark in accordance with guidelines prescribed in this subchapter. Members shall also be entitled to benefits to be determined by the department and described in detail at gotexan.org. [Annual fees and benefits for each level of membership are described in paragraphs (1) - (3) of this subsection. The department may, in its sole discretion, from time to time, revise or update the benefits for each level of membership.] All benefits are subject to continued authorization and appropriation of the GO TEXAN program by the Texas Legislature.

(1) Tier 1 - \$100. [Benefits for this membership level include licensed use of the GO TEXAN certification mark in strict accordance with §17.52 of this subchapter (relating to Application for Registration to Use the GO TEXAN Certification Mark); and listing in GO TEXAN program databases.]

(2) Tier 2 - \$500. [Benefits for this membership level include all the benefits provided for Tier 1 members, plus listing in relevant GO TEXAN publications provided by the department; up to three hours of marketing or advertising consulting services by department staff; eligibility for participation in the department's GO TEXAN Partner Program; discounts on GO TEXAN program merchandise; enrollment of additional GO TEXAN restaurant locations under the same name at no additional charge.]

(3) Tier 3 - \$1,000. [Benefits for this membership level include all the benefits provided for Tier 2 members, plus increased discounts on GO TEXAN program merchandise, membership award/plaque to denote program participation and display of a company graphic on the GO TEXAN website.]

(4) Sponsor Membership. [GO TEXAN program members may also participate as sponsors in the program.] Sponsorship levels begin at \$5,000. [and include all benefits available to Tier 3 members, set out in paragraph (3) of this subsection, plus additional benefits that may be provided for in a sponsorship agreement between the GO TEXAN program member and applicant.]

(b) Annual Registration Renewal. [The procedure for annual renewal of registration of persons authorized to use the GO TEXAN certification mark is as follows:]

(1) Thirty days before the expiration date of the registration, the department shall send the registered member a renewal notification. [each person previously registered to use the GO TEXAN certification mark a statement of the amount due as an annual registration fee.]

~~[(2) All payments are due by the expiration date of the registration.]~~

~~(2) [(3)]~~ After receipt of the renewal and annual fee, the department will send an approved registrant a certificate of registration.

~~(3) Registrant's account shall be suspended immediately for failure to renew membership upon expiration.~~

~~(4) Failure to renew member registration within one calendar year of expiration shall deem membership terminated. A new application for membership will be required for reinstatement to the GO TEXAN program. [Failure to remit the annual registration fee by the due date shall result in the registrant being designated as inactive. Failure to remit the annual registration fee within 366 days of the due date shall result in the expiration of the registration and a new application for membership will be required for reinstatement to the program.]~~

(c) Limited use restrictions.

(1) Registrant shall be granted a limited, non-exclusive license to use the mark solely in conjunction with the reproduction, display, advertisement and promotion for which registrant has been approved [applied], within the United States, for the registration period.

(2) Registrant will immediately cease use of the certification mark upon the suspension, expiration or termination of the registration. [expiration of the registration period, unless an application for renewal has been submitted to and approved by the department.]

(3) Registrant's proposed use shall be subject to review and approval [acceptance] by the Department. It is the responsibility of the registrant to ensure proper compliance with current departmental

guidance regarding use of the mark which may be issued from time to time. Failure to do so shall result in the suspension and/or termination of the GO TEXAN registration. The department may take legal action as necessary to ensure compliance with this subchapter at any time.

(4) Upon request, registrant shall promptly furnish the department a sample of any material bearing the mark, including but not limited to all advertising, promotional, and display materials, at no charge, for the department's written approval prior to any use thereof.

(5) Registrant's authorized use shall be of high standard that promotes the goodwill and reputation of the GO TEXAN program and the department. Failure to promote the GO TEXAN program or compromising the image and integrity of the program will result in the termination of the membership.

(6) As required by the department, registrant shall affix on all items utilized in the authorized use, appropriate legal notices, as follows: "GO TEXAN is a certification mark of, and is used with permission from the Texas Department of Agriculture" in addition to use of the registration symbol in conjunction with the certification mark.

(7) Registrant's authorization to use the GO TEXAN certification mark, shall not be construed to grant or assign any right, title or interest in or to the GO TEXAN certification mark or the goodwill attached thereto.

(8) Any and all use of the mark by registrant as allowed under program rules shall inure solely to the benefit of the department.

~~{(d) List of Registrants. A list of registrants and available contact information may be found on the program website at gotexan.org.}~~

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

Filed with the Office of the Secretary of State on June 29, 2015.
TRD-201502448
Jessica Escobar
Assistant General Counsel
Texas Department of Agriculture
Earliest possible date of adoption: August 9, 2015
For further information, please call: (512) 463-4075



PART 13. PRESCRIBED BURNING BOARD

CHAPTER 226. REQUIREMENTS FOR CERTIFICATION BY THE BOARD

4 TAC §226.3

The Board of Directors (Board) of the Prescribed Burning Board (PBB) of the Texas Department of Agriculture (TDA) proposes the amendment of Chapter 226, §226.3, concerning experience of certified and insured prescribed burn managers.

The amendment of §226.3 is proposed in order to clarify certification requirements for certified and insured prescribed burn managers by removing the requirement that training be specific to a particular eco-region. Certified and insured prescribed burn managers may be qualified for certification within a specific eco-region by demonstrating experience under §226.4 of this chapter, relating to experience.

David Kostroun, Chief Administrator for Agriculture and Consumer Protection, has determined that for the first five years the proposed amended section is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the section, as amended.

Mr. Kostroun has also determined that for each year of the first five years the proposed rule is in effect the public benefit anticipated as a result of the proposed amended section will be clarification regarding training requirements and certification criteria. There will be no economic cost for micro-businesses, small businesses or individuals who are required to comply with the amended section, as proposed.

Written comments on the proposal may be submitted to David Kostroun, Agriculture and Consumer Protection, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendment of §226.3 is proposed under Natural Resources Code §153.046, which provides that the Board shall establish standards for prescribed burning, certification, recertification, and training for certified and insured prescribed burn managers, and establish minimum education, professional and insurance requirements for certified and insured prescribed burn managers and instructors.

Natural Resources Code Chapter 153 is affected by the proposal.

§226.3. Experience.

(a) To be certified ~~[in an eco-region]~~ as a certified and insured prescribed burn manager, an applicant must demonstrate the following minimum level of experience:

(1) three years of prescribed burning as a member of a burn team; or

(2) a minimum of 30 days of prescribed burns, with at least 5 of those days as the individual responsible for all aspects of the prescribed burn.

(b) - (d) (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.

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TRD-201502439
Jessica Escobar
Assistant General Counsel, Texas Department of Agriculture
Prescribed Burning Board
Earliest possible date of adoption: August 9, 2015
For further information, please call: (512) 463-4075



TITLE 13. CULTURAL RESOURCES

PART 3. TEXAS COMMISSION ON THE ARTS

CHAPTER 35. A GUIDE TO PROGRAMS AND SERVICES

13 TAC §35.1

The Texas Commission on the Arts (Commission) proposes an amendment to §35.1, concerning a Guide to Programs and Services.

The purpose of the amendment is to be consistent with changes to programs and services of the Commission as revised June 2015.

Gary Gibbs, Executive Director, Texas Commission on the Arts, has determined that, for the first five-year period the proposal is in effect, there will be no fiscal implications for state or local government as a result of enforcing the rule as proposed.

Mr. Gibbs also 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 rule will be an updated rule. There is no anticipated economic cost to persons who are required to comply with the rule as proposed. There will be no effect to small or micro businesses.

Comments on the proposal may be submitted to Dana Swann, Texas Commission on the Arts, P.O. Box 13406, Austin, Texas 78711-3406. Comments will be accepted for 30 days upon publication of this proposal in the *Texas Register*.

The amendment is proposed under the Government Code, §444.009, which provides the Texas Commission on the Arts with the authority to make rules and regulations for its government and that of its officers and committees.

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

§35.1. *A Guide to Programs and Services.*

The Commission adopts by reference a Guide to Programs and Services (revised June 2015 [May 2014]). This document is published by and available from the Texas Commission on the Arts, P.O. Box 13406, Austin, Texas 78711. This document is also available online at www.arts.state.tx.us.

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

Filed with the Office of the Secretary of State on June 26, 2015.

TRD-201502431

Gary Gibbs

Executive Director

Texas Commission on the Arts

Earliest possible date of adoption: August 9, 2015

For further information, please call: (512) 936-6564



TITLE 22. EXAMINING BOARDS

PART 7. STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

CHAPTER 141. FITTING AND DISPENSING OF HEARING INSTRUMENTS

22 TAC §141.16

The State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments (committee) proposes an amendment to §141.16, concerning conditions of sale.

BACKGROUND AND PURPOSE

The amendment to §141.16 is necessary to update and delete redundant language that references federal regulations without changing requirements. Licensees will still be required to comply with all applicable federal regulations.

SECTION-BY-SECTION SUMMARY

The amendment to §141.16 revises the title of the rule and deletes language that restates language in Title 21 Code of Federal Regulations (CFR) §801.420 and §801.421. Subsection (a) will cite the applicable federal regulations instead of repeating the text of the federal regulations in subsection (a).

Subsection (a) also includes the committee's web page address that contains a link to the federal regulations. The committee proposes adding the language: "A link to the federal regulations is available online at http://www.dshs.state.tx.us/fitters/fdhi_rules.shtm." This will direct licensees to 21 CFR §801.420 and §801.421.

FISCAL NOTE

Katie Brice, Executive Director, has determined that for each year of the first five years that the section will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the section as proposed. The amended text of the section does not change any requirement in the current rule.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Ms. Brice has also determined that there will be no adverse economic impact on small businesses or micro-businesses required to comply with the section as proposed. This was determined by interpretation of the rule that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the section. Therefore, an economic impact statement and regulatory flexibility analysis for small and micro-businesses are not required.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

Ms. Brice has also determined that for each year of the first five years the section is in effect, the public will benefit from adoption of the proposed rule amendment. The public benefit anticipated as a result of enforcing or administering the section will be to ensure the effective regulation of licensed hearing instrument dispensers, apprentice permit holders, and temporary training permit holders in Texas, which will protect and promote public health, safety, and welfare.

REGULATORY ANALYSIS

The committee has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy,

a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

Comments on the proposal may be submitted to Katie Brice, Executive Director, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, Mail Code 1982, P.O. Box 149347, Austin, Texas 78714-9347. Comments may also be sent through email to fdhi@dshs.state.tx.us. Please write "Comments on Proposed Rule" in the subject line. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

LEGAL CERTIFICATION

The Department of State Health Services General Counsel, Lisa Hernandez, certifies that the proposed rule has been reviewed by legal counsel and found to be within the state agencies' legal authority to adopt.

STATUTORY AUTHORITY

The amendment is authorized by Occupations Code, §402.102, which authorizes the committee, with the approval of the Executive Commissioner of the Health and Human Services Commission, to adopt procedural rules necessary for the performance of the committee's duties.

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

§141.16. *Conditions of Sale [Sales].*

(a) A licensee or permit holder shall comply with the federal regulations adopted by the U.S. Food and Drug Administration at Title 21 Code of Federal Regulations §801.420 and §801.421. A link to the federal regulations is available online at http://www.dshs.state.tx.us/fitters/fdhi_rules.shtm.

{(a) Compliance with other state and federal regulations.}

{(1) A licensee or permit holder shall adhere to the Federal Food and Drug Administration regulations in accordance with 21 Code of Federal Regulations §801.420 and §801.421.}

{(2) A licensee or permit holder shall receive a written statement before selling a hearing instrument that is signed by a physician or surgeon duly licensed by the Texas Medical Board who specializes in diseases of the ear. The written statement shall confirm that the client's hearing loss has been medically evaluated during the preceding six-month period and that the client is age 18 or older. The licensee may inform the client that the medical evaluation requirement may be waived as long as the licensee:}

{(A) informs the client that the exercise of the waiver is not in the client's best health interest;}

{(B) does not encourage the client to waive the medical evaluation; and}

{(C) gives the client an opportunity to sign a statement on the contract that says: "I have been advised by (licensee's or permit holder's name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation by a licensed physician (preferably a physician or surgeon who specializes in diseases of the ear) before purchasing one or more hearing instruments. I do not wish to receive a medical evaluation before purchasing a hearing instrument".}

{(3) A licensee or permit holder shall not sell a hearing instrument to a person under 18 years of age unless the prospective user, parent, or guardian has presented to the licensee or permit holder a written statement signed by a licensed physician specializing in diseases of the ear that states that the client's hearing loss has been medically evaluated and the client may be considered a candidate for a hearing instrument. The evaluation must have taken place within the preceding six months.}

{(4) A licensee or permit holder shall advise clients who appear to have any of the following otologic conditions to consult promptly with a physician:}

{(A) visible, congenital or traumatic deformity of the ear;}

{(B) history of active drainage from the ear within the previous 90 days;}

{(C) history of sudden or rapidly progressive hearing loss within the previous 90 days;}

{(D) acute or chronic dizziness;}

{(E) unilateral hearing loss of sudden or recent onset within the previous 90 days;}

{(F) audiometric air-bone gap equal to or greater than 15 decibels at 500 hertz (Hz), 1,000 Hz, and 2,000 Hz;}

{(G) visible evidence of significant cerumen accumulation or a foreign body in the ear canal; and}

{(H) pain or discomfort in the ear.}

(b) - (d) (No change.)

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

Filed with the Office of the Secretary of State on June 25, 2015.

TRD-201502426

William McCrae

Chair

State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments

Earliest possible date of adoption: August 9, 2015

For further information, please call: (512) 776-6972



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 9. PROPERTY TAX ADMINISTRATION

SUBCHAPTER D. APPRAISAL REVIEW BOARD

34 TAC §9.804

The Comptroller of Public Accounts proposes amendments to §9.804, concerning arbitration of appraisal review board determinations. The comptroller proposes amending subsections (b)(1), (2), and (6), and (e)(6) to reflect a statutory change which provides that properties which are eligible for binding arbitration include properties whose appraised or market value is \$3 million or less. This amount is increased from the \$1 million limit under prior law.

The comptroller also proposes amending subsections (b)(3) and (c)(1) to reflect a change in law relating to the graduated fee structure based on the value of the property subject to arbitration. Under prior law, a flat \$500 fee for each mediation was established. Subsection (b)(3) is amended to include Appendix 1 which sets forth the schedule of deposits which reflect the statutory change in the application fee structure based on the type and value of the property. Subsection (c)(1) is amended to include Appendix 2 which sets forth changes to the amount of the arbitrator's fee based on the type and value of the property subject to the arbitration.

Subsection (g)(3), (4), (5), and (6) is amended to reflect a change in the law which limits the comptroller's ability to retain \$50 per arbitration to cover administrative costs.

Updated versions of the Request for Binding Arbitration form and the Arbitration Determination and Award form are adopted by reference in subsection (i). These amendments are made to reflect changes to the binding arbitration program made by Senate Bill 849, 84th Legislature, which changed the way in which fees for binding arbitrations are to be assessed.

The comptroller also proposes to make two additional amendments necessary to improve the arbitration program which are unrelated to the recent legislative changes made in S.B. 849. First, a sentence is added to the end of subsection (d)(6) to emphasize that while conducting an arbitration, an arbitrator should conduct himself or herself in a professional manner. Second, subsection (e)(1) is amended to provide that the arbitrator should cooperate with the appraisal district and the owner or agent in scheduling an arbitration hearing. Both of these amendments are proposed under the comptroller's general authority in Tax Code, §41A.13, to adopt rules to administer the arbitration program.

Tom Currah, Chief Revenue Estimator, has determined that for the first five-year period the rule will be in effect, there will be no significant revenue impact on the state or units of local government.

Mr. Currah also has determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be by improving the administration of local property valuation and taxation. The proposed amendment would have no fiscal impact on small businesses. There is no significant anticipated economic cost to individuals who are required to comply with the proposed rule.

Comments on the proposed rule may be submitted to Mike Esparza, Director, Property Tax Assistance Division, P.O. Box 13528, Austin, Texas 78711.

This section is proposed pursuant to Tax Code, §41A.13 which authorizes the comptroller to adopt rules necessary to implement and administer Tax Code, Chapter 41A.

The amendments to subsections (b)(1), (2), (3), (6), (c)(1), (e)(6), (g)(3), (4), (5), and (6) implement changes made to the statutes by S.B. 849, 84th Legislature.

§9.804. Arbitration of Appraisal Review Board Determinations.

(a) Definitions and instructions. The following words and terms, when used in this subchapter, shall have the following meanings and are subject to the stated instructions and provisions.

(1) Owner--A person or entity having legal title to property. It does not include lessees who have the right to protest property valuations before county appraisal review boards.

(2) Agent--An individual for whom written authorization has been granted in accordance with the terms of this subsection and includes the following: an attorney licensed by the State of Texas; a real estate broker or salesperson licensed under Occupations Code, Chapter 1101; a real estate appraiser licensed or certified under Occupations Code, Chapter 1103; an appraisal district employee registered under Occupations Code, Chapter 1151, or an appraisal district contractor; a property tax consultant registered under Occupations Code, Chapter 1152; or a certified public accountant certified under Occupations Code, Chapter 901. An agent, other than an attorney, may not take any action relating to binding arbitration on behalf of an owner without a completed authorization form prescribed by the comptroller. The authorization form must be signed by the owner and specify the actions that the agent is authorized to take on behalf of the owner with respect to binding arbitration. Authorized actions that must be identified on the form include whether or not the agent has the authority to sign the request for binding arbitration, whether or not the agent has the authority to receive deposit refunds, and whether or not the agent has the authority to represent the owner in the arbitration proceeding. The authorization must identify as an agent a specific individual and identify the agent's license or certificate number and applicable licensing board pertaining to the license or certificate under which the agent is qualified to represent the owner pursuant to Tax Code, §41A.08. An authorization identifying a business entity is not valid; identification of an individual meeting the qualifications of Tax Code, §41A.08 is required. If an owner authorizes an agent to receive deposit refunds, the authorization must include the agent's social security number, federal tax identification number, or Texas state tax identification number. If the owner has no agent, all correspondence from the comptroller regarding the arbitration will be sent to the owner. If the owner has authorized an agent to receive deposit refunds as provided in this section, all correspondence from the comptroller regarding the arbitration will be sent to the authorized agent. In order for an agent to represent an appraisal district, other than an attorney or an employee of the appraisal district, a written statement signed by the chief appraiser authorizing the agent to represent the district in the arbitration proceedings shall be submitted in writing to the property owner and the arbitrator at or before the time of the arbitration proceeding.

(3) Binding arbitration--A forum in which each party to a dispute presents the position of the party before an impartial third party who is appointed by the comptroller as provided by Tax Code, Chapter 41A, and who renders a specific award that is enforceable in law and may only be appealed as provided by Civil Practices and Remedies Code, §171.088, for purposes of vacating an award.

(4) Appraised value--Has the meaning included in Tax Code, §1.04(8).

(5) Market value--Has the meaning included in Tax Code, §1.04(7).

(6) Appraisal district--Has the meaning included in Tax Code, §6.01.

(7) Comptroller--The Comptroller of Public Accounts of the State of Texas.

(b) Request for Arbitration.

(1) The appraisal review board of an appraisal district shall include a notice of the owner's right to binding arbitration and a copy of the request for binding arbitration form prescribed by the comptroller with the notice of issuance and the order determining a protest filed pursuant to Tax Code, §41.41(a)(1) or (2) concerning the appraised or market value of property if the value determined by the order is §3 [~~5~~] million or less or if the property qualifies as the owner's residence homestead under Tax Code, §11.13.

(2) An owner may appeal through binding arbitration an appraisal review board order determining a protest filed pursuant to Tax Code, §41.41(a)(1) or (2) concerning the appraised or market value of property if the value determined by the order is §3 [~~5~~] million or less or if the property qualifies as the owner's residence homestead under Tax Code, §11.13. A motion for correction of an appraisal roll, a protest concerning the qualification of property for exemption or special appraisal, or any other issue not specified in Tax Code, §41.41(a)(1) or (2) cannot be appealed through binding arbitration.

(3) A request for binding arbitration must be made on the form prescribed by the comptroller and signed by an owner or agent. If an agent files a request for binding arbitration, a written authorization signed by the owner as described in this section that specifically authorizes the agent to file the request must be attached to the request for binding arbitration. Failure to attach a complete authorization disqualifies the agent from requesting the arbitration. The request for binding arbitration form must be filed with the appraisal district responsible for appraising the property not later than the 45th calendar day after the date the owner receives the order determining protest from the appraisal review board as evidenced by certified mail receipt. A deposit in the amount provided by Tax Code, §41A.03 in the form of a money order or a check issued and guaranteed by a banking institution, such as a cashier's or teller's check, payable to the Comptroller of Public Accounts must accompany the request for binding arbitration. Personal check, cash, or other form of payment shall not be accepted. The schedule of deposits is found in Appendix 1. The request for binding arbitration with the required deposit and, if applicable, the agent authorization form must be timely submitted to the appraisal district by hand delivery, by certified first-class mail, or as provided by Tax Code, §1.08 or Tax Code, §1.085.

Figure: 34 TAC §9.804(b)(3)

(4) The appraisal district shall reject a request for binding arbitration if the owner or agent fails to attach the required deposit in the manner required by this section. In such event, the appraisal district shall return the request for binding arbitration with a notification of the rejection to the owner or agent by regular first-class mail or other form of delivery requested in writing by the owner or agent.

(5) The chief appraiser of the appraisal district must submit requests for binding arbitration with the required deposits to the comptroller not later than the 10th calendar day after the date the appraisal district receives the requests. The chief appraiser must assign an arbitration number to each request in accordance with the procedures and forms developed by the comptroller. The chief appraiser must certify receipt of the request and state in the certification whether or not the request was timely filed; the request was made on the form prescribed by the comptroller; the deposit was submitted according to this section; and any other information required by the comptroller. In addition, the chief appraiser must submit to the comptroller with each request a copy

of the order determining protest or, in the case of an appeal relating to contiguous properties pursuant to Tax Code, §41A.03, a copy of each order determining protest. The chief appraiser must submit the requests for arbitration to the comptroller by hand delivery or certified first-class mail, and must simultaneously deliver a copy of the submission to the owner by regular first-class mail.

(6) Failure by the owner to timely file the request for arbitration and the required deposit with the appraisal district shall result in the denial of the request by the comptroller. Failure by the owner to pay taxes on the property subject to the appeal in an amount equal to the amount of taxes due on the portion of the taxable value of the property that is not in dispute before the delinquency date shall result in the denial of the request for arbitration by the comptroller. If the property owner or agent did not file a protest pursuant to Tax Code, §41.41(a)(1) or (2) concerning the appraised or market value of property determined by the appraisal review board to be valued at §3 [~~5~~] million or less or property that qualifies as the owner's residence homestead under Tax Code, §11.13, the comptroller shall deny the request for binding arbitration. If the property owner or agent filed an appeal in district court concerning the property subject to a request for binding arbitration, the comptroller shall deny the request. Failure by the owner to provide all information required by the comptroller's prescribed form, including but not limited to the signature of the owner or agent and the written authorization of the owner designating an agent, may result in the denial of the request by the comptroller if the information is not provided in a timely manner, not to exceed 10 calendar days, after a written or verbal request by the comptroller to the person requesting arbitration to supplement or complete the form has been made.

(7) On receipt of the request for arbitration, the comptroller shall determine whether to accept the request, deny the request, or request additional information. The comptroller shall notify the owner or agent and appraisal district of the determination. If the comptroller accepts the request, the comptroller shall notify the owner or agent and the appraisal district of the Internet address of the comptroller's website at which the comptroller's registry of arbitrators is maintained and may be accessed. The comptroller shall request in the notice that the parties attempt to select an arbitrator from the registry of arbitrators. The notice shall be delivered electronically, by facsimile transmission, or by regular first-class mail. If requested by the owner or appraisal district, the comptroller shall deliver promptly a copy of the registry of arbitrators in paper form to the owner or the appraisal district by regular first-class mail.

(c) Registry of Arbitrators.

