
TEXAS REGISTER

Volume 49 Number 9

March 1, 2024

Pages 1159 - 1348



TEXAS REGISTER

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

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

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

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

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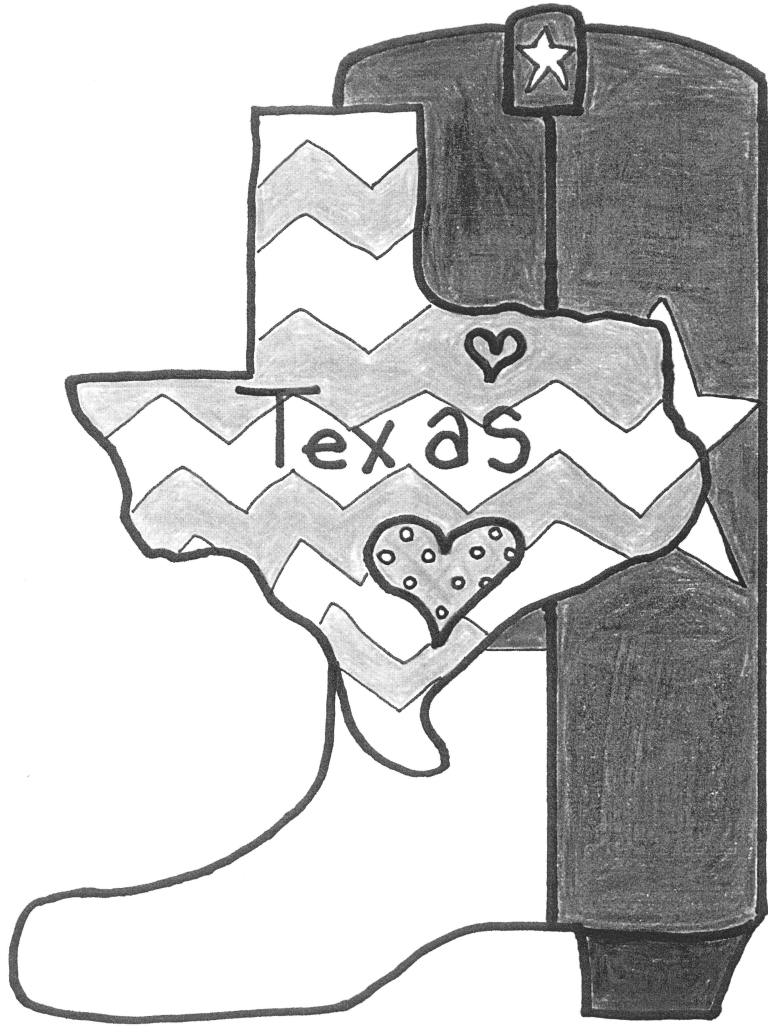
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THE GOVERNOR

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

Appointments

Appointments for February 16, 2024

Appointed to the Texas Food System Security and Resiliency Planning Council for a term to expire at the pleasure of the Governor, Kevin J. Koch of Temple, Texas. Mr. Koch will serve as presiding officer of the commission.

Appointed to the Texas Food System Security and Resiliency Planning Council for a term to expire at the pleasure of the Governor, Coleman H. Locke of Wharton, Texas.

Appointed to the Texas Food System Security and Resiliency Planning Council for a term to expire at the pleasure of the Governor, David Volleman of Gustine, Texas.

Appointed to the Texas Food System Security and Resiliency Planning Council for a term to expire at the pleasure of the Governor, John T. Votava of Keller, Texas.

Appointed as Judge of the 73rd Judicial District, Bexar County, for a term until December 31, 2024, or until her successor shall be duly elected and qualified, Marialyn P. Barnard of San Antonio, Texas (replacing Judge David A. Canales of San Antonio, who resigned).

Appointments for February 20, 2024

Appointed as presiding officer of the Webb County - City of Laredo Regional Mobility Authority for a term to expire February 1, 2026, Jed A. Brown of Laredo, Texas (Mr. Brown is being reappointed).

Appointments for February 21, 2024

Pursuant to HB 3474, 88th Legislature, Regular Session, appointed as Judge of the 489th Judicial District Court, Kaufman County, for a term until December 31, 2024, or until her successor shall be duly elected and qualified, Tracy B. Gray of Forney, Texas.

Greg Abbott, Governor

TRD-202400757



Proclamation 41-4096

TO ALL TO WHOM THESE PRESENTS SHALL COME:

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

WHEREAS, the Texas Division of Emergency Management has confirmed that those same drought conditions continue to exist in these and other counties in Texas, with the exception of Atascosa, Lavaca, Newton, Orange, Sabine, San Augustine, Tyler, Wharton, and Wilson Counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend

and renew the aforementioned proclamation and declare a disaster in Bandera, Bell, Bexar, Blanco, Burnet, Calhoun, Cameron, Comal, Comanche, Coryell, Culberson, Eastland, El Paso, Erath, Gillespie, Guadalupe, Hays, Hidalgo, Hudspeth, Jeff Davis, Kendall, Kerr, Lampasas, Llano, Maverick, McLennan, Medina, Presidio, Travis, Uvalde, Willacy, and Williamson Counties.

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

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

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of February, 2024.

Greg Abbott, Governor

TRD-202400702



Proclamation 41-4097

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

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

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

WHEREAS, a disaster has been declared at the local level by Aransas, Atascosa, Calhoun, and Shackelford Counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew

the aforementioned proclamation and declare a disaster for Aransas, Atascosa, Bee, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Crane, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Galveston, Goliad, Gonzales, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Mason, Maverick, McCulloch, McMullen, Medina, Menard, Midland, Pecos, Presidio, Real, Refugio, San Patricio, Schleicher, Shackelford, Sutton, Terrell, Throckmorton, Uvalde, Val Verde, Victoria, Webb, Wharton, Wilbarger, Wilson, Zapata, and Zavala Counties and for all state agencies affected by this disaster. All orders, directions, suspensions, and authorizations provided in the Proclamation of May 31, 2021, as amended and renewed in subsequent proclamations, are in full force and effect.

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 16th day of February, 2024.

Greg Abbott, Governor

TRD-202400703



THE ATTORNEY GENERAL

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

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

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

Requests for Opinions

RQ-0532-KP

Requestor:

The Honorable Phil Sorrells

Tarrant County Criminal District Attorney

401 West Belknap

Fort Worth, Texas 76196

Re: Applicability of article 39.14 of the Code of Criminal Procedure to third-party records in the possession of the local juvenile justice