(1) A person seeking to be listed in the comptroller's registry of arbitrators must submit a completed application on a form provided by the comptroller providing all requested information and documentation and affirming that the applicant meets the qualifications set forth in Tax Code, §41A.06. By submitting the application and any documentation required on the prescribed form, the applicant attests that he or she has all of the qualifications required under Tax Code, §41A.06, agrees to conduct an arbitration for a fee as set out in Appendix 2 [~~that is not more than 90% of the amount of the arbitration deposit~~], and agrees to promptly notify the comptroller of any change in the applicant's qualifications. The attestation shall remain in effect until the renewal date of the applicant's license or certification under which the applicant was qualified, pursuant to Tax Code, §41A.06, to be included in the registry. For an arbitrator to continue to be included in the registry, a new application must be submitted on or before the earlier of each renewal date of the applicant's license or certification under which the applicant was qualified, pursuant to Tax Code, §41A.06, or the second anniversary of the date the arbitrator was initially added to or subsequently renewed on the registry.

Figure: 34 TAC §9.804(c)(1)

(2) A person applying for inclusion in the comptroller's registry of arbitrators must agree to conduct arbitration hearings as required by Tax Code, Chapter 41A, and in accordance with the limitations indicated in the application and by this section. The application must state that false statements provided by applicants may result in misdemeanor or felony convictions. The application must also state that the comptroller may remove a person from the registry of arbitrators at any time due to failure to meet statutory qualifications or to comply with requirements of this section, or for good cause as determined by the comptroller.

(3) The comptroller shall deny an application if it is determined that the applicant does not qualify for listing in the arbitration registry or if inclusion of the applicant in the arbitration registry would otherwise not be in the interest of impartial arbitration proceedings. A person is ineligible to be listed as an arbitrator if the person is a member of a board of directors of any appraisal district or an appraisal review board in the state; an employee, contractor, or officer of any appraisal district in the state; a current employee of the comptroller; or a member of a governing body, officer, or employee of any taxing unit in the state.

(4) If the application is approved, the applicant's name and other pertinent information provided in the application and the applicant's professional resume or vitae shall be added to the comptroller's registry of arbitrators. The registry may include the arbitrator's experience and qualifications, the geographic areas in which the arbitrator agrees to serve, and other information useful for property owners and county appraisal district personnel in selecting an arbitrator. The arbitrator may be required to conduct arbitrations regionally in order to be included in the registry.

(5) The comptroller must notify the applicant of the approval or denial of the application or the removal of the arbitrator from the registry as soon as practicable and must provide a brief explanation of the reasons for denial. The applicant may provide a written statement of why the denial should be reconsidered by the comptroller within 30 calendar days of the applicant receiving the denial. The comptroller may approve the application if the applicant provides information to justify the approval. If the application is subsequently approved, the comptroller shall notify the applicant as soon as practicable.

(6) Each person who is listed as an arbitrator in the comptroller's registry must report to the comptroller in writing any material change in the information provided in the application within 30 calendar days of the change. A material change includes, but is not limited to a change in address, telephone number, e-mail address, website, loss of required licensure, incapacity, or other condition that would prevent the person from professionally performing arbitration duties. Failure of the arbitrator to report a material change may result in the immediate removal of the arbitrator from the current registry upon its discovery and the denial of future applications for inclusion in the registry. An arbitrator's failure to report a material change as required by this paragraph shall not affect the determinations and awards made by the arbitrator during the period that the arbitrator is listed in the registry.

(7) Owners, agents, and appraisal districts are responsible for verifying the accuracy of the information provided in the arbitrator registry in attempting to agree on an arbitrator. If the information is found to be inaccurate by the owners, agents, or appraisal districts, such fact must be communicated to the comptroller as soon as practicable in order that the registry may be corrected. Inclusion of an arbitrator in the comptroller's registry is not and shall not be construed as a representation by the comptroller that all information provided is true and correct and shall not be construed or represented as a professional endorsement of the arbitrator's qualifications to conduct arbitration proceedings.

(8) The registry shall be maintained on the comptroller's Internet website or in non-electronic form and will be updated within 30 calendar days of the date that arbitrator applications are approved or updated and processed by the comptroller.

(d) Appointment of Arbitrators.

(1) The appraisal district shall notify the comptroller not later than the 20th calendar day after the date the parties receive a copy of the registry or the notice of the comptroller's Internet address of the registry website, whichever is later, that an arbitrator was selected by the parties by agreement or that an agreement could not be reached.

(2) The comptroller shall promptly appoint an arbitrator selected by agreement of the owner or agent and the appraisal district. The notification of the appointment must be transmitted by regular first-class mail to the arbitrator. The arbitrator shall notify the owner or agent and the appraisal district promptly of the appointment.

(3) If an appraisal district notifies the comptroller that the owner or agent and the appraisal district have been unable to agree to an arbitrator, the comptroller shall appoint an arbitrator from the registry within 20 business days from such notification and inform the arbitrator by regular first-class mail. The arbitrator shall notify the owner or agent and the appraisal district promptly of the appointment.

(4) If the appraisal district fails to notify the comptroller of the selection of an arbitrator or the failure to agree to an arbitrator timely, the comptroller shall appoint an arbitrator from the registry within 20 business days of the date the comptroller becomes aware of the failure of the appraisal district and owner or agent to comply with the requirements of law. The arbitrator shall be notified of the appointment by the comptroller by regular first-class mail. The arbitrator shall notify the owner or agent and the appraisal district promptly of the appointment.

(5) The appointment of an arbitrator by the comptroller shall be made according to preferences included in arbitrator applications geographically and by random selection.

(6) An arbitrator may not accept an appointment and may not continue an arbitration after appointment if the arbitrator has an interest in the outcome of the arbitration or if the arbitrator is related to the owner, an officer, employee, or contractor of the appraisal district, or a member of the appraisal district board of directors or appraisal review board by affinity within the second degree or by consanguinity within the third degree as determined under Government Code, Chapter 573. The owner or appraisal district may request a substitute arbitrator before the arbitration proceedings begin upon a showing, supported by competent evidence, that the assigned arbitrator has an interest in the outcome of the arbitration or that the arbitrator is related to the owner, an officer, employee, or contractor of the appraisal district, or a member of the appraisal district board of directors or appraisal review board by affinity within the second degree or by consanguinity within the third degree as determined under Government Code, Chapter 573. While conducting an arbitration, an arbitrator should at all times conduct himself or herself in a professional manner while interacting with the parties. The arbitrator should not engage in conduct that creates a conflict of interest.

(7) The comptroller must be notified, in writing, within 5 business days of the arbitrator's receipt of the appointment that the arbitrator is unable or unwilling to conduct the arbitration because of a conflict of interest described by paragraph (6) of this subsection, or for any other reason; or that the appointment is accepted. The notification must be delivered to the comptroller electronically, by facsimile transmission, or by regular first-class mail. If the comptroller does not receive from the arbitrator written notification of acceptance or refusal

of the appointment within 5 business days, the comptroller shall presume that the appointment has been refused. If the arbitrator refuses the appointment, the comptroller shall appoint a substitute arbitrator from the registry within 10 business days of the receipt, or the determination pursuant to this subsection, of the arbitrator's refusal. The process of appointment of arbitrators pursuant to this subsection shall continue in this fashion until an acceptance is obtained. A refusal to accept an arbitration appointment may be considered by the comptroller in evaluating subsequent requests for arbitration and appointments.

(e) Provision of Arbitration Services.

(1) The arbitrator may require written agreements with the appraisal district and the owner concerning provision of arbitration services, including but not limited to the time, place, and manner of conducting and concluding the arbitration. Unless the property owner and the appraisal district both agree to arbitration by submission of written documents, the arbitration will be conducted in person or by teleconference. An arbitrator may require that the arbitration be conducted in person. If the arbitration is conducted in person, the proceeding must be held in the county where the appraisal district office is located and from which the appraisal review board order determining protest was issued, unless the parties agree to another location. The arbitrator must give notice and conduct arbitration proceedings in the manner provided by Civil Practice and Remedies Code, §§171.044, 171.045, 171.046, 171.047, 171.049, 171.050, and 171.051, and shall continue a proceeding if both parties agree to the continuance and may continue a proceeding for reasonable cause. The arbitrator should cooperate with the appraisal district and the owner or agent in scheduling a hearing. The arbitrator must, by written procedures delivered in advance to the parties, require that the parties produce and exchange evidence prior to the hearing.

(2) The arbitrator shall decide to what extent the arbitration hearing procedures are formal or informal and shall deliver written procedures to be used at the hearing. The parties shall be allowed to record the proceedings by audiotape, but may record them by videotape only with the consent of the arbitrator.

(3) The parties to an arbitration proceeding may represent themselves or may be represented by an agent as provided by Tax Code, §41A.08 with timely, written authorization as provided in this section. If an agent was not identified in the request for binding arbitration for purposes of representing an owner in the arbitration proceeding, a written authorization from the owner may be presented at the time of the arbitration proceeding in order for the agent to represent the owner at the proceeding. Such written authorization must be made on the comptroller-prescribed agent authorization form, must be signed by the owner, and may provide only for the agent to represent the owner at the arbitration proceeding. Any deposit refund will be processed in accordance with the original request for binding arbitration. No written authorization is required for an attorney to represent a party at an arbitration proceeding.

(4) The confidentiality provisions of Tax Code, §22.27, concerning information provided to an appraisal office, apply to information provided to arbitrators. The information may not be disclosed except as provided by law.

(5) The arbitrator shall not communicate with the owner, the appraisal district, or their agents, nor shall the owner, the appraisal district, or their agents communicate with the arbitrator, prior to the arbitration hearing concerning specific evidence, argument, facts, merits, or the property subject to arbitration. Such communications may be grounds for the removal of the arbitrator from the comptroller's registry of arbitrators.

(6) The arbitrator shall dismiss a pending arbitration action with prejudice if it is determined during the proceedings that taxes on the property subject to the appeal are delinquent; that the appraisal review board order(s) appealed did not determine a protest filed pursuant to Tax Code, §41.41(a)(1) or (2) concerning the appraised or market value of property determined by the order at \$3 [~~\$4~~] million or less or of property that qualifies as the owner's residence homestead under Tax Code, §11.13; that the request for arbitration was not timely filed; or if the owner files an appeal with the district court under Tax Code, Chapter 42, concerning the value of property at issue in the pending arbitration. When the arbitration involves contiguous tracts of land pursuant to Tax Code, §41A.03(a-1), each appraisal review board order appealed must be a determination of a protest filed pursuant to Tax Code, §41.41(a)(1) concerning the appraised or market value of property determined by the order at \$3 [~~\$4~~] million or less or of property that qualifies as the owner's residence homestead under Tax Code, §11.13; however, the combined total value of all orders appealed may exceed \$3 [~~\$4~~] million, whether or not the appeal involves a property that qualifies as owner's residence homestead. When the arbitration involves contiguous tracts of land pursuant to Tax Code, §41A.03(a-1), the arbitrator shall dismiss a pending arbitration action with prejudice if it is determined during the proceedings that taxes on any property subject to the appeal are delinquent; that any of the appraisal review board orders appealed did not determine a protest filed pursuant to Tax Code, §41.41(a)(1) or (2) concerning the appraised or market value of property determined by the order at \$3 [~~\$4~~] million or less or of property that qualifies as the owner's residence homestead under Tax Code, §11.13; that the request for arbitration was not timely filed; or if the owner files an appeal with the district court under Tax Code, Chapter 42, concerning the value of any property at issue in the pending arbitration.

(7) The arbitrator must complete an arbitration proceeding in a timely manner and will make every effort to complete the proceeding within 120 days from the acceptance of the appointment by the arbitrator. Failure to comply with the timely completion of arbitration proceedings may result in the removal of the arbitrator from the comptroller's registry of arbitrators.

(f) Arbitration Determinations and Awards.

(1) The arbitrator shall determine the appraised or market value of the property that is the subject of the arbitration.

(2) If the arbitrator makes a determination of the appraised value of property to be valued under Tax Code, Chapter 23, Subchapters B, C, D, E, or H, these statutory provisions and the comptroller's rules must be followed in making the appraised value determination.

(3) If the arbitrator makes a determination of the value of a residence homestead that has an appraised value that is less than its market value due to the appraised value limitation required by Tax Code, §23.23, the appraised value may not be changed unless:

(A) the arbitrator determines that the formula for calculating the appraised value of the property under Tax Code, §23.23, was incorrectly applied and the change correctly applies the formula;

(B) the calculation of the appraised value of the property reflected in the appraisal review board order includes an amount attributable to new improvements and the change reflects the arbitrator's determination of the value contributed by the new improvements; or

(C) the arbitrator determines that the market value of the property is less than the appraised value indicated on the appraisal review board order and the change reduces the appraised value to the market value determined by the arbitrator.

(4) Within 20 calendar days of the conclusion of the arbitration hearing, the arbitrator shall make a final determination and award on the form prescribed by the comptroller and signed by the arbitrator. A copy of the determination and award form shall be delivered to the owner or agent and the appraisal district by facsimile transmission or regular first-class mail, as requested by the parties, and to the comptroller by regular first-class mail.

(5) All post-appeal administrative procedures provided by Tax Code, Chapter 42, Subchapter C, shall apply to arbitration awards.

(g) Payment of Arbitrators' Fees and Refund of Property Owner Deposit.

(1) Deposits submitted with requests for arbitration by owners or agents, and submitted by appraisal districts to the comptroller, shall be deposited into individual accounts for each owner and according to assigned arbitration numbers.

(2) The provisions of Government Code, Chapter 2251, shall apply to the payment of arbitrator fees by the comptroller, if applicable, beginning on the date that the comptroller receives a copy of the arbitrator's determination and award by regular first-class mail.

(3) Payment of arbitrators' fees and arbitration deposit refunds will be processed in accordance with the provisions of Tax Code, §41A.09. An award that determines an appraised or market value at an amount exactly one-half of the difference in value between the property owner's opinion of value as stated in the request for binding arbitration and the value determined by the appraisal review board is deemed to be nearer the appraisal review board's determination of value. The comptroller will retain \$50 [40%] of each deposit for administrative costs.

(4) If an arbitrator dismisses a pending arbitration as provided by subsection (e)(6) of this section, the comptroller shall refund to the owner or agent the deposit, less the \$50 [40%] retained by the comptroller for administrative costs. In such event, the arbitrator must seek payment from the owner or agent for the services rendered prior to the dismissal of the proceeding.

(5) An owner or agent may withdraw a request for arbitration only by written notice delivered to the appraisal district, the comptroller, and the arbitrator, if one has been appointed. If the owner or agent withdraws a request for arbitration in writing 14 or more calendar days before the arbitration proceeding is first scheduled, the comptroller shall refund to the owner or agent the deposit, less the \$50 [40%] retained by the comptroller for administrative costs. If the owner or agent withdraws a request for arbitration less than 14 calendar days before the arbitration proceeding is first scheduled, the comptroller shall pay the fee, if any, charged by the arbitrator. The fee will be paid from the owner's deposit and mailed to the address shown on the arbitrator's registry application. If the arbitrator's fee is less than the maximum allowable fee under Appendix 2 [90% of the owner's deposit], the comptroller shall refund to the owner or agent any remaining deposit, less \$50 [40%] retained by the comptroller for administrative costs. If the arbitrator's fee is the maximum allowable fee under Appendix 2 [90% of the owner's deposit], the comptroller shall retain \$50 [40%] of the deposit for administrative costs and no refund will be paid.

(6) If the comptroller denies a request for arbitration as provided by subsection (b)(6) of this section, the comptroller shall refund to the owner or agent the deposit, less the \$50 [40%] retained by the comptroller for administrative costs.

(7) A refund to an owner or agent or a payment to an arbitrator is subject to the provisions of Government Code, §403.055. The comptroller's form for request for binding arbitration will require identification of the social security number or tax identification number of the individual authorized to receive deposit refunds. For an owner, the

owner is required to provide the owner's social security number, federal tax identification number, or Texas state tax identification number. If an agent has been authorized by the owner to receive deposit refunds, the agent is required to provide the agent's social security number, federal tax identification number, or Texas state tax identification number. Deposit refunds will not be processed without the required identification. The comptroller shall not issue a warrant for payment to a person who is indebted to the state or has a tax delinquency owing to the state until the indebtedness or delinquency has been fully satisfied.

(h) Pending Arbitrations. No party to an arbitration including, but not limited to, a property owner, a property owner's agent, an appraisal district, or an arbitrator, may seek the comptroller's advice or direction on a matter relating to a pending arbitration under Tax Code, Chapter 41A. An arbitration is pending from the date a request for arbitration is filed and continues until delivery of the arbitrator's final award pursuant to Tax Code, §41A.09. The prohibition in this subsection shall not apply to administrative matters assigned to the comptroller, such as processing of arbitration requests and deposits.

(i) Forms Adopted by Reference. The Comptroller of Public Accounts adopts by reference the Request for Binding Arbitration form and the Arbitration Determination and Award form. Copies of these forms can be obtained from the Comptroller of Public Accounts, Property Tax Assistance Division, P.O. Box 13528, Austin, Texas 78711-3528.

(j) Other Forms. All other comptroller forms applicable to this section may be revised at the discretion of the comptroller. The comptroller may also prescribe additional forms for the administration of binding arbitration. Current forms can be obtained from the Comptroller of Public Accounts' Property Tax Assistance Division.

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

Filed with the Office of the Secretary of State on June 25, 2015.

TRD-201502427

Lita Gonzalez

General Counsel

Comptroller of Public Accounts

Earliest possible date of adoption: August 9, 2015

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



PART 11. TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

CHAPTER 302. GENERAL PROVISIONS RELATING TO THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

34 TAC §§302.2, 302.4 - 302.11

The Texas Emergency Services Retirement System (System) proposes amendments to §§302.2 and 302.4 - 302.6 and new rules §§302.7 - 302.11.

The System notified member departments of the rule review process via letter in an email on October 14, 2014, and through an article placed in the October 2014 edition of *Texas Firemen*, the magazine published by the State Firefighters' and Fire Marshals' Association, the primary certification and training body for volunteer fire departments in Texas. Departments

and other stakeholders were notified of the process on the agency website and in social media. In those notifications and in other communications, stakeholders were encouraged to forward suggestions for rule changes to the agency via an agency email address established especially for that purpose, rulereview@tesrs.texas.gov. No suggestions from departments or other stakeholders were received during the review process.

Proposed Amendments

The State Board of Trustees of the System proposes amendments to the following sections in Chapter 302, including: §302.2, Benefit Distributions; §302.4, Reduction or Revocation of Benefits; §302.5, Correction of Errors; and §302.6, Charge for Certain Contributions Past Due. Amendments include minor clarification, grammatical corrections, and terminology updates, in addition to more substantive changes as discussed in the following summary by section.

The proposed amendment to §302.2, concerning Benefit Distributions, is a minor clarification that substitutes the word "Section" in §302.2(a)(2) with the section symbol.

Proposed amendments to §302.4, concerning Reduction or Revocation of Benefits, require in §302.4(a) that any elective reduction or revocation of benefits by a married member or retiree be authorized by the spouse in writing. This change is intended to document agreement on this election, since plan rules provide for the financial security of member and retiree spouses, in the event of untimely or natural death under the authority of Government Code §864.006, concerning Member Service Death Benefits, and §864.009, concerning Retiree Death Benefit Annuity. The proposed change in §302.4(b) substitutes the word 'waiver' with the words 'reduction or revocation' for consistency with language throughout §302.4. The proposed change to the sentence in §302.4(c) is being made as a necessary terminology update, since the term 'Commissioner' is no longer applicable to the System, per action taken by the 83rd Legislature in S.B. 220, which abolished the Office of the Firefighters' Pension Commissioner.

Proposed amendments to §302.5, concerning Correction of Errors, include substantive changes by placing a time limit of five years on requests for error corrections in §302.5(a) and by clarifying the authority to apply an interest charge associated such corrections in §302.5(a)(2). The authority for the Board of Trustees to establish an interest charge for unpaid contributions is granted in Government Code §863.005, concerning Charge for Certain Past Due Contributions, which is established by rule in 34 TAC §302.6, concerning Charge for Certain Contributions Past Due. The change proposed in §302.5(b) gives the Executive Director of the System latitude to consider corrections that fall outside of the discussed five-year window, with sole discretion to allow or deny those error corrections, based on the merit and specific circumstances of such cases. The changes proposed in this section are necessary to protect the System against material unforeseen liabilities, while preserving the ability of local pension boards in making necessary error corrections.

Based on the authority granted in Government Code §865.014, concerning Local Contributions, the governing bodies of member departments are responsible for making contributions to the System. The proposed amendments to §302.6, concerning Charge for Certain Contributions Past Due, includes a change to §302.6(a) to clarify that the governing body of a participating department is liable for interest charges that may accrue as a result of record corrections authorized by 34 TAC §302.5,

by adding the words, 'The governing body of [a participating department is liable for the payment]'. The change proposed in §302.6(c) provides clarification that interest which may become payable as a result of error corrections is due in total, by adding the words 'in full'. The authority to charge interest is granted in Government Code §863.005.

Additional amendments to §§302.2, 302.4, 302.5, and 302.6, which are not discussed, are considered minor clarifications, grammatical corrections, and terminology updates.

Proposed New Rules

The State Board of Trustees of the System proposes the following new rules in Chapter 302, which are proposed for clarification purposes, including: §302.7, Auxiliary Employee; §302.8, Qualified Service; §302.9, Certification of Physical Fitness; §302.10, Nonforfeitable Benefits; and §302.11, Procedures for Plan Qualification.

A new rule is proposed as §302.7, Auxiliary Employee, under authority granted in Government Code §861.001, in order to clarify the designation for departments and guidelines for compensation requirements.

A new rule is proposed as §302.8, Qualified Service, under authority granted in Government Code §861.001 and §864.001, in order to clarify the ability of member departments to interpret emergencies and support services for the purpose of compliance with those sections.

A new rule is proposed as §302.9, Certification of Physical Fitness, under authority granted in Government Code §862.003(a) and §864.001, in order to ensure that returning volunteers meet the necessary physical fitness requirements for active membership.

A new rule is proposed as §302.10, Nonforfeitable Benefits, under authority granted in Government Code §863.001, in order to ensure that earned benefits are nonforfeitable.

A new rule is proposed as §302.11, Procedures for Plan Qualification, under authority granted in Government Code §861.006, to clarify the ability of the Board of Trustees to develop whatever procedures may be necessary to ensure the System's plan continues to qualify under the IRS Code.

Michelle Jordan, Executive Director, has determined that the public benefit for the first five years that the amended and new rules are in effect will be to improve the effectiveness of the System due to consistency between rules and the System's statutory authority. Ms. Jordan also has determined that for the first five years the rules will be in effect it is estimated that there will be neither additional cost nor a reduction in cost to state government for enforcing or administering the rules; that for the first five years the rules are in effect there will be no loss or gain in revenue to state or local governments; and that for the first five years the rules are in effect it will not result in a cost to state government.

Small businesses or individuals would not be affected by the adoption of the amended and new rules.

Comments on the proposed amendments and new rules may be submitted in writing to Michelle Jordan, Executive Director, Texas Emergency Services Retirement System, P.O. Box 12577, Austin, Texas 78711-2577 not later than August 10, 2015. Comments may also be submitted electronically to michelle.jordan@tesrs.texas.gov or faxed to (512) 936-3480.

The amendments and new rules are proposed under the statutory authority of Government Code, Title 8, Subtitle H, Texas Emergency Services Retirement System, §§861.001, 861.006, 862.003, 863.001, 863.005, 864.001, 864.006, 864.009, and 865.014. No other statutes, articles, or codes are affected by the proposed amendments and new rules.

§302.2. *Benefit Distributions.*

(a) In this section:

(1) "Code" means the Internal Revenue Code of 1986, as amended.

(2) "§ [Section] 401(a)(9) requirements" means the requirements under §401(a)(9) of the code and Treasury Regulations §§1.401(a)(9)-1 through 1.401(a)(9)-9.

(b) The annual benefit based on the service of a member may not exceed the amount permitted by the code and related regulations for the appropriate year, including, without limitation, §415(b) of the code. If the aggregated benefit otherwise payable under the pension system and any other defined benefit plan maintained by a political subdivision that has contributed to the fund on behalf of the member would otherwise exceed the benefits allowable under federal law, the reduction in benefits must first be applied to the extent possible from the other plan, and only after those reductions, from the fund.

(c) A retirement annuity or benefits to a qualified beneficiary under the pension system may not begin after the deadlines provided under the code and related regulations, including, without limitation, the deadlines provided by subsection (d) of this section.

(d) All distributions under the fund must at all times comply with and conform to the §401(a)(9) requirements, and any distribution required under the incidental death benefits requirements of §401(a) of the code will be treated as a distribution under the §401(a)(9) requirements. This subsection overrides any distribution options inconsistent with the §401(a)(9) requirements. The pension system shall develop procedures to ensure that distributions comply with the §401(a)(9) requirements, including the requirement that a member's entire interest under the system will be distributed, or begin to be distributed, to the member no later than April 1 of the year after the later of the year in which the member ceases performing qualified service for a participating department or the year in which the member attains age 70-1/2.

(e) If the annual compensation of a member is ever taken into account for any purpose of the fund, that annual compensation may not exceed the limit in effect under §401(a)(17) of the code, as periodically adjusted in accordance with guidelines provided by the United States Secretary of the Treasury.

§302.4. *Reduction or Revocation of Benefits.*

(a) A person entitled to benefits from the pension system may, in a manner determined by the pension system, reduce the amount of the benefits or revoke the right to the benefits. A decision under this section is irrevocable and binding on the person's spouse and dependents, if applicable. If the person reducing or revoking benefits is married, the person's spouse must consent to such reduction or revocation in writing in a manner determined by the pension system.

(b) A reduction or revocation under this section applies to all payments that become or would have become due after the date of the reduction or revocation [waiver]. Amounts waived under this section are forfeited to the pension system.

(c) A subsequent cost-of-living adjustment granted under the pension system or a benefit increase granted by a governing body for persons entitled to benefits under the Texas Local Fire Fighters Retirement Act that are being administered by the pension system will not be

applied to persons who have reduced or revoked their benefits under this section [to the extent the benefits are administered by the commissioner].

§302.5. *Correction of Errors.*

(a) A local board may correct an error in enrollment in membership or computation of qualified service by completing and submitting to the Executive Director a form provided by the pension system for any error that occurred within the five-year period prior to the date that the form is submitted to the pension system. The completed form must be:

(1) signed by the chair and secretary of the local board and the administrative head of the department; and

(2) accompanied by any applicable past due contributions necessitated by the change, including the applicable interest charge in accordance with Rule §302.6.

(b) The Executive Director may require the local board to provide additional documentation with respect to the correction of error and may reject any proposed correction if such additional documentation is not provided. The Executive Director may also permit the correction of an error that occurred more than five years from the date that the correction form is submitted to the pension system if the Executive Director determines in his or her sole and absolute discretion that such correction is equitable and justifiable under the given circumstances.

§302.6. *Charge for Certain Contributions Past Due.*

(a) The governing body of a [A] participating department is liable for the payment of an interest charge if the correction of an error results in the enrollment of, or the crediting of qualified service to, a member who previously was entitled to be enrolled or granted credit for qualified service and the error was the omission of the participating department and not the pension system.

(b) An interest charge assessed under this section is calculated on the amount of local contributions due because of the correction of the error and based on the pension system's assumed rate of return as recommended by the actuary, adopted by the State Board of Trustees, and in effect on the date the correction is made, and is compounded annually. The charge is assessed from the date the local contributions would have been made except for the error to the date the correction is made.

(c) An interest charge assessed under this section becomes payable in full with the first quarterly payment that becomes due after the date of assessment. This section does not apply to an error corrected before October 1, 2009.

§302.7. *Auxiliary Employee.*

(a) The rate of compensation requirement for the determination of whether a person is an auxiliary employee under §861.001(2), Government Code shall be measured on an calendar year basis, utilizing the total compensation received by the person for performing emergency services for the participating department in the office or position to which the person is appointed as an auxiliary employee and the total hours of emergency services performed by such person for the participating department in such office or position. The local board shall be responsible for the policy relating to the determination of the total hours of emergency services that a person performs in a given calendar year for purposes of the determination of the rate of compensation under this subsection.

(b) Compensation and hours performed for emergency services in a full-time position or office for a participating department will not be considered in determining whether or not a person is an auxiliary employee for purposes of the system as long as such

full-time position or office has different roles and responsibilities that are clearly distinct from the roles and responsibilities of the office or position for which the person performs emergency services as an auxiliary employee.

(c) Notwithstanding the determination in subsection (a) of this section, a person shall not qualify as an auxiliary employee if the total compensation received by the person for performing emergency services for the participating department in the office or position to which the person is appointed as an auxiliary employee in a calendar year exceeds an amount equal to 1,000 multiplied by the sum of the federal minimum wage rate plus \$2.

§302.8. Qualified Service.

The local board shall be responsible for the policy for its participating department relating to the requirements for percentage of attendance of emergencies under §864.001(10)(B)(i), Texas Government Code, or the percentage of providing support services for emergencies under §864.001(10)(B)(ii), Texas Government Code, in connection with the determination of whether a person is performing or has performed qualified service for purposes of the pension system.

§302.9. Certification of Physical Fitness.

A member who experiences a break-in-service of more than six months from all participating departments must again satisfy the requirements of §862.003(a), Texas Government Code (Certification of Physical Fitness), to receive credited service under the pension system.

§302.10. Nonforfeitable Benefits.

The retirement benefit earned by a member shall be nonforfeitable upon attaining normal retirement age. In addition, the retirement benefit earned by a member shall become nonforfeitable to the extent funded (if not already nonforfeitable), upon the termination of the pension system.

§302.11. Procedures for Plan Qualification.

The state board may adopt any procedures that it deems necessary in order to ensure that the pension system satisfies the requirements for a qualified retirement plan under the code.

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

Filed with the Office of the Secretary of State on June 29, 2015.

TRD-201502441

Michelle Jordan

Executive Director

Texas Emergency Services Retirement System

Earliest possible date of adoption: August 9, 2015

For further information, please call: (512) 936-3474



CHAPTER 304. MEMBERSHIP IN THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

34 TAC §304.1

The Texas Emergency Services Retirement System (System) proposes amendments to §304.1.

The System notified member departments of the rule review process via letter in an email on October 14, 2014, and through an article placed in the October 2014 edition of *Texas Firemen*,

the magazine published by the State Firefighters' and Fire Marshals' Association, the primary certification and training body for volunteer fire departments in Texas. Departments and other stakeholders were notified of the process on the agency website and in social media. In those notifications and in other communications, stakeholders were encouraged to forward suggestions for rule changes to the agency via an agency email address established especially for that purpose, rulereview@tesrs.texas.gov. No suggestions from departments or other stakeholders were received during the review process.

Based on this review, the State Board of Trustees of the System proposes amendments to §304.1, concerning Participation by a Department. The Board is authorized by Government Code §862.004 to adopt rules concerning governing body elections to participate in the System.

An amendment is proposed to §304.1(a) to provide clarification that any election made by a governing body to participate in the System must be provided in writing, by adding the words 'in writing'. An additional amendment is proposed to §304.1(a) that would require new member departments have at least seven active volunteers or seven auxiliary employees in order to join the System. The addition of this language ensures a participating department has enough active members to satisfy Local Board composition requirements under Government Code §865.012.

Proposed amendments to §304.1(b) includes minor changes intended to increase the readability of the section, but more substantively eliminates the ability to predate an agreement to join the System. This change provides for a more straightforward dating of contracts and resulting billings, in addition to providing for consistency with standard business practices.

A proposed amendment to §304.1(c) includes clarifying language through the addition of the word 'effective [date]' and other minor changes intended to increase readability of the section.

A clarifying amendment is proposed to §304.1(d) which adds language that disqualifies for-profit departments as being eligible for membership in the System. The System does not currently have member departments that are for-profit entities and Government Code §862.001 requires membership of a department be accomplished via a governing body, which has been interpreted by the System as a political subdivision. This rule provides clarifying language for reference purposes.

Additional amendments to §304.1, which are not discussed, are considered minor clarifications, grammatical corrections, and terminology updates.

Michelle Jordan, Executive Director, has determined that the public benefit for the first five years that the amended rule is in effect will be to improve the effectiveness of the System due to consistency between the rule and the System's statutory authority. Ms. Jordan also has determined that for the first five years the rule will be in effect it is estimated that there will be neither additional cost nor a reduction in cost to state government for enforcing or administering the rule; that for the first five years the rule is in effect there will be no loss or gain in revenue to state or local governments; and that for the first five years the rule is in effect it will not result in a cost to state government.

Small businesses or individuals would not be affected by the adoption of the amended rule.

Comments on the proposed amendments may be submitted in writing to Michelle Jordan, Executive Director, Texas Emergency

Services Retirement System, P.O. Box 12577, Austin, Texas 78711-2577 not later than August 10, 2015. Comments may also be submitted electronically to michelle.jordan@tesrs.texas.gov or faxed to (512) 936-3480.

The amendments are proposed under the statutory authority of Government Code, Title 8, Subtitle H, Texas Emergency Services Retirement System, §862.004. No other statutes, articles, or codes are affected by the proposed amendments.

§304.1. Participation by Department.

(a) The governing body of a department that performs emergency services may, in the manner provided for taking official action by the body, elect to participate in the pension system. A governing body shall notify the Executive Director in writing as soon as practicable of an election made under this section. An election made under this section is irrevocable except as provided by §862.001, Government Code. Effective September 1, 2015, a department must have at least seven volunteers or auxiliary employees who would be eligible to be a member in the pension system in order to make the election to participate provided under this section.

(b) The effective date of a department's participation in the pension system must be the first day of a month that follows [~~but may pre-date the date of~~] the election of a [as determined by contract between the] governing body to participate in [~~and~~] the pension system.

(c) A department may purchase prior service credit under §306.1 of this title under the terms of that section for service performed before the effective date of participation [~~the election to participate~~] in the pension system but neither the pension system nor the governing body of the participating department is [~~not~~] liable for the payment of benefits because of any disability or death that occurred before that date.

(d) The governing body of a department that performs emergency services that makes the election for a department to participate as described in subsection (a) of this section shall not be a for-profit entity.

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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Michelle Jordan

Executive Director

Texas Emergency Services Retirement System

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For further information, please call: (512) 936-3474



CHAPTER 306. CREDITABLE SERVICE FOR MEMBERS OF THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

34 TAC §306.1, §306.2

The Texas Emergency Services Retirement System (System) proposes amendments to §306.1 and §306.2.

The System notified member departments of the rule review process via letter in an email on October 14, 2014, and through an article placed in the October 2014 edition of *Texas Firemen*, the magazine published by the State Firefighters' and Fire

Marshals' Association, the primary certification and training body for volunteer fire departments in Texas. Departments and other stakeholders were notified of the process on the agency website and in social media. In those notifications and in other communications, stakeholders were encouraged to forward suggestions for rule changes to the agency via an agency email address established especially for that purpose, rulereview@tesrs.texas.gov. No suggestions from departments or other stakeholders were received during the review process.

Based on this review, the State Board of Trustees of the System proposes amendments to the following sections in Chapter 306, including: §306.1, Prior Service Credit for Members of Participating Departments, and §306.2, Merger of Existing Pension Plan into Pension System. Amendments include minor clarification, grammatical corrections, and terminology updates, in addition to more substantive changes as discussed in the following summary by section.

The proposed amendment to §306.1, concerning Prior Service Credit for Members of Participating Departments, includes minor changes in §306.1(c) and §306.1(d) intended to increase the readability of the section. Also included in §306.1(d) is clarifying language that requires costs for prior service be calculated by the System's actuary in order to ensure that the System collects sufficient payment from departments, according to actuarial standards and on an actuarially sound basis, prior to granting such prior service credit. Statutory authority for rulemaking related to prior service credit exists in Government Code §863.004, which requires that the costs of granting prior service credit be determined on a basis that maintains the pension system as actuarially sound.

The System is authorized in Government Code §862.004 to adopt rules for the merger of existing pension plans into the System. Proposed amendments to §306.2, concerning Merger of Existing Pension Plans into the Pension System, are made according to this authority and are summarized below by subsection.

Proposed changes to §306.2(b) require that if the assets of a merging department are not sufficient to cover computed costs for active members a department may finance those costs over a ten-year period, subject to interest. The amendment is substantive because the language change implies that the opportunity to finance prior service costs is available only to those merging departments that do not have sufficient assets to pay for the computed cost of the merge in total. Other changes that apply the clarifying language of 'active members' are for consistency with that terminology used elsewhere in §306.2(b). Proposed amendments to §306.2(c) include changes for the same reasons, except that subsection (c) concerns annuitants, where subsection (b) relates to active members.

In general, proposed changes to §306.2(d), §306.2(e), and §306.2(g) update those subsections to more accurately refer to active members and language in subsection (b), in addition to existing language that references inactive members and language in subsection (c). As part of any new member department with an existing pension system to merge, there will be active members in addition to annuitants and inactive members (referred to collectively as inactive members throughout the section) that should be referenced in any requirements for accomplishing a merge.

Proposed changes in §306.2(d) include changes intended to increase the readability of the section, and also clarifying changes

that include prior service costs for active members and a reference to the related subsection (b), in the context that merge activities must be determined as actuarially sound.

Proposed changes in §306.2(e) include clarifying language to add active members within the context of the subsection, which states that after a merge is completed prior service granted to members is treated from a benefits perspective, as though those members earned that service as members of the System.

Proposed changes in §306.2(g) include clarifying language to more accurately state that payment terms associated with the costs for the merging of active members described in subsection (b) and inactive members described in subsection (c) and any future contributions, if applicable, should be described in the agreement between the merging department and the System.

Additional amendments to §306.1 and §306.2, which are not discussed, are considered minor clarifications, grammatical corrections, and terminology updates.

Michelle Jordan, Executive Director, has determined that the public benefit for the first five years that the amended rules are in effect will be to improve the effectiveness of the System due to consistency between rules and the System's statutory authority. Ms. Jordan also has determined that for the first five years the rules will be in effect it is estimated that there will be neither additional cost nor a reduction in cost to state government for enforcing or administering the rules; that for the first five years the rules are in effect there will be no loss or gain in revenue to state or local governments; and that for the first five years the rules are in effect it will not result in a cost to state government.

Small businesses or individuals would not be affected by the adoption of the amended rules.

Comments on the proposed amendments may be submitted in writing to Michelle Jordan, Executive Director, Texas Emergency Services Retirement System, P.O. Box 12577, Austin, Texas 78711-2577 not later than August 10, 2015. Comments may also be submitted electronically to michelle.jordan@tesrs.texas.gov or faxed to (512) 936-3480.

The amendments are proposed under the statutory authority of Government Code, Title 8, Subtitle H, Texas Emergency Services Retirement System, §862.004 and §863.004. No other statutes, articles, or codes are affected by the proposed amendments.

§306.1. Prior Service Credit for Members of Participating Departments.

(a) A department that elects to participate in the pension system and is not merging an existing pension plan into the system may, before the second anniversary of the date the department begins participation, make a one-time election to purchase service credit for qualified service performed for the department before the effective date of departmental participation by the persons who became members of the pension system on the effective date of the departmental participation.

(b) A department that elects or has previously elected to participate in the pension system and is merging or has merged an existing pension plan into the system may at any time purchase service credit for qualified service performed for the department before the effective date of participation by persons who are members of the system on the date the department contracts for the purchase.

(c) The maximum amount of prior service credit a member may receive under this section is 10 years. A department may choose to purchase prior service credit for a [maximum] number of years not

to exceed a maximum of [less than] 10 years. The pension system shall grant prior service credit under this section if the department agrees in writing to finance the prior service credit by a lump-sum payment or within a period not to exceed 10 years from the effective date of the election to purchase the credit.

(d) The cost to finance the purchase of prior service credit is based on the actuarially assumed rate of investment return on fund assets at the time payment for the credit begins. A department may purchase prior service credit under subsection (a) of this section based on [at] any contribution rate at or above the minimum provided by statute or board rule for the period purchased and under subsection (b) of this section based on [at] any contribution rate at or above the current minimum provided by board rule at the time payment for the credit begins. The overall costs associated with the purchase of prior service credit shall be determined by the pension system actuary according to generally accepted actuarial standards and must be determined to be actuarially sound for the cost-sharing pension system.

(e) To purchase prior service credit, a department must provide the Executive Director with a detailed, verified record of prior service showing the amount of service performed by each member of the department. The record for each member must include the member's date of birth and entry date in the department.

(f) The maximum amount of prior service credit provided by this rule applies only to prior service credit purchased, or under a written agreement to be financed that is instituted, on or after September 1, 2007. Prior service credit purchased, or under a written agreement to be financed, under a procedure administered by the pension system before September 1, 2007, is subject to the maximum amount of credit and the terms and value in effect under system procedures at the time of purchase or written agreement to purchase.

§306.2. Merger of Existing Pension Plan into Pension System.

(a) Subject to approval by the state board, the governing body of a department that elects to participate in the pension system shall merge into the pension system any existing defined-benefit pension plan it operates for emergency services personnel.

(b) The pension system actuary shall determine the prior service costs for active members as of the merger date according to generally accepted actuarial standards. In the event that the assets of the merging plan do not cover the prior service costs for active members, the [The] participating department shall pay the determined prior service costs for active members not later than the 10th anniversary of the effective date of merger. Interest on the prior service costs accrues at the assumed rate of investment return at the time determination of the prior service costs is made, except that interest is waived if the department completes payment not later than the first anniversary of the effective date of merger.

(c) The board shall determine the discount rate for determining the liability for the monthly benefits which annuitants are being paid on the effective date of the merger and for deferred monthly benefits for inactive members who, on that date, have a vested right to a future monthly benefit upon attaining the required age. Using this discount rate, the [The] pension system actuary shall then determine the liability for these inactive members according to generally accepted actuarial standards. In the event that the assets of the merging plan do not cover the costs associated with the liability of monthly benefits of these inactive members, the participating department shall pay the determined costs for such monthly benefits not later than the 10th anniversary of the effective date of merger. Interest on the costs for monthly benefits for inactive members accrues at the assumed rate of investment return at the time determination of such costs is made, except that interest is

waived if the department completes payment not later than the first anniversary of the effective date of merger.

(d) On the effective date of merger, the participating department shall transfer all assets and liabilities of the former pension plan to the pension system. The pension system shall commingle the transferred assets with other assets of the system for investment purposes, but the assumption [eests] of such assets, the [granting] prior service costs for active members according to subsection (b) of this section, [eredit] and the liability for the monthly benefits of inactive members according to subsection (c) of this section, must be determined to be [on an] actuarially sound [basis] for the cost-sharing pension system.

(e) The pension system shall begin paying benefits being paid to annuitants by the merging plan on the effective date of merger in accordance with the merged plan as in effect on the date of the merger. Prior service costs for active members described in subsection (b) of this section [eredit] and monthly benefits of inactive members described in subsection (c) of this section granted as a result of a merger are based on service before the effective date of merger as if it were performed as a member of the pension system, subject to the requirements of Section 66, Article XVI, Texas Constitution.

(f) A department may not purchase prior service credit under §306.1 of this title (relating to Prior Service Credit for Members of Participating Departments) for any service that is credited under the terms of a merger agreement.

(g) The payment terms associated with the prior service costs for active members and the liabilities for monthly benefits of inactive members as described in subsections (b) and (c) of this section respectively, and the details of how the assets of the merging plan will be allocated among such costs [divided among the liability for the inactive members according to subsection (e) of this section on the effective date of the merger, the prior service costs,] and liabilities and any future monthly contributions, if applicable, must be described in the merger agreement between the participating department and the pension system.

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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Michelle Jordan

Executive Director

Texas Emergency Services Retirement System

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For further information, please call: (512) 936-3474



CHAPTER 308. BENEFITS FROM THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

34 TAC §§308.1 - 308.4

The Texas Emergency Services Retirement System (System) proposes amendments to §§308.1 - 308.4.

The System notified member departments of the rule review process via letter in an email on October 14, 2014, and through an article placed in the October 2014 edition of *Texas Firemen*, the magazine published by the State Firefighters' and Fire Marshals' Association, the primary certification and training

body for volunteer fire departments in Texas. Departments and other stakeholders were notified of the process on the agency website and in social media. In those notifications and in other communications, stakeholders were encouraged to forward suggestions for rule changes to the agency via an agency email address established especially for that purpose, rulereview@tesrs.texas.gov. No suggestions from departments or other stakeholders were received during the review process.

Based on this review, the State Board of Trustees of the System proposes amendments to the following sections in Chapter 308, including: §308.1, Eligibility for Retirement Annuity; §308.2, Service Retirement Annuity; §308.3, Disability Retirement Benefits; and §308.4, Death Benefits. Amendments include minor clarification, grammatical corrections, and terminology updates, in addition to more substantive changes as discussed in the following summary by section.

The System is authorized in Government Code §864.004 to adopt rules to determine the requirements for a member to receive a service retirement annuity with full benefits and to provide for partial vesting of benefits. The proposed amendments to §308.1, concerning Eligibility for Retirement Annuity, and §308.2, concerning Service Retirement Annuity, are made according to this authority.

The proposed amendment to §308.1(a) is to provide clarifying language to emphasize that the subsection is related to full benefits and retirement, in contrast with §308.1(b), which relates to partial benefits and partial retirement. Proposed changes in §308.1(b) and §308.1(c) are non-substantive clarifying changes intended to increase the readability of the subsections.

Changes proposed to §308.2(a) are to remove language that specifies early retirement is the age of 55 years which is incorrect terminology, according to language used throughout Chapter 308, which specifies the target age necessary to retire is 55 years, assuming service requirements are met. While there are provisions for partial retirement with a lesser number of qualifying service years than fifteen, under the System's plan, there is no option for retirement before the age of 55 years.

Proposed changes to §308.2(b) are to clarify in more specific detail how the retirement date is calculated within existing System procedures, since the effective date of a retirement application and the date annuity payments will be calculated is dependent on 1) a member being terminated as an active volunteer in the pension system, 2) a member having attained the age of 55 years, and 3) the date a retirement application is received at the System's office.

Proposed changes to §308.2(c) are non-substantive and clarify in more specific detail existing procedures used by the System to ensure that eligible retirement applications are processed in a timely manner.

Changes proposed to §308.2(d) are non-substantive and clarify that if a retirement application is not processed in a timely manner for whatever reason the retiree will receive with their first annuity payment a lump sum payment for any past due payments.

The amendment proposed to change §308.2(e) is to remove superfluous language in order to enhance readability of the subsection.

Changes proposed to §308.2(f) add language to accurately portray calculation of the retirement annuity, relative to §310.6. A previous amendment to §310.6 added a second component to local contributions, or the 'Part Two' contribution, that accord-

ing to language in the section does not impact the retiree annuity. This proposed amendment updates language in §308.2(f) for consistency and is not substantive.

Changes proposed to §308.2(g) are substantive, in that they amend the calculation of the compounded annuity due a retiree, by eliminating days as part of the service time calculated at the rate of 6.2 percent for qualified service over 15 years. Including days in this calculation causes an administrative burden due to the ambiguity inherent in defining 'days' and rounding issues.

Authority to establish and change the rate of disability pay is granted to the Board of Trustees in Government Code §864.004. Proposed changes to subsection (a) in §308.3, concerning Disability Retirement Benefits, update the minimum monthly disability pay to \$400 and also update the language that refers to the current minimum monthly contribution rate to the amount of \$36/month. In addition, a clarification is made to the contribution rate in order to make it clear that in the context of this section contribution means the 'Part One' contribution, per §310.6 as amended.

Proposed changes to §308.3(e) are clarifying and instructive language to acknowledge that approval of disability on a temporary basis and up to one year does not predict whether or not a disability will continue beyond one year or become permanent.

An amendment to §308.3 is made to add subsection (f), which allows the Board of Trustees to establish procedures to administer disability benefits.

The Board of Trustees is authorized in Government Code §§864.006, 864.007, and 864.009 to establish rules concerning on-duty and off-duty death benefits for active members and death benefits for retirees. Proposed amendments to §308.4, concerning Death Benefits, are made according to this authorization and the details on changes by subsection follow.

A clarifying amendment is proposed to §308.4(a) in order to make clear the delineation of benefits between the spouse/dependents and beneficiary(s), benefits authorized for the spouse/dependents in §864.006.

Proposed changes to §308.4(b), §308.4(c), and §308.4(d) are made necessary by the incorrect assumption across these subsections that persons in the roles of 'beneficiary' and 'spouse' are one and the same. Changes to these subsections modify existing language by the phrase, 'if the surviving spouse is the designated beneficiary'. The addition of subsection (f) to §308.4 provides a mechanism for any existing spouse of a new active member to approve the designation of a beneficiary other than that spouse, to properly inform the spouse and protect the system against future claims.

Additional changes were made to §308.4(b) to clarify that the subsection applies to 'active' members and remove superfluous language, in order to enhance readability of the subsection.

An amendment was made to §308.4(c) to clarify that the subsection applies to both fully vested and partially vested service, as applicable.

Additional amendments to §§308.1, 308.2, 308.3, and 308.4, which are not discussed, are considered minor clarifications, grammatical corrections, and terminology updates.

Michelle Jordan, Executive Director, has determined that the public benefit for the first five years that the amended rules are in effect will be to improve the effectiveness of the System due

to consistency between rules and the System's statutory authority. Ms. Jordan also has determined that for the first five years the rules will be in effect it is estimated that there will be neither additional cost nor a reduction in cost to state government for enforcing or administering the rules; that for the first five years the rules are in effect there will be no loss or gain in revenue to state or local governments; and that for the first five years the rules are in effect it will not result in a cost to state government.

Small businesses or individuals would not be affected by the adoption of the amended rules.

Comments on the proposed amendments may be submitted in writing to Michelle Jordan, Executive Director, Texas Emergency Services Retirement System, P.O. Box 12577, Austin, Texas 78711-2577 not later than August 10, 2015. Comments may also be submitted electronically to michelle.jordan@tesrs.texas.gov or faxed to (512) 936-3480.

The amendments are proposed under the statutory authority of Government Code, Title 8, Subtitle H, Texas Emergency Services Retirement System, §§864.004, 864.006, 864.007, and 864.009. No other statutes, articles, or codes are affected by the proposed amendments.

§308.1. Eligibility for Retirement Annuity.

(a) A member is eligible to retire and receive a full service retirement annuity with full benefits from the pension system when the member has at least 15 years of qualified service credited in the system and has attained the age of 55.

(b) A member is eligible to retire and [Partial vesting to] receive a partial service retirement annuity from the pension system when the member has at least 10 years of qualified service credited in the system and has attained the age of 55. Such partial retirement benefit shall accrue and be calculated as a percentage of a full retirement benefit determined in Rule §308.2(f) [accrues] at the following rates:

(1) 50 percent after the first 10 years of credited qualified service; and

(2) An additional 10 percent a year for the next five years of credited qualified service.

(c) Vested retirement benefits, including accrued partial service retirement [partially vested] benefits, are nonforfeitable. A retirement benefit also becomes nonforfeitable when a member attains normal retirement age or, to the extent funded, on the termination or partial termination of the pension system or the complete discontinuance of contributions to the pension system. A person whose retirement benefit met a partial vesting requirement as it existed on December 31, 2006, is eligible to retain that eligibility and the base amount of that benefit as it existed on that date.

§308.2. Service Retirement Annuity.

(a) In this section, normal retirement age is the later of the month a member completes 15 years of credited qualified service or attains the age of 55[; and early retirement age is the age of 55].

(b) A member who has terminated service with all participating departments may apply for a service retirement annuity by filing an application for retirement with the Executive Director. The application may not be filed more than one calendar month before the date the member wishes to retire and must designate a desired retirement date, which may not precede the date of filing or the date of first eligibility to retire. The effective date of a member's retirement is the first day of the calendar month after the later of the following:

(1) the date on which a member turns 55 years of age; [files]

(2) the date of termination of service with the department;
or

(3) the date on which the pension system receives an application that meets the requirements of this subsection from a member.

(c) The local board of trustees shall hold a hearing on an application for service retirement within 15 days of the date of notice by the Executive Director of the filing of the application. If the local board of trustees does not hold a hearing on or before 32 days following the date that the Executive Director provides notice, the application will be deemed approved by the local board and benefit payments may commence.

(d) A monthly service retirement annuity is payable for the period beginning on the effective date of retirement through the month in which the retiree dies but is not payable for any month for which the retiree was eligible to retire but did not. Amounts payable for periods following the effective date of retirement but prior to the commencement of benefit payments will be paid in a lump sum with the first benefit payment.

(e) A service retirement annuity is payable in equal monthly installments ~~[to a member who terminates service after attaining early retirement age or normal retirement age, subject to the vesting requirements of §308.1 of this title].~~

(f) Except as otherwise provided by this section, the full [monthly] service retirement monthly annuity is equal to six times the governing body's average monthly Part One contribution as described in Rule §310.6 during the retiring member's term of qualified service.

(g) For credited qualified service in excess of 15 years, a retiring member is entitled to receive an additional 6.2 percent of the annuity compounded annually and adjusted for ~~[days or]~~ months of credited qualified service that constitute less than a year.

(h) Notwithstanding subsection (g) of this section, a person who had more than 15 years of qualified service as of December 31, 2006, is entitled to a service retirement annuity computed as the greater of the amount that existed on that date or the amount computed under the formula in effect on the date the person terminates service with all participating departments.

§308.3. Disability Retirement Benefits.

(a) Except as otherwise provided by §864.004 and §864.005, Government Code, and this section, a member whose disability results from performing emergency service duties is entitled to a monthly annuity during the period of the disability in an amount equal to \$400 ~~[\$300]~~ plus \$50 for every \$12 increase in Part One contributions above ~~\$36~~ ~~[\$12]~~ by the governing body for which the person was performing emergency service duties at the time of the disability.

(b) An increase in contributions by a governing body after the payment of a monthly annuity begins does not increase the amount of the annuity.

(c) Disability benefits are prorated for portions of months during which a person is disabled.

(d) A local board shall report to the Executive Director, in a manner provided by the pension system, a determination of a temporary disability not later than the 45th day after the date the disability begins.

(e) The determination of a temporary disability is a determination that a member is disabled as described in §864.004(a), Government Code prior to the determination of permanent disability by the medical board under §864.004(a), Government Code and is not a determination that a particular condition of a member is of a temporary nature.

(f) The state board may adopt procedures for the administration of disability benefits under the pension system as it deems necessary.

§308.4. Death Benefits.

(a) The surviving spouse and dependents of a member who dies as a result of performing emergency service duties is entitled to the benefit provided under §864.006, Government Code. The beneficiary of an active member who dies as a result of performing emergency service duties is entitled to a lump-sum benefit of \$60,000.

(b) The beneficiary of a deceased active member whose death did not result from the performance of emergency service duties, including a member whose death resulted from the performance of active military duty, is entitled to ~~[the greater of]~~:

~~[(1) the amount contributed to the fund on the decedent's behalf; or]~~

~~[(2) the sum of the amount that has been contributed on the decedent's behalf from whatever source at the time of the member's death and the amount that would have been contributed by a department after the member's death, based on the department's contribution rate at the time of the member's death, at the end of the period required for full service retirement benefits, but in no event less than the total amount that has actually been contributed on the member's behalf.]~~

(c) In lieu of the benefit provided by subsection (b) of this section, if the surviving spouse is the designated beneficiary, the surviving spouse of a deceased member who dies as an active member of a participating department before retirement but after meeting the minimum age and service requirements for a full or partial service retirement may elect to receive two-thirds of the monthly annuity for a full or partial retirement, as applicable, that the decedent would have received if the decedent had retired on the date of death.

(d) In lieu of the benefit provided by subsection (b) of this section, if the surviving spouse is the designated beneficiary, the surviving spouse of a deceased member who dies after meeting a service requirement under Rule §308.2 ~~[\$864.001, Government Code],~~ but before attaining the age of 55, may elect to receive a death benefit annuity, beginning on the later of the date on which the decedent would have turned 55 or the date the surviving spouse applies for the annuity, equal to two-thirds of the monthly annuity for a full or partial retirement, as applicable, to which the decedent would have been entitled on that date. This annuity is payable whether the deceased member, at the time of death, was active in a participating department or had terminated service with all participating departments.

(e) The surviving spouse of a person who dies after retirement is entitled to the benefit provided by §864.009, Government Code.

(f) For beneficiary designations made after September 1, 2015, a member who is married and designates a beneficiary other than his or her spouse must obtain written spousal consent for such beneficiary designation in a manner as determined by the pension system.

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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Michelle Jordan

Executive Director

Texas Emergency Services Retirement System

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For further information, please call: (512) 936-3474

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CHAPTER 310. ADMINISTRATION OF THE TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM

34 TAC §§310.2, 310.5, 310.6, 310.8, 310.10

The Texas Emergency Services Retirement System (System) proposes amendments to §§310.2, 310.5, 310.6, 310.8, and 310.10.

The System notified member departments of the rule review process via letter in an email on October 14, 2014, and through an article placed in the October 2014 edition of *Texas Firemen*, the magazine published by the State Firefighters' and Fire Marshals' Association, the primary certification and training body for volunteer fire departments in Texas. Departments and other stakeholders were notified of the process on the agency website and in social media. In those notifications and in other communications, stakeholders were encouraged to forward suggestions for rule changes to the agency via an agency email address established especially for that purpose, rulereview@tesrs.texas.gov. No suggestions from departments or other stakeholders were received during the review process.

Based on this review, the State Board of Trustees of the System proposes amendments to the following sections in Chapter 310, including: §310.2, Additional Duties of the State Board; §310.5, Local Board of Trustees; §310.6, Local Contributions; §310.8, Billings; and §310.10, Volunteer Payments by Departments. Amendments include minor clarification, grammatical corrections, and terminology updates, in addition to more substantive changes as discussed in the following summary by section.

Proposed amendments to §310.2, concerning Additional Duties of the State Board, include minor changes to enhance readability of the section.

An amendment to subsection (a) of §310.5, concerning Local Board of Trustees, is substantive in that it sets a deadline for the annual election of officers, required in the existing section. The purpose of this deadline is to coordinate election of officers with submission of the Annual Report, which is also due on January 31st of each year, and requires that the current Local Board certify the report as accurate. Authority for rulemaking regarding periodic reports is authorized in Government Code §865.011(b).

A minor amendment is proposed to subsection (a) of §310.6, concerning Local Contributions, to specify that contribution increases initiated by departments must be requested in writing. This change provides for consistency with standard business practices.

An amendment is proposed to §310.8(b)(1), concerning billings, to clarify that quarterly billings of member departments will include Part Two contributions, if applicable. This change is necessary to incorporate the applicability of §310.6 as amended, which established the Part Two contribution.

Minor changes are proposed to §310.10, concerning Voluntary Payments by Departments, for clarification purposes. However, a substantive change is proposed in §310.10(b)(1) which modifies the existing increase limitation on the amount of a supplemental payment made by a department. On the occasion where the added language of the amount of \$50 is greater than 100% of the total monthly annuity for a retiree, this amendment expands

the supplemental increase limitation for those annuitants that retired under rules that supplied monthly benefit smaller than \$50. The Board of Trustees is authorized to make rules concerning supplemental payments in §864.0135.

Additional changes not discussed in §§310.2, 310.5, 310.6, 310.8, and 310.10 are considered minor clarification, grammatical corrections, and terminology updates.

Michelle Jordan, Executive Director, has determined that the public benefit for the first five years that the amended rules are in effect will be to improve the effectiveness of the System due to consistency between rules and the System's statutory authority. Ms. Jordan also has determined that for the first five years the rules will be in effect it is estimated that there will be neither additional cost nor a reduction in cost to state government for enforcing or administering the rules; that for the first five years the rules are in effect there will be no loss or gain in revenue to state or local governments; and that for the first five years the rules are in effect it will not result in a cost to state government.

Small businesses or individuals would not be affected by the adoption of the amended rules.

Comments on the proposed amendments may be submitted in writing to Michelle Jordan, Executive Director, Texas Emergency Services Retirement System, P.O. Box 12577, Austin, Texas 78711-2577 not later than August 10, 2015. Comments may also be submitted electronically to michelle.jordan@tesrs.texas.gov or faxed to (512) 936-3480.

The amendments are proposed under the statutory authority of Government Code, Title 8, Subtitle H, Texas Emergency Services Retirement System, §864.0135 and §865.011. No other statutes, articles, or codes are affected by the proposed amendments.

§310.2. *Additional Duties of State Board.*

(a) The state board shall formulate the basic and general policies and the rules consistent with the purposes, policies, and principles, and standards stated in statutes administered by the board.

(b) The [Periodically, the] state board shall adopt and revise written investment objectives and policies after consultation with the pension system's investment counselor and shall periodically review such objectives and policies.

§310.5. *Local Board of Trustees.*

(a) A local board annually shall elect a chair, vice chair and secretary for a given calendar year no later than January 31st of such calendar year.

(b) A meeting of a local board is subject to the Texas Open Meetings law (Chapter 551, Government Code).

§310.6. *Local Contributions.*

(a) Except as otherwise provided by this section, each participating department shall make a contribution for each month or a portion of a month a member performs emergency services for the department. The monthly contribution is composed of two parts, as follows. Part One is the legacy portion of the contribution that directly impacts future retiree annuities, that includes a minimum contribution amount set by the state board. A participating department may elect to make contributions at a greater rate by notifying the Executive Director in writing of the rate. Part Two is the portion of the local contribution that does not impact annuities. Part Two may be adjusted near the end of every even numbered calendar year by the state board based on the most recent actuarial valuation to be effective for the next two state fiscal years,

beginning September 1. The Part Two portion of the contribution may be adjusted up or down. The purpose of Part Two is to assist the system in achieving an adequate contribution rate for system obligations. In no case shall the Part Two portion of the contribution, exceed 15 percent of the Part One portion of the contribution. Contributions are payable for each month or portion of a month of service regardless of whether the member receives a year of qualified service. Contributions are payable as provided by §865.014, Government Code, and §310.8 of this title.

(b) The minimum contribution rate for each participating department is \$36 per member. After August 31, 2015, the minimum contribution rate for each participating department is \$36 per member plus any Part Two rate that might be charged by the system, as outlined in subsection (a) of this section.

(c) Contributions are payable during a period of temporary disability or when leave is taken under the Family and Medical Leave Act of 1993 (29 U.S.C. §2601 et seq.), but are not payable when a member is performing active military duty, although the member receives credit for qualified service when performing active military duty.

(d) Contributions required under this section are not considered compensation to the members for whom they are made.

§310.8. *Billings.*

(a) The Executive Director shall bill governing bodies of participating departments and governing bodies of municipalities for which the Executive Director is administering pensions under the Texas Local Fire Fighters Retirement Act quarterly on the last business day of November, February, May, and August.

(b) Each billing shall include, as appropriate, charges for:

(1) monthly contributions for participating members and any corresponding Part Two contributions, if applicable;

(2) prior service contributions;

(3) late-payment interest charges; and

(4) unpaid administrative penalties.

(c) At least 30 days before the last day of each quarter, the Executive Director shall send to the chair of the local board of each participating department a pension roster report that includes the name of each person who performs emergency services for the department and is identified as a member of the pension system.

(d) The chair of the local board or the administrative head of the department shall verify the accuracy of the report, make needed changes in the roster, and return the report to the Executive Director not later than the fifth day before the last day of the quarter.

(e) Payments under a billing issued under this section become due within 30 days of the invoice date. Late payments accrue interest at the current actuarially assumed rate of investment return on fund assets.

(f) In this section:

(1) The term "ACH" (Automated Clearing House) means the legal framework of rules and operational procedures adopted by financial institutions for the electronic transfer of funds.

(2) The term "ACH Credit" means an ACH transaction initiated by the governing body of a participating department for the electronic transfer of funds from the account of the governing body to the account of the pension system.

(3) The term "ACH Debit" means an ACH transaction initiated by the pension system for the electronic transfer of funds from

the account of the governing body of a participating department to the account of the pension system.

(4) The term "electronic transfer of funds" means the transfer of funds, other than by check, draft or similar paper instrument, that is initiated electronically to order, instruct, or authorize a financial institution to debit or to credit an account.

(5) The term "pre-authorized direct debit" means the method available to the governing body of a participating department for electronically paying required contributions by granting a continuing authorization to the pension system to initiate an ACH Debit each quarter for the electronic transfer of funds from the designated bank account of the governing body to the account of the pension system in an amount equal to the contributions required to be paid based on the quarterly report as filed.

(6) The term "wire transfer" generally means a single transaction, initiated by the governing body of a participating department, in which funds are electronically transferred to the account of the pension system using the Federal Reserve Banking System rather than the ACH.

(g) Amounts required to be contributed to the pension system in accordance with Chapter 865 of the Texas Government Code may be made by preauthorized direct debits (ACH Debits). ACH Credits and wire transfers may not be used to transfer funds to the pension system except as authorized under subsection (j) of this section.

(h) The governing body of a participating department may elect to use the preauthorized direct debit method of payment by filing a signed authorization agreement with the pension system in which the governing body has designated a single bank account from which all transfers will be made.

(i) The authorization agreement entered into for this purpose constitutes continuing authority for the pension system to initiate a direct debit of the governing body's designated bank account each quarter and is effective with respect to each quarterly report of the governing body, whether filed by mail or by electronic transmission.

(j) An authorization agreement remains in effect until the pension system receives either a written revocation of the agreement, or a subsequent written agreement, which automatically revokes the existing authorization. A new authorization agreement must be filed if there is any change in the designated bank account. The pension system, in its sole discretion, may terminate the authorization agreement by mailing written notice to the governing body. Thereafter, the governing body must remit all contributions by check or other monetary means approved by the Executive Director. The alternative method of payment may include a fee to recover the cost of administering this subsection.

(k) Following receipt of a roster report filed under an unrevoked authorization agreement, the pension system will initiate an ACH Debit in the amount required to be contributed for that period based on the report; however the actual transfer of funds from the governing body's designated account will not occur before the due date of the report.

(l) The receipt of a quarterly roster report filed under an unrevoked authorization agreement is considered to be receipt by the pension system of the amount required to be contributed for the period based on that report if there are sufficient funds available for transfer from the governing body's designated account on the later of the due date of the report or the date the report is received. An ACH Debit that is reversed by a governing body or that fails because sufficient funds are not available for transfer constitutes nonpayment of the required contributions with respect to that report and, thereafter, the required

contributions will not be considered to have been received until the day the funds are actually transferred to the account of the pension system. A governing body failing to timely file the required information or remit the required contributions by the due date of the report is subject to a penalty for late reporting in accordance with §310.9 of this title.

§310.10. *Voluntary Payments by Departments.*

(a) A participating department, as authorized by this section, may make one or more supplemental payments to retirees and other beneficiaries of the pension system, or may provide an increase in the amount of annuities paid to retirees and other beneficiaries of the system. A department may choose to apply a supplemental payment or increase in annuities to all retirees and beneficiaries as of the date of the payment or increase or to only those whose benefits are derived from a person who was eligible to retire under §308.1(a) of this title (relating to Eligibility for Retirement Annuity) or with a specified greater number of years of qualified service.

(b) An increase in benefits may consist of:

(1) an additional payment that does not exceed the greater of \$50 or 100 percent of an annuitant's monthly scheduled payment;

(2) an annuity increase based on the 12-month increase in the Consumer Price Index for All Urban Consumers as of December of the preceding year;

(3) an increase to allow each annuity to reach a minimum monthly amount;

(4) an increase that adds to each annuity a specified amount for each whole year of credited service for the department; or

(5) a percentage increase to each annuity.

(c) Before it may implement a supplemental payment or annuity increase under this section, a participating department shall:

(1) obtain from the Executive Director a determination from the system's actuary that the department's payments to the pension system will be sufficient to finance the anticipated additional benefits; and

(2) contract with the Executive Director to make quarterly payments to the system that are necessary to finance the increase in benefits.

(d) A supplemental payment or increase in benefits must apply to all annuitants in the same annuity classification but may be based on persons who qualified for an annuity under a previously lower contribution rate.

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

Filed with the Office of the Secretary of State on June 29, 2015.

TRD-201502445

Michelle Jordan

Executive Director

Texas Emergency Services Retirement System

Earliest possible date of adoption: August 9, 2015

For further information, please call: (512) 936-3474



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 15. DRIVER LICENSE RULES SUBCHAPTER C. EXAMINATION REQUIREMENTS

37 TAC §15.54

The Texas Department of Public Safety (the department) proposes amendments to §15.54, concerning Vehicle Inspection. The department inspects vehicles prior to skills exams. These amendments are necessary to clarify that a current and valid vehicle registration is required before an individual can take a skills exam and update the language to comply with HB 2305, 83rd Texas Legislature, 2013. Additionally, the proposed amendments delete language already in statute and make grammatical changes for clarity.

Denise Hudson, Chief Financial Officer, has determined that for each year of the first five-year period the rule is in effect there will be no fiscal implications for state or local government or local economies.

Ms. Hudson has also determined that there will be no adverse economic effect on small businesses or micro-businesses required to comply with the rule as proposed. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed. There is no anticipated negative impact on local employment.

In addition, Ms. Hudson has also determined that for each year of the first five-year period this rule is in effect, the public benefit anticipated as a result of this rule will be that the public will be informed of the requirement that a current valid registration sticker is required before an individual can take a skills exam and this section will be updated to reflect all recent legislative changes.

The Department has determined that this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule that the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce the risks to human health from environmental exposure.

The Department has determined that Chapter 2007 of the Texas Government Code does not apply to this amendment. Accordingly, the Department is not required to complete a takings impact assessment.

Comments on the proposal may be submitted to Chris Sawyer, Driver License Division, Texas Department of Public Safety, P.O. Box 4087 (MSC 0300), Austin, Texas 78773; by fax to (512) 424-5233; or by email to DLRulecomments@dps.texas.gov. Comments must be received no later than thirty (30) days from the date of publication of this proposal.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Transportation Code, §§548.105, 548.251, 548.252, 548.254, 548.255, and 548.257.

Texas Government Code, §411.004(3) and Texas Transportation Code, Chapter 548 are affected by this proposal.

§15.54. *Vehicle Inspection.*

The department inspects vehicles prior to skills exams [road testing] to determine if such vehicle meets the requirements of law and is safe to operate on a public street or highway.

(1) Registration of vehicles.

(A) Texas law does not require the license of the driver and the registration of the vehicle to be from the same state. [Hence, residents of Texas may legally operate vehicles registered properly in other states; and nonresidents properly licensed in their home states may legally operate a Texas registered vehicle. Many states do require driver license and registration to be issued by the same state.]

(B) The vehicle used for the skills exam must have a current and valid registration. [Farm registered vehicles may be legally used for authorized farm and ranch purposes and family transportation to church, to school, to a doctor, or to obtain family necessities, but not for gainful employment.]

[(2) Registration plates.]

[(A) Out-of-state registration plates. Military personnel stationed within Texas may display on their vehicles current license plates from their state of legal residence or current plates from the state of their last duty station.]

[(i) Upon the expiration of such plates, a member of the United States armed forces must either obtain his license plates from his state of legal residence or from the State of Texas.]

[(ii) Current license plates issued from the state of last duty station to passenger cars and light trucks (one ton or less carrying capacity) will be honored only until such plates expire, at which time Texas or home state registration must be secured.]

[(iii) The same privileges and restrictions as outlined in this paragraph apply to the service member's spouse and dependent children while the service person is serving overseas as a member of the United States armed forces.]

[(iv) Nonmilitary personnel may operate on valid out-of-state plates while nonresidents or for 30 days after establishing residence or becoming gainfully employed.]

[(v) Nonresident, full-time students attending accredited colleges and universities are granted full reciprocity. Part-time jobs are considered incidental to the student's education and full reciprocity is still granted.]

[(B) Military or foreign registration plates.]

[(i) United States military personnel returning from foreign service will be permitted to operate vehicles in Texas displaying license plates issued by the United States armed forces for a period of 45 days from date of arrival in the United States or for a period of 10 days following the first duty assignment, whichever first occurs.]

[(ii) United States military personnel returning to Texas for separation from military service must obtain Texas registration within 10 days following the effective date of such separation.]

[(iii) United States military personnel stationed in Texas and displaying license plates issued by a foreign country are subject to immediate Texas registration.]

[(iv) United States citizens operating vehicles in Texas displaying foreign license plates must obtain Texas license plates immediately.]

[(v) United States citizens, other than United States military personnel operating vehicles in Texas displaying "USA Military License Plates" must obtain Texas license plates immediately.]

[(C) Citizens of other countries. Foreign nationals as visitors in the United States, including students and military personnel from foreign countries, may operate their vehicles in Texas under the terms of the Geneva International Agreement of 1949. The minimum requirements of this agreement are as follows:]

[(i) current foreign license plate or plates properly displayed;]

[(ii) in addition, each vehicle must display an international plate or marker showing the initial or initials of the issuing country in black letters on a white background. This plate or marker shall be not less than three inches wide and 10 inches long and must be of oval design;]

[(iii) such vehicles may operate for a period of one year from the date of issuance of the international plate or marker; provided the basic plate remains valid for that length of time; and provided further that the foreign national does not establish residence or become gainfully employed in this state.]

[(D) Nationals of Canada or Mexico. Nationals of Canada or Mexico may operate their passenger vehicles displaying current registration plates issued by their respective countries; provided such nationals are tourists. Nationals of Mexico who are employed in Texas and return to Mexico may operate their passenger vehicles with current Mexico registration plates.]

[(E) Violation. A vehicle operating in violation of these regulations is deemed to be operating unregistered and requires immediate Texas registration.]

[(F) Registration. A vehicle must have current registration or valid metal dealer plates or buyer tags (dealer in-transit tags are not acceptable). State law only requires that the plates be displayed to the front and rear; there is no requirement for the plates to be attached.]

[(3) Vehicle inspection.]

[(A) Inspection certificate. The inspection certificate must be:]

[(i) a current Texas vehicle inspection certificate properly affixed for all motor vehicles registered in Texas;]

[(ii) for valid out-of-state vehicle inspection certificates that are acceptable, refer to §4.37 of this title (relating to Acceptance of Out-of-State Vehicle Inspection Certificate);]

[(iii) no inspection certificate is required for a Texas-registered vehicle which was out of the state of Texas during an inspection period during the first trip to the home station or destination in Texas and for three days thereafter.]

[(B) Vehicle inspection for road tests in Class C vehicles and Class A and B vehicles under 80 inches wide. The following will be inspected:]

[(i) two headlights—inspect when use of headlights is required;]

[(ii) two tail lamps—one for 1959 model or earlier passenger car or truck—inspect when use of tail lamps is required;]

[(iii) two stop lamps—one for 1959 model or earlier passenger car;]

[(iv) horn;]

- ~~[(v) rearview mirror;]~~
- ~~[(vi) turn signal lamps—1960 or later models;]~~
- ~~[(vii) windshield wiper—inspect when use of windshield wiper is required;]~~
- ~~[(viii) seat belts—required for front seat in passenger cars and light trucks to 1,500 pounds gross vehicle weight where the vehicle was originally equipped with seat belt anchors;]~~
- ~~[(ix) vehicle inspection certificates;]~~
- ~~[(x) registration;]~~
- ~~[(xi) registration receipts if used for commercial driver license (CDL) test;]~~

~~[(C) Vehicle inspection for road tests in Class A or B vehicles 80 inches or over in width. In addition to items inspected in subparagraph (B) of this paragraph, the following will be inspected:]~~

- ~~[(i) clearance lamps;]~~
- ~~[(ii) side marker lamps;]~~
- ~~[(iii) side reflectors;]~~
- ~~[(iv) turn signal lamps;]~~
- ~~[(v) mud flaps;]~~
- ~~[(vi) fire extinguisher—required on buses, taxis, and vehicles which carry hazardous material;]~~
- ~~[(vii) registration receipts if used for CDL test;]~~
- ~~[(viii) emergency flares, fuses, or reflectors;]~~
- ~~[(ix) four-way emergency flashers;]~~

~~[(D) School bus inspection. In addition to equipment inspected in subparagraphs (B) and (C) of this paragraph, school bus inspection includes the following:]~~

- ~~[(i) red warning lamps (two front and two rear alternately flashing);]~~
- ~~[(ii) "School Bus" signs eight inches in height on front and rear of school bus;]~~
- ~~[(iii) exterior crossover mirror;]~~

~~[(E) Truck tractor inspection. In addition to equipment inspected in subparagraphs (B) and (C) of this paragraph, truck tractor inspection includes cab clearance lamps;]~~

~~[(F) Trailers and semitrailers. Trailers and semitrailers 80 or more inches in width shall be inspected for the following:]~~

- ~~[(i) registration receipts if used for CDL test;]~~
- ~~[(ii) clearance lamps;]~~
- ~~[(iii) side marker lamps;]~~
- ~~[(iv) four-way emergency flashers;]~~
- ~~[(v) mud flaps—required when there are four or more tires on the rearmost axle;]~~

~~[(G) Motor-driven cycles and motorcycles. Equipment inspected on motor-driven cycles and motorcycles includes the following:]~~

- ~~[(i) horn;]~~
- ~~[(ii) rearview mirror;]~~
- ~~[(iii) one tail lamp;]~~

- ~~[(iv) one stop lamp;]~~
- ~~[(v) one rear red reflector;]~~
- ~~[(vi) head lamp—multiple beam for motorcycle and single or multiple beam for motor-driven cycle;]~~
- ~~[(vii) exhaust system;]~~
- ~~[(viii) vehicle inspection certificate;]~~
- ~~[(ix) registration;]~~

~~[(H) Mopeds. Equipment inspected on mopeds includes the following:]~~

- ~~[(i) brakes;]~~
- ~~[(ii) head lamp;]~~
- ~~[(iii) reflectors;]~~
- ~~[(iv) rear lamp;]~~

~~(2) [(4)] General.~~

~~(A) No skills exam [driving test] will be performed in any vehicle where there is no seat for the examiner to ride on.~~

~~(B) No skills exam [driving test] will be performed in any vehicle in which the door next to the examiner's seat cannot be safely opened from the inside and the outside.~~

~~(C) No skills exam will be performed in any vehicle that the department has determined to be unsafe to operate on a roadway regardless of the status of the current vehicle inspection.~~

~~(D) [(C)] Only the applicant and Department of Public Safety personnel are allowed to be in the vehicle during the skills exam [driving test]. Exceptions may be made when an interpreter is actually needed by the applicant and the examiner, or in the case of a motorcycle examination when the applicant is required to furnish a vehicle and accompanying driver.~~

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

Filed with the Office of the Secretary of State on June 23, 2015.

TRD-201502396

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Earliest possible date of adoption: August 9, 2015

For further information, please call: (512) 424-5848



PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 441. CONTINUING EDUCATION 37 TAC §441.5

The Texas Commission on Fire Protection (the commission) proposes an amendment to Chapter 441, Continuing Education, §441.5, concerning Requirements.

The purpose of the proposed amendment is to delete obsolete language.

Tim Rutland, Executive Director, has determined that for each year of the first five-year period the proposed amendment is in effect, there will be no fiscal impact on state or local governments.

Mr. Rutland has also determined that for each year of the first five years the proposed amendment is in effect, the public benefit from the passage is clear and concise rules. There will be no effect on micro businesses, small businesses or persons required to comply with the amended section as proposed; therefore, no regulatory flexibility analysis is required.

Comments regarding the proposed amendment may be submitted, in writing, within 30 days following the publication of this notice in the *Texas Register* to Tim Rutland, Executive Director, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas 78768 or emailed to info@tcfp.texas.gov. Comments will be reviewed and discussed at a future commission meeting.

The amendment is proposed under Texas Government Code, Chapter 419, §419.008, which provides the commission the authority to propose rules for the administration of its powers and duties.

The proposed amendment implements Texas Government Code, Chapter 419, §419.008.

§441.5. Requirements.

(a) Continuing education shall be required in order to renew certification.

(b) The continuing education requirement for renewal shall consist of a minimum of 18 hours of training to be conducted during the certification period. All documentation of training used to satisfy the continuing education requirements must be maintained for a period of three years from the date of the training. Continuing education records shall be maintained by the department in accordance with the Texas State Library and Archives Commission, State and Local Records Management Division, Records Schedule, Local Schedule (GR 1050-28), whichever is greater.

(c) Level 1 training must be conducted by a certified instructor. Interactive computer-based continuing education training that is supervised and verified by a certified instructor is acceptable.

(d) The continuing education program of a regulated entity must be administered and maintained in accordance with commission rule by a certified instructor.

(e) No more than four hours per year in any one subject of Level 1 training may be counted toward the continuing education requirement for a particular certification.

(f) There shall be no "hour per subject limit" placed on Level 2 courses, except that emergency medical courses shall be limited to four hours per year.

(g) The head of a fire department may select subject matter for continuing education appropriate for a particular discipline.

(h) The head of a fire department must certify whether or not the individuals whose certificates are being renewed have complied with the continuing education requirements of this chapter on the certification renewal document. Unless exempted from the continuing education requirements, an individual who fails to comply with the continuing education requirements in this chapter shall be notified by the commission of the failure to comply.

(i) After notification from the commission of a failure to comply with continuing education requirements, an individual who holds

a certificate is prohibited from performing any duties authorized by a required certificate until such time as the deficiency has been resolved and written documentation is furnished by the department head for approval by the commission [~~through its Fire Service Standards and Certification Division director~~]. Continuing education hours obtained to resolve a deficiency may not be applied to the continuing education requirements for the current certification period.

(j) Any person who is a member of a paid or volunteer fire department who is on extended leave for a cumulative period of six months or longer due to a documented illness, injury, or activation to military service may be exempted from the continuing education requirement for the applicable renewal period(s). Such exemptions shall be reported by the head of the department to the commission at renewal time, and a copy kept with the department continuing education records for three years.

(k) Any individual who is not a member of a paid or volunteer fire department who is unable to perform work, substantially similar in nature as would be performed by fire protection personnel appointed to that discipline, may be exempted from the continuing education requirement for the applicable renewal period(s). Commission staff shall determine the exemption using documentation of the illness or injury that cumulatively lasts six months or longer, which is provided by the individual and the individual's treating physician or by documentation of activation to military service.

(l) In order to renew certification for any discipline which has a continuing education requirement stated in this chapter, an individual holder of a certificate not employed by a regulated entity must comply with the continuing education requirements for that discipline. Only 20 total hours of continuing education for each certification period in Level 1 or Level 2 subjects relating to the certification being renewed shall be required to renew all certificates the individual holds, except as provided in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).

(m) An individual certificate holder, not employed by a regulated entity, shall submit documentation of continuing education training upon notification by the commission. An example of documentation of continuing education training may include, but not be limited to a Certificate of Completion, a college or training facility transcript, a fire department training roster, etc. Commission staff will review and may approve or disapprove such documentation of training in accordance with applicable commission rules and/or procedures. The training for a resident of Texas at the time the continuing education training is conducted shall be administered by a commission instructor, commission certified training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The training for a nonresident of Texas, shall be delivered by a state fire academy, a fire department training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The individual must submit training documentation to the commission for evaluation of the equivalency of the training required by this chapter. The individual certificate holder is responsible for maintaining all of his/her training records for a period of three years from the date of the training.

(n) If an individual has completed a commission approved academy in the 12 months prior to his or her certification expiration date, a copy of that certificate of completion will be acceptable documentation of continuing education for that certification renewal period.

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

Filed with the Office of the Secretary of State on June 26, 2015.



TRD-201502436

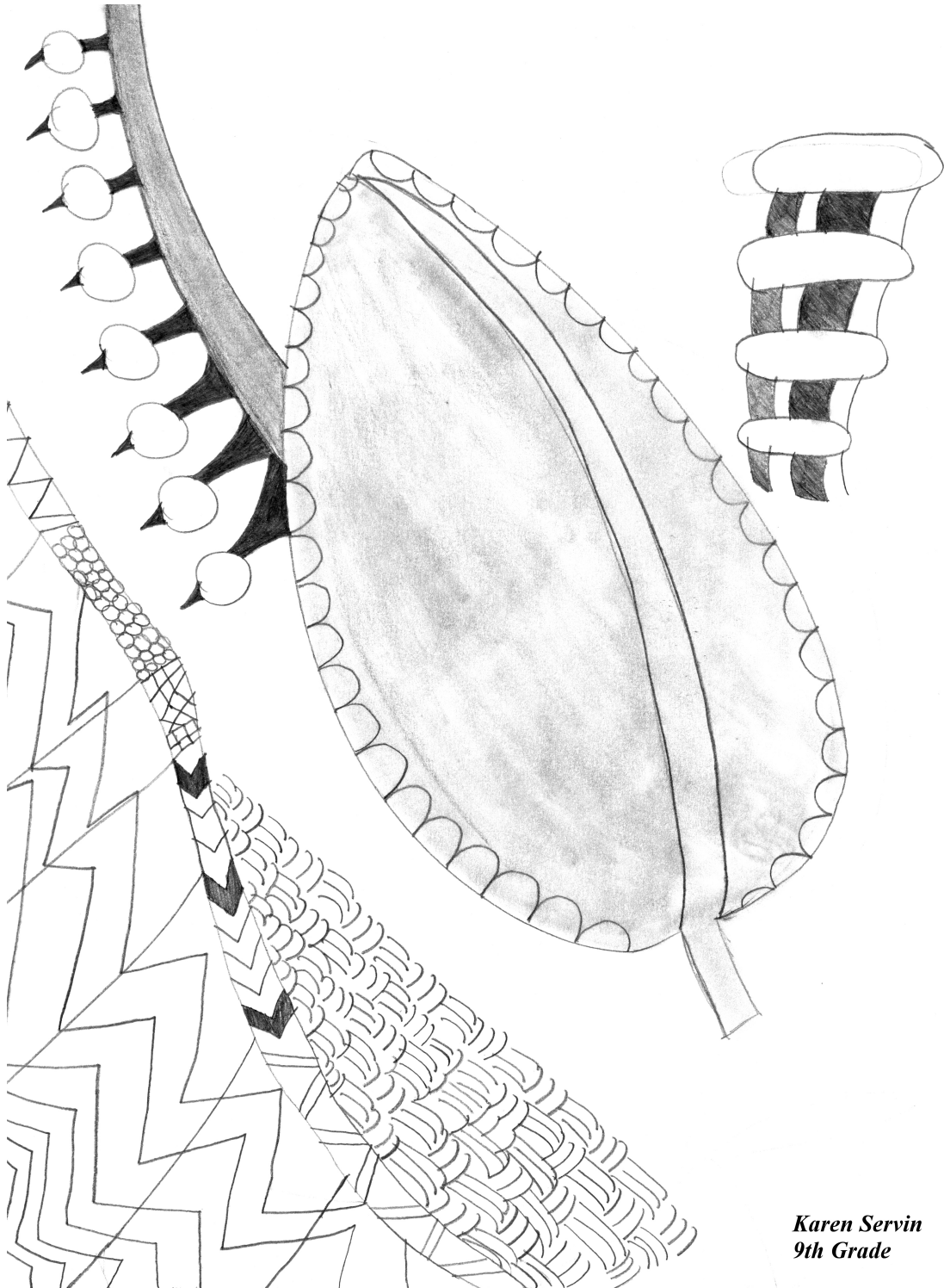
Tim Rutland

Executive Director

Texas Commission on Fire Protection

Earliest possible date of adoption: August 9, 2015

For further information, please call: (512) 936-3812



Karen Servin
9th Grade

WITHDRAWN RULES

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

TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 108. PROFESSIONAL CONDUCT SUBCHAPTER E. BUSINESS PROMOTION

22 TAC §108.54

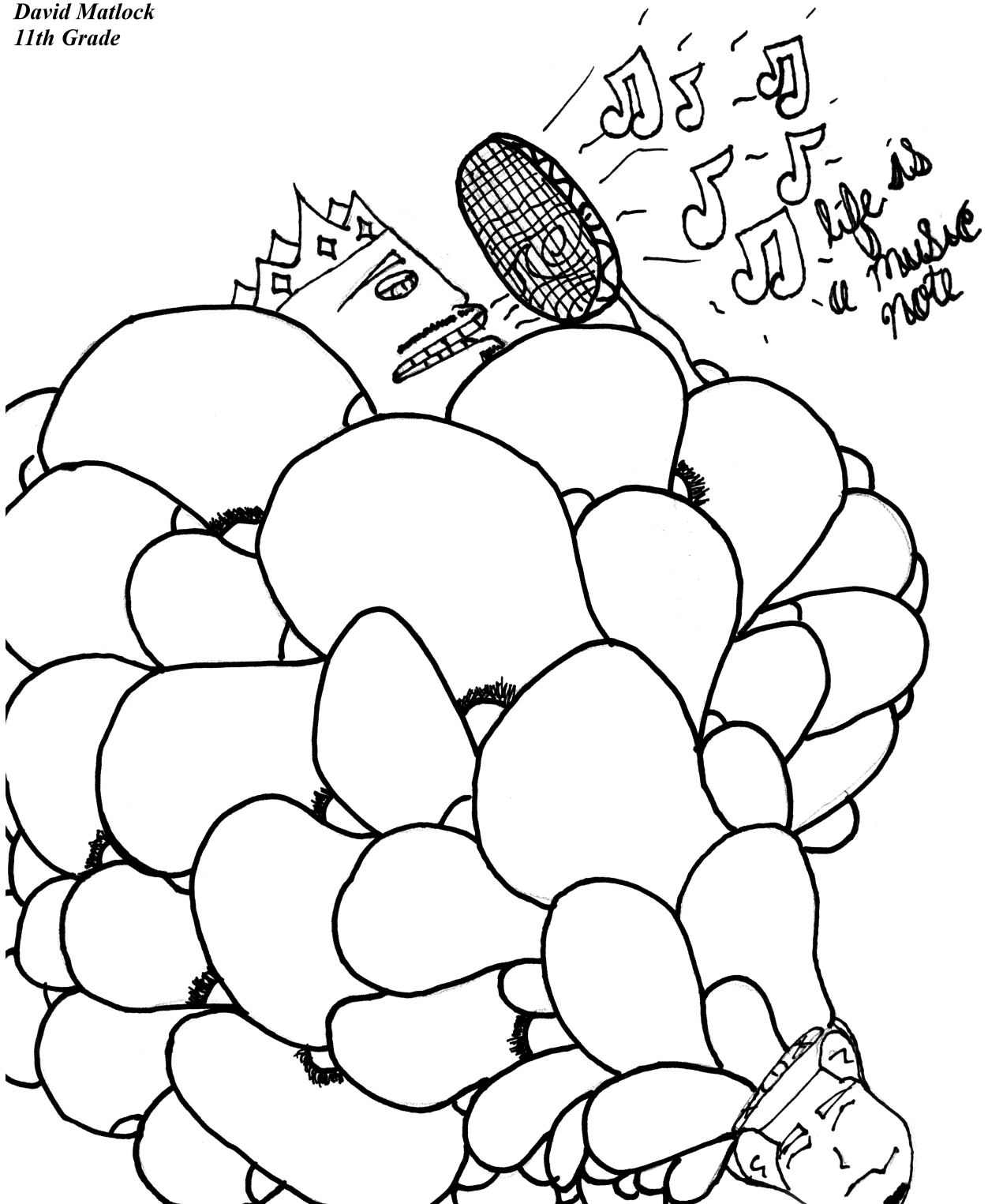
Proposed amended §108.54, published in the December 19, 2014, issue of the *Texas Register* (39 TexReg 9784), is with-

drawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Filed with the Office of the Secretary of State on June 23, 2015.
TRD-201502399



David Matlock
11th Grade



ADOPTED RULES

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

TITLE 22. EXAMINING BOARDS

PART 9. TEXAS MEDICAL BOARD

CHAPTER 184. SURGICAL ASSISTANTS

22 TAC §184.4

The Texas Medical Board (Board) adopts amendments to §184.4, concerning Qualifications for Licensure, without changes to the proposed text as published in the May 8, 2015, issue of the *Texas Register* (40 TexReg 2473). The section will not be republished.

The Board sought stakeholder input through Stakeholder Groups on March 27, 2015, which made comments on the suggested changes to the rule. The comments were incorporated into the proposed rule.

The amendments to §184.4 revise subsection (a)(13)(A) and (B)(iii) by adding language that clarifies the surgical assistant program or substantially equivalent program must be accredited for the entire duration of applicant's attendance.

The Board received written comments from the Association of Surgical Assistants (ASA), the Association of Surgical Technologists (AST) and the National Board of Surgical Technology and Surgical Assisting (NBSTSA). No one appeared to testify at the public hearing held on June 12, 2015. Their comments and the Board's responses are as follows:

COMMENT NO. 1

The ASA, AST and NBSTSA do not support the revision as the proposed rule change will essentially disqualify the graduating first cohorts of an unaccredited surgical assistant program because accreditation can take a significant period of time and, in order to initiate the accreditation process, a program must have students enrolled. Students, whose program was not accredited the entire duration of their attendance, would not be eligible for licensure in Texas.

The Board understands the commenter's concerns and the potential ineligibility for some students applying for licensure who matriculated in programs not accredited throughout the duration of their attendance. The Board relies on the Commission on Accreditation of Allied Health Education Programs (CAAHEP) as the accrediting body to evaluate, accredit and monitor surgical assistant programs, as the Board is not in the business of evaluating and overseeing such programs. Furthermore, CAAHEP's determination of a program's accreditation throughout the duration of an applicant's attendance affords the Board the basic assurances that an applicant possesses the minimum skills and knowledge required for licensure application in Texas.

COMMENT NO. 2

The ASA, AST and NBSTSA further assert that the proposed change to the rule is contrary to the CAAHEP's definition of accredited program in that CAAHEP states that "any student who completes a program that was accredited by CAAHEP at any time during matriculation is deemed by CAAHEP to be a graduate of a CAAHEP-accredited program." (emphasis added)

The Board is aware that CAAHEP's definition of a "graduate of a CAAHEP-accredited program" differs from the Board's. The Board declines to subscribe to the same definition as CAAHEP's definition does not account for a program's possible lapses in accreditation status or other temporary or permanent irregularities pertaining to accreditation. Although the Board relies on CAAHEP's expertise to evaluate, accredit and monitor surgical assistant programs, the Board is authorized to adopt its own requirements for licensure that exceed CAAHEP's requirements. Accordingly, the Board maintains that the proposed rule sets forth consistent and unambiguous requirements for acceptable education programs that must be completed by applicants in order to be considered for licensure in Texas.

For these reasons, the Board declines to abandon the proposed rule change and does not believe that any changes should be made to §184.4, as published in the May 8, 2015, issue of the *Texas Register* (40 TexReg 2473).

The amendments are adopted under the authority of the Texas Occupations Code Annotated, §153.001, which provides authority for the Board to adopt rules and bylaws as necessary to: govern its own proceedings; perform its duties; regulate the practice of medicine in this state; enforce this subtitle; and establish rules related to licensure. The amendments are also adopted under the authority of §206.101 of the Texas Occupations Code.

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

Filed with the Office of the Secretary of State on June 29, 2015.

TRD-201502437

Mari Robinson, J.D.

Executive Director

Texas Medical Board

Effective date: July 19, 2015

Proposal publication date: May 8, 2015

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 35. PRIVATE SECURITY SUBCHAPTER A. GENERAL PROVISIONS

37 TAC §35.14

The Texas Department of Public Safety (the department) adopts new §35.14, concerning Security Officer Uniforms. This section is adopted without changes to the proposed text as published in the April 24, 2015, issue of the *Texas Register* (40 TexReg 2241) and will not be republished.

This new rule reflects the addition of uniform requirements for noncommissioned security officers and consolidates in a single rule the uniform requirements for both commissioned and noncommissioned private security officers. It is adopted in conjunction with amendments to §35.82, concerning Commissioned Security Officer Standards, which removes text related to the current uniform requirements for commissioned security officers and adds rule language referencing this new section.

No comments were received regarding the adoption of this section.

This new rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Occupations Code, §1702.061(b), which authorizes the department to adopt rules to administer Texas Occupations Code, Chapter 1702.

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

Filed with the Office of the Secretary of State on June 23, 2015.

TRD-201502397

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: July 13, 2015

Proposal publication date: April 24, 2015

For further information, please call: (512) 424-5848

SUBCHAPTER F. COMMISSIONED SECURITY OFFICERS

37 TAC §35.82

The Texas Department of Public Safety (the department) adopts amendments to §35.82, concerning Commissioned Security Officer Standards. This section is adopted without changes to the proposed text as published in the April 24, 2015, issue of the *Texas Register* (40 TexReg 2242) and will not be republished.

This amendment reflects the deletion of the provision relating to uniform requirements and is adopted in conjunction with new §35.14, concerning Security Officer Uniforms. Section 35.14 will reflect the current uniform requirements for commissioned security officers provided in §35.82, but will add uniform requirements for noncommissioned security officers.

No comments were received regarding the adoption of these amendments.

This amendment is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Occupations Code, §1702.061(b), which authorizes the department to adopt rules to administer Texas Occupations Code, Chapter 1702.

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

Filed with the Office of the Secretary of State on June 23, 2015.

TRD-201502398

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: July 13, 2015

Proposal publication date: April 24, 2015

For further information, please call: (512) 424-5848

TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 7. RAIL FACILITIES SUBCHAPTER D. RAIL SAFETY

43 TAC §§7.30, 7.32 - 7.34, 7.38, 7.42

The Texas Department of Transportation (department) adopts amendments to §§7.30, 7.32 - 7.34, 7.38, and 7.42, concerning Rail Safety. The amendments to §§7.30, 7.32 - 7.34, 7.38, and 7.42 are adopted without changes to the proposed text as published in the April 10, 2015, issue of the *Texas Register* (40 TexReg 2081). The text of the amended rules will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

During a reorganization of the department's responsibilities, railroad investigation functions for the State Rail Safety Participation Program were placed in the Traffic Operations Division. The adopted amendments are necessary to correct the references to the appropriate division.

Amendments to §7.30, Definitions, §7.33, Reports of Accidents/Incidents, and §7.34, Hazardous Materials--Telephonic Reports of Incidents, replace the reference to Rail Division with Traffic Operations Division to confirm with the department's new organizational structure.

Amendments to §7.32, Filing Requirements, §7.38, Wayside Detector Map, List, or Chart, and §7.42, Administrative Review, replace the reference to Rail Division with Traffic Operations Division and replace "78701-2423" with "78701." These changes are necessary to address the department's new organizational structure and to ensure that the filings from the railroad company are addressed to the appropriate division.

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department.

CROSS REFERENCE TO STATUTE

Transportation Code, Chapter 111, Subchapter C and Chapter 193.

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

Filed with the Office of the Secretary of State on June 25, 2015.

TRD-201502430

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Effective date: July 15, 2015

Proposal publication date: April 10, 2015

For further information, please call: (512) 463-8630



Graciela Perez
10th Grade



REVIEW OF AGENCY RULES

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

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

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

Proposed Rule Reviews

Texas Emergency Services Retirement System

Title 34, Part 11

The Board of Trustees of the Texas Emergency Services Retirement System ("Board") will review and consider whether to re-adopt, re-adopt with amendments, or repeal Texas Administrative Code, Title 34, Part 11, Chapters 302, General Provisions Relating to the Texas Emergency Retirement System; 304, Membership in the Texas Emergency Services Retirement System; 306, Creditable Service for Members of the Texas Emergency Services Retirement System; 308, Benefits from the Texas Emergency Services Retirement System; and 310, Administration of the Texas Emergency Services Retirement System. This review is done pursuant to Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting each of these chapters continue to exist. Each section of each chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current general provisions in the governance of the Board, and whether it is in compliance with Texas Government Code, Chapter 2001. Concurrently, the Board is publish-

ing for comment in the Proposed Rules section of the *Texas Register* proposed amendments to and proposed addition of provisions to the chapters contained in Title 34, Part 11, cited above.

Comments on the review may be submitted in writing to Michelle Jordan, Executive Director, Texas Emergency Services Retirement System, P.O. Box 12577, Austin, Texas 78711-2577 not later than August 10, 2015. Comments may also be submitted electronically to michelle.jordan@tesrs.texas.gov or faxed to (512) 936-3480. Any proposed changes or additions to these chapters as a result of this review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional comment period that is consistent with the APA prior to final adoption of any repeal, amendment, or new section.

TRD-201502440

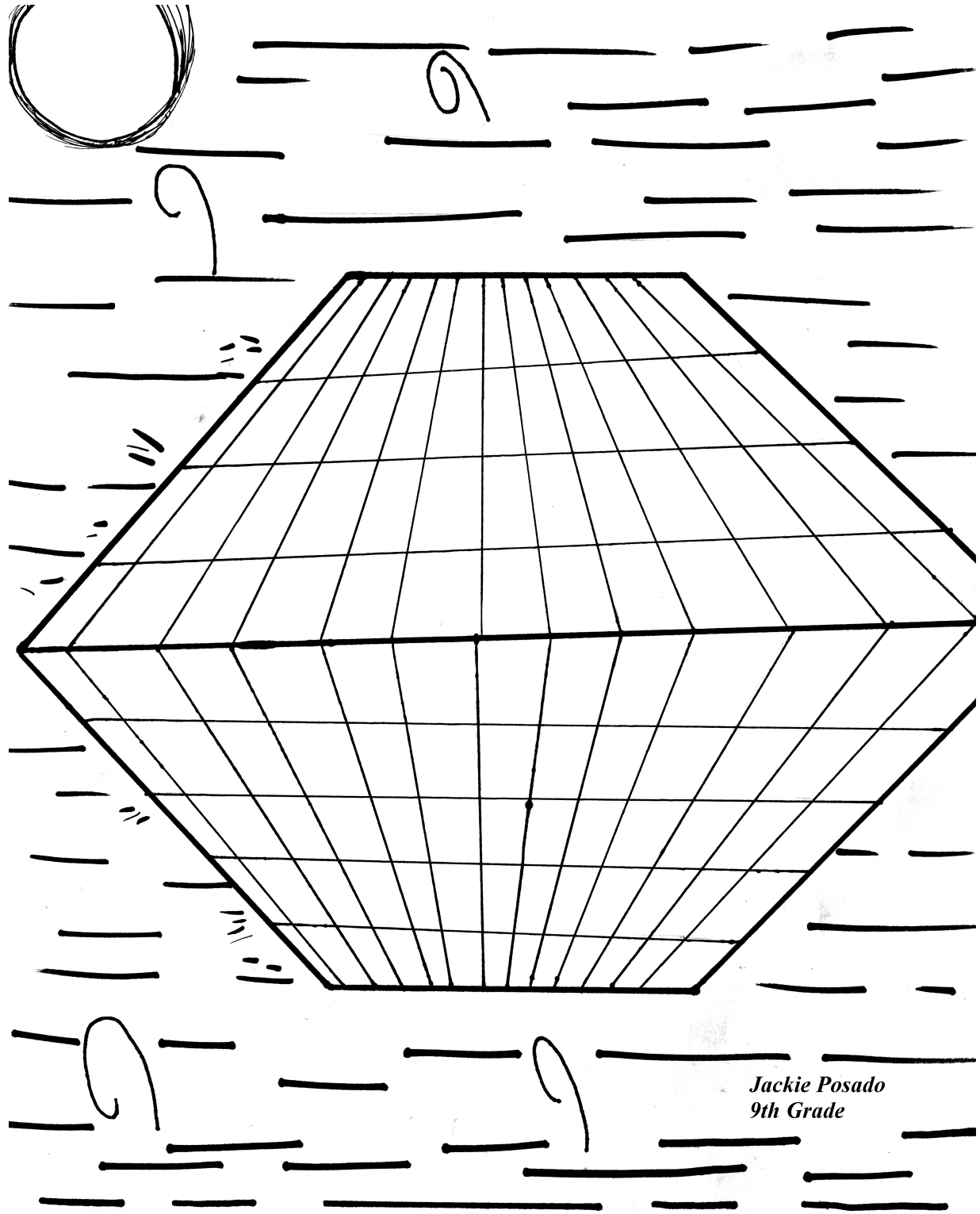
Michelle Jordan

Executive Director

Texas Emergency Services Retirement System

Filed: June 29, 2015





Jackie Posado
9th Grade

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: 34 TAC §9.804(b)(3)

Appendix 1

Schedule of Deposits

If the property qualifies as the owner's residence homestead and the appraised or market value is \$500,000 or less	\$450
If the property qualifies as the owner's residence homestead and the appraised or market value is more than \$500,000	\$500
If the property does not qualify as the owner's residence homestead and the appraised or market value is \$1 million or less	\$500
If the property does not qualify as the owner's residence homestead and the appraised or market value is more than \$1 million but not more than \$2 million	\$800
If the property does not qualify as the owner's residence homestead and the appraised or market value of the property is more than \$2 million but not more than \$3 million	\$1,050

Appendix 2

Arbitrators Fee

The arbitrator’s fee shall not exceed:

If the property qualifies as the owner’s residence homestead and the appraised or market value is \$500,000 or less	\$400
If the property qualifies as the owner’s residence homestead and the appraised or market value is more than \$500,000	\$450
If the property does not qualify as the owner’s residence homestead and the appraised or market value is \$1 million or less	\$450
If the property does not qualify as the owner’s residence homestead and the appraised or market value is more than \$1 million but not more than \$2 million	\$750
If the property does not qualify as the owner’s residence homestead and the appraised or market value of the property is more than \$2 million but not more than \$3 million	\$1,000

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.

Alamo Area Metropolitan Planning Organization

Request for Proposals - Travel Demand Model Updates

The Alamo Area Metropolitan Planning Organization (MPO) is seeking proposals from qualified firms to conduct Travel Demand Model Updates.

A copy of the Request for Proposals (RFP) and attachments may be downloaded from the MPO's website at www.alamoareampo.org or obtained by calling Jeanne Geiger, Deputy Director, at (210) 227-8651. Anyone wishing to submit a proposal must do so by 12:00 p.m. (CT), Thursday, August 6, 2015, at the MPO office to:

Isidro "Sid" Martinez

Director

Alamo Area MPO

825 South St. Mary's Street

San Antonio, Texas 78205

Funding for this study, in the amount of \$275,000, is contingent upon the availability of Federal transportation planning funds.

TRD-201502447

Jeanne Geiger

Deputy Director

Alamo Area Metropolitan Planning Organization

Filed: June 29, 2015

Ark-Tex Council of Governments

Request for Proposals for Audit Services

The Ark-Tex Council of Governments (ATCOG) is a political subdivision organized under the statutes of the States of Texas and Arkansas as a voluntary association of local governments to guide regional planning and economic development within a ten-county region in northeast Texas and southwest Arkansas. ATCOG is actively engaged in obtaining and administering various contracts and grants from local, state, and federal agencies.

The ATCOG is currently accepting proposals for audit services for the period October 1, 2014, through September 30, 2015, with the possibility of being extended with four annual renewals through 2019. Proposals are being solicited and will be received until 5:00 p.m. on August 3, 2015, by the Ark-Tex Council of Governments, 4808 Elizabeth Street, Texarkana, Texas 75503 or mail to P.O. Box 5307, Texarkana, Texas 75505-5307. Information for the Request for Proposals and the format required is available on Friday, July 10, 2015, on ATCOG's website at www.atcog.org. If you have questions or need additional information prior to submitting a proposal, please contact Linda Moore, Finance Manager, (903) 255-3547, lmoore@atcog.org.

ATCOG reserves the right to reject any and all proposals and, if all proposals are rejected, to solicit new proposals if a new solicitation is in the best interest of ATCOG. Proposals received after the deadline will not be considered.

TRD-201502438

Chris Brown

Executive Director

Ark-Tex Council of Governments

Filed: June 29, 2015

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 Financial Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/06/15 - 07/12/15 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/06/15 - 07/12/15 is 18% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

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

TRD-201502468

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: June 30, 2015

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is August 10, 2015. 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 ap-

plicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on August 10, 2015. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Albo Enterprises, Incorporated; DOCKET NUMBER: 2014-1135-PST-E; IDENTIFIER: RN100810555; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: petroleum underground storage tank; RULES VIOLATED: 30 TAC §334.54(b)(1) and (2), and (d)(2), by failing to keep the underground storage tank (UST) system vent lines open and functioning, failing to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons, and failing to ensure that any residue from stored regulated substances which remained in the temporarily out-of-service UST system did not exceed a depth of 2.5 centimeters at the deepest point and did not exceed 0.3% by weight of the system at full capacity; and 30 TAC §334.601(b), by failing to comply with UST operator training requirements; PENALTY: \$10,937; ENFORCEMENT COORDINATOR: John Duncan, (512) 239-2720; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1206, (915) 834-4949.

(2) COMPANY: Capital Dallas Electric Motor Service, Incorporated; DOCKET NUMBER: 2015-0279-AIR-E; IDENTIFIER: RN100582444; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: electric motor repair; 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 operation; PENALTY: \$1,312; ENFORCEMENT COORDINATOR: Eduardo Heras, (512) 239-2422; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: Cesar Duron dba Texas International Recycling; DOCKET NUMBER: 2015-0281-MLM-E; IDENTIFIER: RN107534745; LOCATION: Edinburg, Hidalgo County; TYPE OF FACILITY: scrap metal recycling facility; RULES VIOLATED: 30 TAC §324.1 and 40 Code of Federal Regulations (CFR) §279.22(c)(1), by failing to mark or clearly label used oil storage containers with the words "Used Oil"; 30 TAC §324.6 and 40 CFR §279.22(d), by failing to perform cleanup actions upon detection of a release of used oil; 30 TAC §330.15(c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; and 30 TAC §281.25(a)(4) and 40 CFR §122.26(c), by failing to obtain authorization under a Texas Pollutant Discharge Elimination System General Permit to discharge storm water associated with industrial activities; PENALTY: \$4,724; ENFORCEMENT COORDINATOR: Keith Frank, (512) 239-1203; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(4) COMPANY: City of Beeville; DOCKET NUMBER: 2015-0385-PWS-E; IDENTIFIER: RN101419133; LOCATION: Beeville, Bee County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(e)(6)(B), by failing to operate the facility with at least two operators where one of the required operators holds a Class "B" or higher surface water license and the other required operator holds a Class "C" or higher surface water license; PENALTY: \$188; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3425; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(5) COMPANY: City of Henderson; DOCKET NUMBER: 2015-0486-PWS-E; IDENTIFIER: RN101257400; LOCATION: Henderson, Rusk County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$330; ENFORCEMENT COORDINATOR: Austin Henck, (512) 239-6155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(6) COMPANY: City of Kirbyville; DOCKET NUMBER: 2015-0190-MWD-E; IDENTIFIER: RN102186053; LOCATION: Kirbyville, Jasper County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014384001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limits; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Heather Brister, (817) 588-5825; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(7) COMPANY: City of Yantis; DOCKET NUMBER: 2015-0100-MWD-E; IDENTIFIER: RN101918589; LOCATION: Yantis, Wood County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0012187001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and (17) and TPDES Permit Number WQ0012187001, Sludge Provisions, by failing to timely submit the annual sludge report for the monitoring period ending July 31, 2014, by September 30, 2014; PENALTY: \$28,500; ENFORCEMENT COORDINATOR: Katelyn Samples, (512) 239-4728; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(8) COMPANY: Enervest Operating, L.L.C.; DOCKET NUMBER: 2015-0610-AIR-E; IDENTIFIER: RN102544897; LOCATION: Rocksprings, Edwards County; TYPE OF FACILITY: oil and gas plant; RULES VIOLATED: 30 TAC §122.143(4) and §122.146(1) and (2), Texas Health and Safety Code, §382.085(b), and Federal Operating Permit Number O2912/General Operating Permit Number 514, General Terms and Conditions b(2), by failing to submit a permit compliance certification no later than 30 days after the end of the certification period; PENALTY: \$3,188; ENFORCEMENT COORDINATOR: Eduardo Heras, (512) 239-2422; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(9) COMPANY: Jimmie Jackson; DOCKET NUMBER: 2014-1836-MSW-E; IDENTIFIER: RN107717738; LOCATION: Richland, Navarro County; TYPE OF FACILITY: used tire storage and disposal site; RULES VIOLATED: 30 TAC §330.15(c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; and 30 TAC §328.56(d)(3), by failing to sort, mark, classify, and arrange in an organized manner good used tires for sale as a commodity; PENALTY: \$33,750; ENFORCEMENT COORDINATOR: John Duncan, (512) 239-2720; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(10) COMPANY: Khalid J. Qureshi dba ANJ Food Store; DOCKET NUMBER: 2015-0466-PST-E; IDENTIFIER: RN102378866; LOCATION: Live Oak, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the underground storage tank system; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Thomas Greimel, (512)

239-5690; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(11) COMPANY: KREBS UTILITIES, INCORPORATED dba Timber Ridge Section 2 and Stephen P. Krebs dba Timber Ridge Section 2; DOCKET NUMBER: 2015-0507-PWS-E; IDENTIFIER: RN104394317; LOCATION: Old River-Winfrey, Chambers County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(c)(2)(B), and (C) and (i)(1), by failing to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and submit the results to the executive director for the January 1, 2008 - December 31, 2010, monitoring period, January 1, 2013 - December 31, 2013, and January 1, 2014 - December 31, 2014 monitoring periods; and 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$1,307; ENFORCEMENT COORDINATOR: Katy Montgomery, (210) 403-4016; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(12) COMPANY: LA PORTE FUEL SERVICES, LLC dba Lion King Food Mart; DOCKET NUMBER: 2015-0480-PST-E; IDENTIFIER: RN104781398; LOCATION: La Porte, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §115.242(d)(3) and (4) and Texas Health and Safety Code, §382.085(b), by failing to maintain the Stage II Vapor Recovery system in proper operating condition and free of defects that would impair the effectiveness of the system and failing to ensure no gasoline leaks, as detected by sampling, sight, sound, or smell exist anywhere in the dispensing equipment or Stage II Vapor Recovery system; 30 TAC §334.42(i), by failing to inspect all sumps including the dispenser sumps, manways, overspill containers, or catchment basins associated with the underground storage tank (UST) system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight and free of any liquid or debris; 30 TAC §334.50(b)(1)(A), (d)(1)(B)(ii), and (iii)(I) and TWC, §26.3475(c)(1), by failing to monitor USTs for releases at a frequency of at least once per month and failing to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons and failing to conduct daily inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank as required in conjunction with statistical inventory reconciliation; 30 TAC §334.49(b)(6) and TWC, §26.3475(d), by failing to provide proper corrosion protection for the UST system's piping components; and 30 TAC §334.10(b)(1)(B), by failing to maintain UST records and make them immediately available for inspection upon request by agency personnel; PENALTY: \$20,918; ENFORCEMENT COORDINATOR: John Fennell, (512) 239-2616; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(13) COMPANY: MAHESH INVESTMENTS-LAKE FORK, L.L.C.; DOCKET NUMBER: 2014-0792-MWD-E; IDENTIFIER: RN101513638; LOCATION: Alba, Wood County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1) and (17) and §319.7(d) and Texas Pollutant Discharge Elimination System (TPDES) Number WQ0013975001, Monitoring and Reporting Requirements Number 1, by failing to submit monitoring results at the intervals specified in the permit; 30 TAC §305.125(1) and (17) and TPDES Permit Number WQ0013975001, Sludge Provisions, by failing to submit the annual sludge report;

and 30 TAC §21.4 and TWC, §5.702, by failing to pay all annual consolidated water quality fees and associated late fees; PENALTY: \$13,000; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5886; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(14) COMPANY: Millennium Exploration Company LLC; DOCKET NUMBER: 2015-0489-AIR-E; IDENTIFIER: RN107672537; LOCATION: Angleton, Brazoria County; TYPE OF FACILITY: oil production site; 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 to construct and operate a source of air emissions; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Rachel Bekowies, (512) 239-2608; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(15) COMPANY: Monarch Utilities I L.P.; DOCKET NUMBER: 2015-0724-PWS-E; IDENTIFIER: RN104359526; LOCATION: Trinidad, Henderson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average; and 30 TAC §291.76 and TWC, §5.702, by failing to pay complete regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity Number 12983 for 2009; PENALTY: \$330; ENFORCEMENT COORDINATOR: Michaelle Garza, (210) 403-4076; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(16) COMPANY: NIEKNAZ ENTERPRISES INCORPORATED dba Swift-T #11; DOCKET NUMBER: 2015-0484-PST-E; IDENTIFIER: RN101447332; LOCATION: Mesquite, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; PENALTY: \$4,875; ENFORCEMENT COORDINATOR: Allyson Plantz, (512) 239-4593; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(17) COMPANY: Paso Del Norte Ready-Mix, Incorporated dba El Paso Star Redi Mix; DOCKET NUMBER: 2014-1748-MLM-E; IDENTIFIER: RN105987432; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: portable concrete batch plant; RULES VIOLATED: 30 TAC §305.125(2) and TWC, §26.121(a)(1), by failing to obtain authorization to discharge wastewater and storm water associated with industrial activities; 30 TAC §330.15(c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; 30 TAC §324.4 and §328.23, by failing to properly store used oil and used oil filters; and 30 TAC §324.1, §324.4(1), and §327.1 and 40 Code of Federal Regulations §279.22(d), by failing to prevent the disposal of used oil and other petroleum products on the ground; PENALTY: \$60,500; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1206, (915) 834-4949.

(18) COMPANY: Petro-Crete, LLC; DOCKET NUMBER: 2015-0581-AIR-E; IDENTIFIER: RN107708802; LOCATION: Midland, Midland County; TYPE OF FACILITY: cement company; 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 for bulk mineral handling prior to operation; PENALTY: \$3,850; ENFORCEMENT COORDINATOR: Jennifer Nguyen, (512) 239-6160; REGIONAL OFFICE: 9900 West IH-20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(19) COMPANY: S.S.G. FUEL SERVICE, INCORPORATED dba King Shell; DOCKET NUMBER: 2015-0345-PWS-E; IDENTIFIER: RN101268472; LOCATION: Houston, Harris County; TYPE OF FACILITY: gas station with a public water supply; RULES VIOLATED: 30 TAC §290.42(l), by failing to provide a thorough and up-to-date plant operations manual for operator review and reference; 30 TAC §290.46(f)(2), (3)(A)(i)(III), (ii)(III), (v), and (vi), by failing to provide facility records to commission personnel at the time of the investigation; 30 TAC §290.46(m)(1)(B), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the facility and its equipment and failing to conduct an annual inspection of the facility's pressure tank; 30 TAC §290.46(s)(1), by failing to calibrate the facility's well meter once every three years; 30 TAC §290.110(d)(1), by failing to measure the free chlorine residual to a minimum accuracy of plus or minus 0.1 milligrams per liter using methods approved by the executive director; 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days; 30 TAC §290.121(a) and (b), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements; and 30 TAC §290.41(c)(3)(A), by failing to submit well completion data to the executive director for review and approval prior to placing a public drinking water well into service; PENALTY: \$2,256; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3425; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(20) COMPANY: SOUTHVIEW BAPTIST CHURCH; DOCKET NUMBER: 2015-0358-PWS-E; IDENTIFIER: RN105707863; LOCATION: Rosharon, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.110(e)(4)(A) and (f)(3) and §290.122(c)(2)(A) and (f), by failing to submit a Disinfectant Level Quarterly Operating Report (DLQOR) to the executive director each quarter by the tenth day of the month following the end of each quarter and failed to post public notification regarding the failure to submit a DLQOR to the executive director and submit a copy of the public notification to the executive director; and 30 TAC §290.117(c)(2)(A) and (i)(1), by failing to collect lead and copper tap samples at the required nine sample sites, have the samples analyzed at an approved laboratory, and submit the results to the executive director for the July 1, 2011 - December 31, 2011, July 1, 2012 - December 31, 2012, January 1, 2013 - June 30, 2013, July 1, 2013 - December 31, 2013, January 1, 2014 - June 30, 2014, and July 1, 2014 - December 31, 2014 monitoring periods; PENALTY: \$1,250; ENFORCEMENT COORDINATOR: Farhaud Abbaszadeh, (512) 239-0779; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(21) COMPANY: Tige Boats, Incorporated; DOCKET NUMBER: 2015-0602-AIR-E; IDENTIFIER: RN104316500; LOCATION: Abilene, Taylor County; TYPE OF FACILITY: boat manufacturing plant; RULES VIOLATED: 30 TAC §122.143(4) and §122.145(2)(C), Federal Operating Permit Number O2674, General Terms and Conditions, and Texas Health and Safety Code, §382.085(b), by failing to submit a deviation report within 30 days after the end of the reporting period; PENALTY: \$7,125; ENFORCEMENT COORDINATOR: Raime Hayes-Falero, (713) 767-3567; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(22) COMPANY: Wigginsville Victory Tabernacle; DOCKET NUMBER: 2015-0687-PWS-E; IDENTIFIER: RN101230407; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: public

water supply; RULES VIOLATED: 30 TAC §290.106(f)(3) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.002 milligrams per liter for mercury, based on the running annual average; PENALTY: \$205; ENFORCEMENT COORDINATOR: Farhaud Abbaszadeh, (512) 239-0779; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(23) COMPANY: ZACHRY-ODEBRECHT PARKWAY BUILDERS; DOCKET NUMBER: 2015-0260-WQ-E; IDENTIFIER: RN106721632 (Facility 1), RN107046617 (Facility 2) and RN106776644 (Facility 3); LOCATION: Houston, Harris County (Facility 1 and 3) and New Caney, Montgomery County (Facility 2); TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System General Permit Number, TXG111385, TXG111406 and TXG111431 Part III. Section A.1, Outfall Number 001A and 003A by failing to comply with permitted effluent limits (Facility 1, 2 and 3); PENALTY: \$8,626; Supplemental Environmental Project offset amount of \$3,450; ENFORCEMENT COORDINATOR: Larry Butler, (512) 239-2543; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

TRD-201502462

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: June 29, 2015



Enforcement Orders

An order was entered regarding Eisenberg Properties, Ltd., Docket No. 2013-0499-MSW-E on June 11, 2015, assessing \$14,250 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tammy L. Mitchell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Big Valley Distributors, Inc., Docket No. 2010-0167-PST-E on June 19, 2015, assessing \$3,850 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jacquelyn Boutwell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Anthony "Tony" Aguilar and Benita Castillo Villasenor, Docket No. 2011-1833-IHW-E on June 19, 2015, assessing \$4,750 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jennifer Cook, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Said Mohamed Jawad dba Express Lube and Tune, Docket No. 2012-0642-AIR-E on June 19, 2015, assessing \$7,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jess Robinson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding BENTON RAINEY, INC. dba East End Station, Docket No. 2013-0960-PST-E on June 19, 2015, assessing \$2,438 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tracy Chandler, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Lamson Development, L.L.C. dba Pelican Island Grocery and TRIPLE TAIL LLC dba Pelican Island Grocery, Docket No. 2013-1800-PST-E on June 19, 2015, assessing \$1,125 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Colleen Lenahan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Gray TV Ranch, LTD., Docket No. 2013-1990-WR-E on June 19, 2015, assessing \$2,620 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jim Sallans, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Robert M. Smith and OAK TERRACE ESTATES, INC., Docket No. 2013-2199-PWS-E on June 19, 2015, assessing \$950 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Joel Cordero, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Shaban Jannesari and Mohammad Yazdanpanah dba S-MartFoods, Docket No. 2014-0304-PST-E on June 19, 2015, assessing \$3,913 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Colleen Lenahan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Angela Berry and Robert Berry, Docket No. 2014-0378-WR-E on June 19, 2015, assessing \$150 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Joel Cordero, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Thomas Motal and Connie H. Motal, Docket No. 2014-0418-MSW-E on June 19, 2015, assessing \$1,312 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Elizabeth Carroll Harkrider, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Daniela Orosco dba Formula One, Docket No. 2014-0852-AIR-E on June 19, 2015, assessing \$1,312 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David A. Terry, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding WTR Real Estate Holdings, L.C. dba Heartland House, Docket No. 2014-0981-PWS-E on June 19, 2015, assessing \$2,293 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ryan Rutledge, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Texas Juvenile Justice Department, Docket No. 2014-1010-PST-E on June 19, 2015, assessing \$3,705 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Colleen Lenahan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding THE RAINS FAMILY LIMITED PARTNERSHIP, Docket No. 2014-1159-WR-E on June 19, 2015, assessing \$1,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jim Sallans, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Salvador Aguilar a/k/a Salvador Aguilera dba Desert Tire Services, and Martha G. Melendez, Docket No. 2014-1381-MSW-E on June 19, 2015, assessing \$3,937 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Tracy Chandler, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding LONG VILLAGE CLUB, INC., Docket No. 2014-1626-WR-E on June 19, 2015, assessing \$1,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Elizabeth Carroll Harkrider, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201502475

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 1, 2015

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Texas Ethics Commission

List of Late Filers

Listed below are the names of filers from the Texas Ethics Commission who did not file a report or failed to pay the penalty fine for the late report in reference to the listed filing deadline. If you have any questions, you may contact Sue Edwards at (512) 463-5800.

Deadline: Personal Financial Statement due April 30, 2015

Michael G. Cano, 1316 E. Augusta Ave., McAllen, Texas 78503

Tena T. Callahan, 7324 Gaston Ave., Ste. 124-177, Dallas, Texas 75214-6126

Kim A. Cooks, P.O. Box 224102, Dallas, Texas 75222

Reynaldo L. Diaz, Jr., 1615 Broadway St., San Antonio, Texas 78215

Ricardo Dominguez, Jr., 1690 Common Dr., El Paso, Texas 79936
 Leslie Bingham Escareno, 7 Medical Dr., Brownsville, Texas 78520
 Dori Fenenbock, 405 Camino Real Ave., El Paso, Texas 79222
 Vivian Frank, 901 Victoria St., Laredo, Texas 70887
 Janet L. Gallagher, 14903 Zanzibar Ln., Pflugerville, Texas 78660
 Brian J. Haley, 1937 Rue De St. Tropez #13, Austin, Texas 78746
 William H. Heatley, 115 Lark Dr., Enchanted Oaks, Texas 75136
 Daniel J. Kindred, 1670 FM 2676, Hondo, Texas 78861
 Robert W. Jenkins Jr., 1404 Ethridge, Austin, Texas 78703
 Jose A. Lopez, 1809 Lane St., Laredo, Texas 78043
 Andrea G. Martin, 1078 Winding Creek, Cedar Hill, Texas 75104
 Tuck M. McLain, 703 Church St., Navasota, Texas 77868
 Timothy A. Menikos, 12279 Oak Grove Rd. S., Burleson, Texas 76028
 Etienne H. Nguyen, 10307 Sand Dollar Dr., Houston, Texas 77065
 Kelly Perry, 3400 Amherst Ave., Dallas, Texas 75225-7624
 Neissa Brown Springmann, 4300 Mountain Path Dr., Austin, Texas 78759
 Enrique S. Valdez, 2718 Salinas, Laredo, Texas 70890
 Charles Field Wetherbee, P.O. Box 695, Boerne, Texas 78006
 D. Bailey Wynne, 4130 Briargrove Ln., Dallas, Texas 75287
 TRD-201502466
 Natalia Luna Ashley
 Executive Director
 Texas Ethics Commission
 Filed: June 30, 2015

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Texas Facilities Commission

Request for Proposals #303-7-20505

The Texas Facilities Commission (TFC), on behalf of the Office of the Attorney General (OAG), announces the issuance of Request for Proposals (RFP) #303-7-20505. TFC seeks a five (5) or ten (10) year lease of approximately 8,528 square feet of office space in El Paso, El Paso County, Texas.

The deadline for questions is July 20, 2015, and the deadline for proposals is July 29, 2015, at 3:00 p.m. The award date is September 16, 2015. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting the Program Specialist, Evelyn Esquivel, at (512) 463-6494. A copy of the RFP may be downloaded from the Electronic State Business Daily at http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=118436.

TRD-201502459
 Kay Molina
 General Counsel
 Texas Facilities Commission
 Filed: June 29, 2015

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General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 Federal Register pp. 1439-1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 501. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of May 4, 2015, through June 29, 2015. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§506.25, 506.32, and 506.41, the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, July 3, 2015. The public comment period for this project will close at 5:00 p.m. on Monday, August 3, 2015.

FEDERAL AGENCY ACTIONS:

Applicant: Clayton's Beach Bar and Grill

Location: The project is located in the Gulf of Mexico, at 6800/6900 Padre Boulevard, in South Padre Island, Cameron County, Texas. The project can be located on the United States Geological Survey (U.S.G.S.) quadrangle map entitled Port Isabel, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 26.137088 North; Longitude: 97.168608 West

Project Description: The applicant proposes to amend Department of the Army Permit SWG-2012-00963 issued on 4 February 2015, (expires 31 December 2020). The applicant has previously been authorized to construct a wooden, elevated pier extending from Clayton's Beach Bar and Grill's deck into the Gulf of Mexico. The project involved the construction (no construction has commenced as of the date of this public notice) of a 15-foot-wide by 950-foot-long pier atop pilings spaced 12 feet apart for spans one and two (starting at the existing bulkhead), 16 feet for spans three to 13 and 12 feet apart for the remainder of pilings into the Gulf of Mexico.

Along the length of the pier, beginning approximately 200 feet from its origin, the applicant has been authorized to construct a 35- by 100-foot covered concession area. The pier will be constructed 20 feet above Mean Low Tide and terminate with a 25- by 50-foot L-head.

CMP Project No: 15-1469-F1

Type of Application: U.S. Army Corps of Engineers (USACE) permit application #SWG-2012-00963. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899.

Applicant: City of Port Aransas

Location: The project site is located in wetlands adjacent to Corpus Christi Bay, at the Mustang Beach Airport, Piper Boulevard, in Port Aransas, Nueces County, Texas. The project can be located on the U.S.G.S. quadrangle map titled: PORT ARANSAS, Texas.

LATITUDE & LONGITUDE (NAD 83):

Latitude: 27.81180 North; Longitude: 97.08985 West

Project Description: The applicant proposes to develop Federal Aviation Administration (FAA)-compliant Runway Safety Areas (RSAs) on both Runway 12 and Runway 30, extend Runway 30 a distance of

681 feet to provide additional runway length for aircraft arrivals and departures, and develop a full length parallel taxiway.

Major components of the project include the following actions:

- Extend the existing 3,482-foot-long Runway 12/30 a distance of 681 feet to the southeast;
- Extend the parallel taxiway 1,921 feet to the Runway 12 end;
- Construct a connector taxiway to terminate at the northwest end of the runway;
- Clear and grade land a distance of 240 feet beyond the southeast end of the extended runway to develop an RSA in compliance with FAA design standards;
- Expand the terminal apron by 10,500 square yards;
- Relocate Outfall Ditch No. 9 as required for RSA development at the Runway 30 end of Runway 12/30;
- Displace the Runway 12 threshold and implement declared distances;
- Install Medium-Intensity Runway Lights on the extended runway;
- Relocate the Runway 12 Precision Approach Path Indicators;
- Install holding position signs;
- Apply reflective pavement markings;
- Install temporary and permanent erosion and sedimentation controls; and
- Implement mitigation measures for unavoidable wetland impacts associated with the proposed project.

The applicant states that the project will require the permanent placement of fill within 6.11 acres of wetlands, 0.10 acre of open waters adjacent to Corpus Christi Bay, and 484 linear feet of a manmade ditch.

CMP Project No: 15-1491-F1

Type of Application: USACE permit application #SWG-2013-00189. 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 under §401 of the Clean Water Act (33 U.S.C.A. §1344).

Pursuant to §306(d)(14) of the Coastal Zone Management Act of 1972 (16 U.S.C.A. §§1451-1464), as amended, interested parties are invited to submit comments on whether a proposed action or activity is or is not consistent with the Texas Coastal Management Program goals and policies and whether the action should be referred to the Land Commissioner for review.

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection may be obtained from Mr. Ray Newby, P.O. Box 12873, Austin, Texas 78711-2873 or via email at federal.consistency@glo.texas.gov. Comments should be sent to Mr. Newby at the above address or by email.

TRD-201502476
Anne L. Idsal
Chief Clerk
General Land Office
Filed: July 1, 2015



Notice of Approval of Coastal Boundary Survey

Pursuant to §33.136 of the Texas Natural Resources Code, notice is hereby given that George P. Bush, Commissioner of the General Land Office, approved a coastal boundary survey described as follows:

Coastal Boundary Survey, dated April 29, 2015, by Stephen C. Blaskey, Licensed State Land Surveyor, delineating a portion of the littoral boundary of the Amos Edwards League, Abstract 10, along the line of Mean High Water on Dickinson Bayou, situated at the eastern end of Avenue S, in the town of Dickinson, at coordinates N 29°28'02", W94°57'44" (N29.467491°, W94.962433°) WGS84, in Galveston County. The survey is in support of proposed repair and construction of bulkhead authorized under Texas General Land Office Lease No. LC20150001. A copy of the survey is recorded in Book 1, at Page 239, Galveston County Surveyor's Records.

This survey is intended to provide pre-project baseline information related to an erosion response activity on coastal public lands. An owner of uplands adjoining the project area is entitled to continue to exercise littoral rights possessed prior to the commencement of the erosion response activity, but may not claim any additional land as a result of accretion, reliction, or avulsion resulting from the erosion response activity.

For a copy of this survey or more information on this matter, contact Bill O'Hara, Director of the Survey Division, Texas General Land Office by phone at (512) 463-5212, email bill.o'hara@glo.texas.gov, or fax (512) 463-5223.

TRD-201502471
Anne L. Idsal
Chief Clerk, Deputy Land Commissioner
General Land Office
Filed: June 30, 2015



Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Medicaid Payment Rates for Physical, Occupational, and Speech Therapy

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on July 20, 2015, at 9:00 a.m., to receive comment on proposed Medicaid payment rates for Physical, Occupational, and Speech Therapy provided by Comprehensive Outpatient Rehabilitation Facilities/Outpatient Rehabilitation Facilities (CORF/ORF), Home Health Agencies (HHA), and Independent Therapists. The proposed rate actions are based on direction provided by the 2016 - 2017 General Appropriations Act, 84th Legislature, Regular Session, Article II, Rider 50, at pages II-96 through II-98 (Health and Human Services Section, Health and Human Services Commission).

The public hearing will be held in the Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (1 TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for Physical, Occupational, and Speech Therapy provided by Comprehensive Outpatient Rehabilitation Facilities/Outpatient Rehabilitation Facilities (CORF/ORF), Home Health Agencies (HHA), and Independent Therapists are proposed to be effective September 1, 2015.

Methodology and Justification. The proposed payment rates were calculated in accordance with 1 TAC:

§355.8021, which addresses the reimbursement methodology for home health services and durable medical equipment, prosthetics, orthotics, and supplies;

§355.8085, which addresses the reimbursement methodology for physicians and other practitioners; and

§355.8441, which addresses the reimbursement methodology for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after July 6, 2015. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at RADAcuteCare@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to RADAcuteCare@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Healy Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201502446

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 29, 2015



Public Notice - Amendment to the Medicaid Waiver for Home and Community-based Services

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare and Medicaid Services (CMS) for an amendment to the Medicaid waiver for Home and Community-based Services (HCS), under section 1915(c) of the Social Security Act. CMS has approved this waiver through August 31, 2018. The proposed effective date for the amendment is August 31, 2015, with no changes to cost neutrality.

Changes proposed by this amendment:

1. Increase the number of individuals that can be enrolled in the waiver at any point in time based on the 83rd Texas Legislature appropriations.
2. Increase the maximum number of unduplicated individuals that can be served from September 1, 2014, through August 31, 2015, based on the 83rd Texas Legislature appropriations.

The HCS waiver provides services and supports to persons with intellectual disabilities who live in their own homes or family homes, or in community settings such as small group homes. To be eligible for

the waiver, individuals must meet financial eligibility criteria as well as level of care for admission to an intermediate care facility for individuals with intellectual disabilities.

To obtain a free copy of the proposed waiver amendment, or if you have questions, need additional information, or wish to submit comments regarding this amendment, interested parties may contact Felicia Hays by mail at Texas Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711-3247, phone (512) 428-1931, fax (512) 424-4035, or by e-mail at TX_Medicaid_Waivers@hhsc.state.tx.us.

TRD-201502461

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 29, 2015



Public Notice - Texas Medicaid Wellness Program Waiver

The Texas Health and Human Services Commission (HHSC) is submitting a renewal of the Texas Medicaid Wellness Program (TMWP) waiver to the Centers for Medicare & Medicaid Services (CMS). The purpose of this application is to renew the current waiver, which expires on November 31, 2015. The waiver was originally set to expire on May 31, 2015, but CMS has granted Texas a 180 day temporary extension of the state's waiver. The proposed effective date of the waiver renewal is December 1, 2015.

Under §1915(b) of the Social Security Act, the TMWP waiver is designed to be an educational and care management service offered as an additional benefit to eligible enrollees in the traditional Medicaid Fee-For-Service program. For clients who choose to participate, the program focuses on removing barriers to care and promoting self-management. In addition, the TMWP vendor works closely with providers to promote patient self-management and the medical home. Care management services are provided to individuals with complex chronic or co-morbid conditions at a frequency based on the client's risk level.

The waiver renewal provides for the continuation of the Texas Medicaid Wellness Program. There will be no changes for individuals receiving services. The renewal does not change cost effectiveness.

To obtain copies of the proposed waiver amendment, interested parties may contact Micah Erwin by mail at Texas Health and Human Services Commission, P.O. Box 85200, Mail Code H-370, Austin, Texas 78708-5200, phone (512) 424-6549, fax (512) 487-3403, or by email at TX_Medicaid_Waivers@hhsc.state.tx.us.

TRD-201502463

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: June 29, 2015



Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of June, 2015, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses, amending and renewing existing licenses, or approving license exemptions, the Department's Radiation Safety Licensing Branch has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289.

This notice affords the opportunity for a hearing on written request, within 30 days of the date of publication of this notice, of a person affected by the Department's action. A person affected is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). A person affected may request a hearing as prescribed in 25 TAC § 289.205(c) by writing Richard A. Ratliff, Radiation Program Officer, Department of State Health Services, Radiation Material Licensing – MC 2835, PO Box 149347, Austin, Texas 78714-9347. For information call (512) 834-6688.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
El Paso	Rio Grande Urology P.A. dba Rio Grande Radiation Cancer Center	L06721	El Paso	00	06/01/15
Sweetwater	Lonestar Industries Inc. dba Buzzi Unicem USA	L06720	Sweetwater	00	06/01/15

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Austin	Northwest Surgery Center	L06236	Austin	02	06/02/15
Austin	St. Davids Healthcare Partnership L.P., L.L.P.	L06335	Austin	17	06/08/15
Bellaire	Shared Imaging L.L.C.	L06614	Bellaire	05	06/01/15
Brownwood	Brownwood Hospital L.P. dba Brownwood Regional Medical Center	L02322	Brownwood	60	06/10/15
Carrollton	Trinity MC L.L.C. dba Baylor Scott & White Center Carrollton	L03765	Carrollton	72	06/09/15
Dallas	Baylor University Medical Center	L01290	Dallas	128	06/01/15
Dallas	Medi Physics Inc. dba GE Healthcare	L05529	Dallas	39	06/02/15
Dallas	Crown Imaging L.L.C.	L06223	Dallas	10	06/02/15
El Paso	Tenet Hospitals Limited dba Providence Memorial Hospital	L02353	El Paso	121	06/12/15
El Paso	Tenet Hospitals Limited dba Sierra Medical Center	L02365	El Paso	83	06/12/15
El Paso	Tenet Hospitals Limited dba Sierra Providence East Medical Center	L06152	El Paso	18	06/12/15
Fort Worth	Texas Oncology P.A.	L05545	Fort Worth	54	06/09/15
Garland	Radcom Associates Inc.	L06676	Garland	01	06/03/15
Grapevine	Baylor Medical Center at Grapevine	L03320	Grapevine	33	06/08/15
Houston	Kelsey Seybold Clinic P.A.	L00391	Houston	72	06/12/15
Houston	The University of Texas M.D. Anderson Cancer Center	L00466	Houston	159	06/09/15
Houston	Sightline West Houston IMRT L.L.C. dba Sightline West Houston	L06299	Houston	11	06/12/15
Houston	Oncology Consultants P.A.	L06339	Houston	07	06/05/15
Houston	Red Oak Hospital L.L.C.	L06536	Houston	02	06/01/15

Lubbock	Radiation Oncology of the South Plains P.A. dba Lubbock Imaging Center	L05418	Lubbock	24	06/03/15
McKinney	Columbia Medical Center of McKinney Subsidiary L.P. dba Medical Center of McKinney	L02415	McKinney	46	06/09/15
Plano	Texas Health Presbyterian Hospital Plano	L04467	Plano	68	06/01/15
Plano	Mind For Life L.L.C.	L06619	Plano	01	06/10/15
Richardson	Truglo Inc.	L05519	Richardson	12	06/08/15
San Antonio	South Texas Radiology Imaging Centers	L00325	San Antonio	226	06/12/15
San Antonio	University of Texas at San Antonio	L01962	San Antonio	67	06/10/15
Temple	Wilsonart L.L.C.	L06547	Temple	02	06/09/15
Throughout TX	Texas Department of Transportation	L00197	Austin	177	06/03/15
Throughout TX	Henley-Johnston & Associates Inc.	L00286	Dallas	34	06/03/15
Throughout TX	Professional Service Industries Inc.	L04940	Dallas	16	06/12/15
Throughout TX	Tucker Energy Services Inc.	L06157	Denton	08	06/03/15
Throughout TX	Pioneer Wireline Services L.L.C.	L06220	Houston	30	06/12/15
Throughout TX	Methodist Healthcare System of San Antonio Ltd., L.L.P.	L00594	San Antonio	340	06/01/15
Throughout TX	Schlumberger Technology Corporation	L00764	Sugar Land	145	06/04/15
Throughout TX	Schlumberger Technology Corporation	L00764	Sugar Land	146	06/10/15
Throughout TX	Schlumberger Technology Corporation	L01833	Sugar Land	192	06/04/15
Tyler	Cardiac Imaging Inc.	L06565	Tyler	06	06/08/15
Waco	Baylor University	L00343	Waco	37	06/10/15
Webster	Bay Area Regional Medical Center L.L.C.	L06655	Webster	03	06/05/15

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Arlington	Heartplace P.A.	L05855	Arlington	14	06/01/15
Bryan	St. Joseph Regional Health Center	L00573	Bryan	83	06/05/15
Denton	Denton Surgicare Partners Ltd. dba Baylor Surgicare at Denton	L05819	Denton	03	06/02/15
Throughout TX	City of Fort Worth	L01928	Fort Worth	24	06/12/15

TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Amarillo	BSA Amarillo Diagnostic Clinic Inc.	L06659	Amarillo	01	06/12/15
Austin	Jonathan I. Sheinberg M.D., P.L.L.C. dba Cardiovascular Associates	L06540	Austin	02	06/09/15
Buda	Live Oak Cardiology P.A.	L06198	Buda	06	06/09/15
San Antonio	South Texas Cardiology Institute	L06454	San Antonio	03	06/09/15
Throughout TX	DMG Equipment Co., Ltd. dba Pavers Supply Company	L04856	Conroe	10	06/01/15

EXEMPTIONS ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
Houston	Paradigm Consultants Inc.	L04875	Houston		06/09/15

TRD-201502467

Lisa Hernandez
General Counsel
Department of State Health Services
Filed: June 30, 2015



Texas Department of Insurance

Company Licensing

Application to do business in the State of Texas by VISTA360HEALTH, assumed name of VISTA HEALTH PLAN, INC., a domestic health maintenance organization. The home office is in Austin, 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 Godwin Ohaechesi, 333 Guadalupe Street, MC 305-2C, Austin, Texas 78701.

TRD-201502474
Sara Waitt
General Counsel
Texas Department of Insurance
Filed: July 1, 2015



Texas Lottery Commission

Instant Game Number 1716 "Cashword Multiplier"

1.0 Name and Style of Game.

A. The name of Instant Game No. 1716 is "CASHWORD MULTIPLIER". The play style is "crossword".

1.1 Price of Instant Ticket.

A. Tickets for Instant Game No. 1716 shall be \$10.00 per Ticket.

1.2 Definitions in Instant Game No. 1716.


A. Display Printing - That area of the Instant Game Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Ticket.

C. Play Symbol - The printed data under the latex on the front of the Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 1X SYMBOL, 2X SYMBOL, 3X SYMBOL, 5X SYMBOL, 10X SYMBOL, A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z and blackened square SYMBOL.

D. Play Symbol Caption - the small printed material appearing below each Play Symbol which explains the Play Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in caption font in black ink in positive. Crossword and Bingo style games do not typically have Play Symbol Captions. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 1716 - 1.2D

PLAY SYMBOL	CAPTION
1X SYMBOL	TIMES 1
2X SYMBOL	TIMES 2
3X SYMBOL	TIMES 3
5X SYMBOL	TIMES 5
10X SYMBOL	TIMES 10
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	
V	
W	
X	
Y	
Z	
 SYMBOL	

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

The format will be: 0000000000000.

F. Low-Tier Prize - A prize of \$10.00 or \$20.00.

G. Mid-Tier Prize - A prize of \$30.00, \$50.00, \$60.00, \$80.00, \$100, \$150, \$200 or \$500.

H. High-Tier Prize - A prize of \$1,000, \$25,000 or \$250,000.

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

J. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1716), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 1716-0000001-001.

K. Pack - A Pack of "CASHWORD MULTIPLIER" Instant Game Tickets contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

L. Non-Winning Ticket - A Ticket which is not programmed to be a winning Ticket or a Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401.

M. Ticket or Instant Game Ticket, or Instant Ticket - A Texas Lottery "CASHWORD MULTIPLIER" Instant Game No. 1716 Ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Ticket validation requirements set forth in Texas Lottery Rule §401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each Instant Ticket. A prize winner in the "CASHWORD MULTIPLIER" Instant Game is determined once the latex on the Ticket is scratched off to expose 310 (three hundred ten) Play Symbols. The player must scratch all of the 18 YOUR LETTERS. Then the player must scratch all the letters found in GAME 1, GAME 2 and GAME 3 that exactly match the YOUR LETTERS. If a player has scratched at least 3 complete "words" within a GAME, the player wins the prize found in the corresponding PRIZE LEGEND. Each game is played separately. Words revealed in one game cannot be combined with words revealed from another game. Only one prize paid per GAME. Only letters within the same GAME that are matched with the YOUR LETTERS can be used to form a complete "word". In each GAME, every lettered square within an unbroken horizontal (left to right) or vertical (top to bottom) sequence must be matched with the YOUR LETTERS to be considered a complete "word". Words within words are not eligible for a prize. A complete "word" must contain at least three letters. In GAME 1 and GAME 2, a player can win by revealing 3 to 9 complete "words" on each GAME. In GAME 3, a player can win by revealing 3 to 7 complete "words". Multiplier Bonus: If a player reveals a 2X, 3X, 5X or 10X Symbol, then the player multiplies the total prize won in GAMES 1, 2 and 3 by that amount. Revealing a 1X Symbol does not multiply winnings in any GAME. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Instant Game.

2.1 Instant Ticket Validation Requirements.

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

1. Exactly 310 (three hundred ten) Play Symbols must appear under the Latex Overprint on the front portion of the Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption; Crossword and Bingo style games do not typically have Play Symbol Captions;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Ticket shall be intact;
6. The Serial Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Ticket;
8. The Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Ticket must not be counterfeit in whole or in part;
10. The Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Ticket must not have been stolen, nor appear on any list of omitted Tickets or non-activated Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Ticket must be complete and not miscut and have exactly 310 (three hundred ten) Play Symbols under the Latex Overprint on the front portion of the Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Ticket Number on the Ticket;

14. The Serial Number of an apparent winning Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Tickets, and a Ticket with that Serial Number shall not have been paid previously;

15. The Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the 310 (three hundred ten) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 310 (three hundred ten) Play Symbols on the Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Instant Game Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Ticket. In the event a defective Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Ticket with another unplayed Ticket in that Instant Game (or a Ticket of equivalent sales price from any other current Texas Lottery Instant Game) or refund the retail sales price of the Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Players can only win one (1) time per GAME, and a total up to three (3) times on a Ticket, in accordance with the approved prize structure.

B. Adjacent Non-Winning Tickets within a Pack will not have matching Play and Prize Symbol patterns. Two (2) Tickets have matching Play and Prize Symbol patterns if they have the same symbols in the same positions.

C. The "YOUR LETTERS" Play Symbols will be different on a Ticket.

D. The "YOUR LETTERS" Play Symbols will contain a minimum of three (3) vowel letters on a Ticket. Vowels are A, E, I, O and U.

E. All words used will be from the TEXAS APPROVED WORD LIST CASHWORD/CROSSWORD v.1.0.

F. Words from the TEXAS REJECTED WORD LIST v.2.0 will not appear horizontally in the eighteen (18) YOUR LETTERS play area.

G. The bottom and top rows of "YOUR LETTERS" play area will not form obscene words when read in a forward or reverse direction.

H. The presence or absence of words on a grid/word puzzle will not be indicative of a winning or Non-Winning Ticket to avoid pick out of winners and non-winners.

I. No GAME on a Ticket will contain matching words.

J. Each GAME on a Ticket will contain at least two (2) completed words.

K. GAMES 1 & 2: Each GAME grid will contain the same number of letters.

L. GAMES 1 & 2: Each GAME grid will contain twenty-two (22) words.

M. GAMES 1 & 2: Each GAME grid will contain ten (10) to twelve (12) vertical words and ten (10) to twelve (12) horizontal words.

N. GAMES 1 & 2: The minimum length of the words contained in a GAME grid will be three (3) letters.

O. GAMES 1 & 2: The maximum length of the words contained in a GAME grid will be nine (9) letters.

P. GAMES 1 & 2: When played, no GAME grid will contain more than nine (9) completed words.

Q. GAMES 1 & 2: No letter will appear more than ten (10) times in a GAME grid.

R. GAMES 1 & 2: There will be at least thirty (30) different grid patterns used in this game. A grid is an empty 11x11 black and white pattern.

S. GAME 3: Each GAME grid will contain the same number of letters.

T. GAME 3: Each GAME grid will contain ten (10) words.

U. GAME 3: Each GAME grid will contain four (4) to six (6) vertical words and four (4) to six (6) horizontal words.

V. GAME 3: The minimum length of the words contained in a GAME grid will be three (3) letters.

W. GAME 3: The maximum length of the words contained in a GAME grid will be six (6) letters.

X. GAME 3: When played, no GAME grid will contain more than seven (7) completed words.

Y. GAME 3: No letter will appear more than five (5) times in a GAME grid.

Z. GAME 3: There will be at least thirty (30) different grid patterns used in this game. A grid is an empty 7x7 black and white pattern.

AA. MULTIPLIER BONUS: The "MULTIPLIER BONUS" Play Symbols of 2X (TIMES 2), 3X (TIMES 3), 5X (TIMES 5) and 10X (TIMES 10) will only be used on winning Tickets as dictated by the prize structure.

BB. MULTIPLIER BONUS: Tickets that do not win in the "MULTIPLIER BONUS" play area will display the 1X (TIMES 1) Play Symbol.

CC. MULTIPLIER BONUS: Revealing a 1X (TIMES 1) Play Symbol does not multiply winnings in any GAME.

2.3 Procedure for Claiming Prizes.

A. To claim a "CASHWORD MULTIPLIER" Instant Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$60.00, \$80.00, \$100, \$150, \$200 or \$500, a claimant shall sign the back of the Ticket in the space designated on the Ticket and present the winning Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Ticket;

provided that the Texas Lottery Retailer may, but is not required to pay a \$30.00, \$50.00, \$60.00, \$80.00, \$100, \$150, \$200 or \$500 Ticket. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and 2.3.C of these Game Procedures.

B. To claim a "CASHWORD MULTIPLIER" Instant Game prize of \$1,000, \$25,000 or \$250,000, the claimant must sign the winning Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "CASHWORD MULTIPLIER" Instant Game prize, the claimant must sign the winning Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. a sufficient amount from the winnings of a prize winner who has been finally determined to be:

a. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

b. in default on a loan made under Chapter 52, Education Code; or

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize of less than \$600 from the "CASHWORD MULTIPLIER" Instant Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "CASHWORD MULTIPLIER" Instant Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Tickets ordered. The number of actual prizes available in a game may vary based on number of Tickets manufactured, testing, distribution, sales and number of prizes claimed. An Instant Game Ticket may continue to be sold even when all the top prizes have been claimed.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game Ticket in the space designated, a Ticket shall be owned by the physical possessor of said Ticket. When a signature is placed on the back of the Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Ticket in the space designated. If more than one name appears on the back of the Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Instant Game Tickets and shall not be required to pay on a lost or stolen Instant Game Ticket.

4.0 Number and Value of Instant Prizes. There will be approximately 8,160,000 Tickets in the Instant Game No. 1716. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1716 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10	979,200	8.33
\$20	816,000	10.00
\$30	326,400	25.00
\$50	163,200	50.00
\$60	40,800	200.00
\$80	27,200	300.00
\$100	27,200	300.00
\$150	13,600	600.00
\$200	6,800	1,200.00
\$500	816	10,000.00
\$1,000	355	22,985.92
\$25,000	12	680,000.00
\$250,000	5	1,632,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.40. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Instant Game. The Executive Director may, at any time, announce a closing date (end date) for the Instant Game No. 1716 without advance notice, at which point no further Tickets in that game may be sold. The determination of the closing date and reasons for closing

will be made in accordance with the Instant Game closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing an Instant Game Ticket, the player agrees to comply with, and abide by, these Game Procedures for Instant Game No. 1716, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant

to the State Lottery Act and referenced in 16 TAC Chapter 401, and all final decisions of the Executive Director.

TRD-201502472

Bob Biard

General Counsel

Texas Lottery Commission

Filed: June 30, 2015

◆ ◆ ◆
Public Utility Commission of Texas

Announcement of Application for Amendment to a State-Issued Certificate of Franchise Authority

The Public Utility Commission of Texas (commission) received an application on June 22, 2015, to amend a state-issued certificate of franchise authority, pursuant to Public Utility Regulatory Act (PURA) §§66.001 - 66.016.

Project Title and Number: Application of Comcast of Houston, LLC for Amendment to its State-Issued Certificate of Franchise Authority, Project Number 44866.

The requested amendment is to expand the service area footprint to include the area within the boundaries of the city of Weston Lakes, Texas.

Information on the application may be obtained by contacting 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 (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All inquiries should reference Project Number 44866.

TRD-201502425

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: June 25, 2015

◆ ◆ ◆
Announcement of Application for Amendment to a State-Issued Certificate of Franchise Authority

The Public Utility Commission of Texas (commission) received an application on June 25, 2015, to amend a state-issued certificate of franchise authority, pursuant to Public Utility Regulatory Act (PURA) §§66.001 - 66.016.

Project Title and Number: Application of Time Warner Cable Texas, LLC for Amendment to its State-Issued Certificate of Franchise Authority, Project Number 44878.

The requested amendment is to expand the service area footprint to include the unincorporated areas excluding any federal properties in the cities of Sandy Oaks and San Elizario.

Information on the application may be obtained by contacting 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 (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All inquiries should reference Project Number 44878.

TRD-201502452

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: June 29, 2015

◆ ◆ ◆
Notice of Application for Sale, Transfer, or Merger

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on June 23, 2015, pursuant to the Texas Water Code.

Docket Style and Number: Application of Terra Southwest Inc. and Town of Little Elm for Sale, Transfer, or Merger of Certificate Rights in Denton County, Docket Number 44870.

The Application: Terra Southwest Inc. and the Town of Little Elm filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Denton County. Specifically, Terra Southwest proposes to transfer a portion of its existing water utility CCN containing the Hilltown subdivision from Terra Southwest CCN No. 11608 to the Town of Little Elm CCN No. 11202.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the commission as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 44870.

TRD-201502428

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: June 25, 2015

◆ ◆ ◆
Notice of Application to Amend a Certificate of Convenience and Necessity for a Proposed Transmission Line

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on June 25, 2015, to amend a certificate of convenience and necessity for a proposed transmission line in Yoakum and Gaines Counties, Texas.

Docket Style and Number: Application of Southwestern Public Service Company to Amend a Certificate of Convenience and Necessity for a 345-kV Transmission Line within Yoakum and Gaines Counties, Docket Number 44726.

The Application: The proposed project is designated as the Yoakum to Texas State Line Transmission Line Project. The facilities include construction of a new single circuit 345-kV transmission line which will begin at the existing Yoakum County Substation in Yoakum County, approximately six miles southeast of the city of Plains, and will extend generally southwest until it reaches the Texas state line in either Yoakum or Gaines County depending on the route selected. The proposed project represents the Texas portion of the Yoakum to Hobbs Project that will connect the existing Yoakum County Substation to the existing Hobbs Generating Plant Substation in Lea County, New Mexico. The application covers only the Texas portion of the transmission line from the Yoakum County Substation to the Texas-New Mexico

state line. The total estimated cost for the project ranges from approximately \$35.4 million to \$70.0 million depending on the route chosen.

The proposed project is presented with 13 alternate routes and is estimated to be approximately 20 to 48 miles in length. Any of the routes or route segments presented in the application could, however, be approved by the commission.

Persons wishing to intervene or 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 (888) 782-8477. The deadline for intervention in this proceeding is August 10, 2015. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 44726.

TRD-201502434
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: June 26, 2015



Notice of Application to Amend Water Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application to amend a water certificate of convenience and necessity (CCN) in Montgomery County, Texas.

Docket Style and Number: Application of Aqua Texas, Inc. dba Aqua Texas to Amend Certificates of Convenience and Necessity in Montgomery County, Docket Number 44875.

On June 24, 2015, Aqua Texas, Inc. dba Aqua Texas filed, with the commission, an application to amend its water certificate of convenience (CCN) No. 13203 and sewer CCN No. 21065 in Montgomery County, Texas. Pulte Homes (Pulte) has purchased the 195.46-acre property with the intent of developing a new community. Pulte has requested that Aqua Texas be the retail water and sewer utility provider of Pulte's development within the property.

Persons wishing to intervene or 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 (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 44875.

TRD-201502450
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: June 29, 2015



Notice of Application to Amend Water Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application to amend a water certificate of convenience and necessity (CCN) in Austin County, Texas.

Docket Style and Number: Application of Ranch Country of Texas Water Systems, Inc. for Amendment to Certificate of Convenience and Necessity for Service Area Boundary Changes in Austin County, Docket Number 44877.

The Application: Ranch Country of Texas Water Systems, Inc. (Ranch Country) filed an application to amend its water CCN No. 12918 in Austin County, Texas. Ranch Country is developing Settlers Crossing Subdivision Section 2 with approximately 45 residential lots. The current system (Settlers Crossing Water System) is nearing capacity and Ranch Country proposes to add another water system to service the new lots. The new facility will be connected to the existing water system with an inter-connect valve.

Persons wishing to intervene or 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 (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 44877.

TRD-201502451
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: June 29, 2015



Notice of Application to Amend Water Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application to amend a water and sewer certificate of convenience and necessity (CCN) in Travis County, Texas.

Docket Style and Number: Application of SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. to Amend Certificates of Convenience and Necessity in Travis County, Docket Number 44885.

On June 26, 2015, SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. filed, with the commission, an application to amend its water CCN No. 11978 and sewer CCN No. 20650 in Travis County, Texas. The land to be included in the certificated area is primarily undeveloped farm land. The purpose of the requested amendment is to clean up the CCN boundary with the City of Austin along the recently constructed Texas 45-Toll/130 road.

Persons wishing to intervene or 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 (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephoned (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 44885.

TRD-201502477
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 1, 2015



Notice of Application to Relinquish Designation as an Eligible Telecommunications Carrier

Notice is given to the public of an application filed with the Public Utility Commission of Texas on June 24, 2015, to relinquish designation as an eligible telecommunications carrier (ETC).

Docket Title and Number: Application of Plateau Telecommunications, Inc. (Texas RSA 3 Limited Partnership) to Relinquish its Designation as an Eligible Telecommunications Carrier, Docket Number 44872.

The Application: Plateau Telecommunications, Inc. (Texas RSA 3 Limited Partnership) (Plateau or the Company) filed with the commission notification of its request to relinquish its ETC designation effective August 18, 2015. Plateau stated that it has entered into an agreement with AT&T to assign its wireless licenses and authorizations to AT&T, Inc. The sale of assets to AT&T closed on May 20, 2015. Plateau intends to relinquish its wireless ETC designation in the following rate centers: East Glenrio, Farwell, Pleasant Hill, Bellview, Bula, Lariat, Lazbuddie, Lehman, Maple, Needmore, Earth, Muleshoe, Olton, Springlake, and Sudan, with such relinquishment to become effective on August 18, 2015.

Plateau acknowledged that the Company is not the sole ETC in the service area for which it received wireline ETC designation.

Persons who wish to intervene in the proceeding or comment upon the action sought should notify the commission, as a deadline to intervene will be established. Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326 or you may call the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 44872.

TRD-201502449
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: June 29, 2015



Supreme Court of Texas

In the Supreme Court of Texas

Misc. Docket No. 15-9116

APPROVAL OF AMENDMENTS TO RULE 1 OF THE RULES GOVERNING ADMISSION TO THE BAR OF TEXAS

ORDERED that:

- 1. Rule 1 of the Rules Governing Admission to the Bar of Texas is amended as follows, effective immediately.
- 2. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the Texas Bar Journal;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the Texas Register.

Dated: June 23, 2015

Nathan L. Hecht, Chief Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

Eva M. Guzman, Justice

Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

John P. Devine, Justice

Jeffrey V. Brown, Justice

Rule 1

Definitions and General Provisions

* * *

(c) If any completed document required to be filed by these Rules is placed, along with all required fees, in a postpaid envelope properly addressed to the Board and then deposited in a post office or official depository under the care and custody of the United States Postal Service, the document will be deemed timely filed if the envelope bears a legible U.S. Postal Service postmark that is dated on or before the applicable deadline date.

A document is considered filed when:

(1) the document and any required fee are submitted electronically through the Board's website; or

(2) the document and any required fee are received by the Board in accordance with the Board's written policies and instructions.

(d) A document submitted electronically is considered signed if the document includes:

(1) a name typed in the space where the signature would otherwise appear;

(2) an electronic or scanned image of the signature;

(3) a digital signature; or

(4) any other form of signature allowed by the Board's written policies and instructions.

(de) The Board must not disclose to any third party any information obtained with respect to the character or fitness of any Applicant, Declarant, or probationary licensee, except:

(1) upon written authority of such the Applicant, or Declarant, or probationary licensee;

(2) in response to a valid subpoena from a court of competent jurisdiction; or

(3) to the Office of the Chief Disciplinary Counsel of the State Bar of Texas or to the Texas Unauthorized Practice of Law Committee.

TRD-201502473

Martha Newton

Rules Attorney

Supreme Court of Texas

Filed: June 30, 2015

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Texas Department of Transportation

Aviation Division - Request for Qualifications for Professional Engineering Services

Wilbarger County, through its agent, the Texas Department of Transportation (TxDOT), intends to engage a Professional Engineering Firm for services pursuant to Chapter 2254, Subchapter A, of the Government Code. TxDOT Aviation Division will solicit and receive qualifications for the current aviation project as described below.

Current Project: Wilbarger County; TxDOT CSJ No.: 1503VRNON.

Scope: Provide engineering and design services, including construction administration, through phased, multi-year construction:

1. Mill, overlay and mark Runway 02/20;
2. Rehabilitate and mark Runway 16/34;
3. Rehabilitate and repair eligible apron areas;
4. Rehabilitate and repair eligible hangar access taxiways;
5. Rehabilitate and repair parallel taxiway;
6. Rehabilitate connecting taxiways;
7. Mark apron and taxiways;
8. Replace medium intensity runway lights;
9. Install precision approach path indicators Runway 2/20;
10. Evaluate/replace electrical vault;
11. Construct taxiway to Runway 16;
12. Construct turnaround Runway 34.

The DBE goal for the **design phase of the current project is 12%.** The goal will be re-set for the construction phase. TxDOT Project Manager is Paul Slusser.

Future scope work items for engineering and design services, including construction administration, at the Wilbarger County Airport within the next five years may include the following:

Crack fill and seal pavements; rehabilitate airfield pavements; reconstruct entrance road & construct hangar access taxiway.

Wilbarger County reserves the right to determine which of the above services may or may not be awarded to the successful firm and to initiate additional procurement action for any of the services above.

To assist in your qualification statement preparation the criteria, 5010 drawing, project diagram, and most recent Airport Layout Plan are available online at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> by selecting "Wilbarger County Airport." The qualification statement should address a technical approach for the current scope only. Firms shall use page 4, Recent Airport Experience, to list relevant past projects for both current and future scope.

Interested firms shall utilize the latest version of Form AVN-550, titled "Qualifications for Aviation Architectural/Engineering Services". The

form may be requested from TxDOT, Aviation Division, 125 E. 11th Street, Austin, Texas 78701-2483, phone number, 1-800-68-PILOT (74568). The form may be emailed by request or downloaded from the TxDOT website at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html>. The form may not be altered in any way. All printing must be in black on white paper, except for the optional illustration page. Firms must carefully follow the instructions provided on each page of the form. Qualifications shall not exceed the number of pages in the AVN-550 template. The AVN-550 consists of eight 8 1/2" x 11" pages of data plus one optional illustration page. The optional illustration page shall be no larger than 11" x 17" and may be folded to an 8 1/2" x 11" size. A prime provider may only submit one AVN-550. If a prime provider submits more than one AVN-550, that provider will be disqualified. AVN-550s shall be stapled but not bound or folded in any other fashion. AVN-550s WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

ATTENTION: To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the TxDOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is a PDF Template.

Please note:

FIVE completed copies of Form AVN-550 **must be received** by TxDOT, Aviation Division no later than August 4, 2015, 4:00 p.m. (CDST). Electronic facsimiles or forms sent by email will not be accepted. Please mark the envelope of the forms to the attention of Kelle Chancey using one of the delivery methods below:

Overnight Delivery

TxDOT - Aviation
200 East Riverside Drive
Austin, Texas 78704

Hand Delivery or Courier

TxDOT - Aviation
150 East Riverside Drive
5th Floor, South Tower
Austin, Texas 78704

The consultant selection committee will be composed of local government representatives. The final selection by the committee will generally be made following the completion of review of AVN-550s. The committee will review all AVN-550s and rate and rank each. The Evaluation Criteria for Engineering Qualifications can be found at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> under Information for Consultants. All firms will be notified and the top rated firm will be contacted to begin fee negotiations for the design and bidding phases. The selection committee does, however, reserve the right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

Please contact TxDOT Aviation for any technical or procedural questions at 1-800-68-PILOT (74568). For procedural questions, please contact Kelle Chancey, Grant Manager. For technical questions, please contact Paul Slusser, Project Manager.

TRD-201502469

Joanne Wright
Deputy General Counsel
Texas Department of Transportation
Filed: June 30, 2015



Request for Proposal - Private Consultant Services

Request for Proposal - Private Consultant Services: The Texas Department of Transportation (TxDOT) announces a Request for Proposal (RFP) for private consultant services pursuant to Government Code, Chapter 2254, Subchapter B. The term of the contract will be from project initiation to August 31, 2017. TxDOT will administer the contract. The RFP will be released on July 10, 2015, and is contingent on the finding of necessity from the Governor's Office.

Purpose: This solicitation is to provide Independent Verification and Validation (IV&V) advice, assistance and support services related to TxDOT's purchase of software and system integrator services to design and implement a modern capital projects portfolio and project management solution at the enterprise level. The Respondent shall provide a comprehensive set of IV&V consultant services to support the implementation of the solution, meeting the objectives, project and implementation timing, and required functions and services specified in the solicitation.

Eligible Applicants: Eligible applicants include, but are not limited to, organizations that provide IV & V services.

Program Goal: To obtain independent and specialized advice, assistance, and support to provide TxDOT the expertise to support the implementation of the solution, meeting the objectives, project and implementation timing, and required functions and services specified in the solicitation.

Review and Award Criteria: Each application will first be screened for completeness and timeliness. Proposals that are deemed incomplete or arrive after the deadline will not be reviewed. A team of reviewers from TxDOT will evaluate the proposals as to the private consultant's competence, knowledge, and qualifications and as to the reasonableness of the proposed fee for the services. The criteria and review process are further described in the RFP.

Deadlines: TxDOT must receive proposals prepared according to instructions in the RFP package on or before August 10, 2015, at 3:00 p.m.

To Obtain a Copy of the RFP: Requests for a copy of the RFP should be submitted to Joey Matesic, Contract Services Office, 125 East 11th Street, Austin, Texas 78701-2483, email Joey.Matesic@txdot.gov, tele-

phone number (512) 416-4677. Copies will also be available on the Electronic State Business Daily at <http://esbd.cpa.state.tx.us/>.

TRD-201502470
Joanne Wright
Deputy General Counsel
Texas Department of Transportation
Filed: June 30, 2015



Workforce Solutions for the Heart of Texas

Request for Proposal for Management and Operation of Workforce Solutions for the Heart of Texas

The Heart of Texas Workforce Development Board, Inc. dba Workforce Solutions for the Heart of Texas is soliciting proposals for the operation and management of the Heart of Texas Workforce Center System. Workforce Solutions for the Heart of Texas is the administrative entity for programs funded by the Texas Workforce Commission and Department of Labor. The Workforce Solutions for the Heart of Texas serves McLennan, Falls, Bosque, Freestone, Limestone and Hill Counties.

The initial contract period will begin on October 1, 2015. Eligible service providers must have extensive knowledge and experience including a successful track record in workforce development programs and state and federal laws and statutes.

The Request for Proposal (RFP) may be obtained by contacting Margie Cintron at (254) 855-6543 or emailing: jcintron@grandecom.net. The RFP is also available on the Workforce Solutions for the Heart of Texas website www.hotworkforce.com.

Proposals are due no later than 4:00 p.m. (CST) Tuesday, August 4, 2015, at the following address:

Heart of Texas Workforce Development Board, Inc.

dba Workforce Solutions for the Heart of Texas

801 Washington Avenue, Suite 700

Waco, Texas 76701

TRD-201502432
Anthony Billings
Executive Director
Workforce Solutions for the Heart of Texas
Filed: June 26, 2015



How to Use the Texas Register

Information Available: The 14 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.

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.

Review of Agency Rules - notices of state agency rules review.

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 40 (2015) is cited as follows: 40 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 "40 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 40 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
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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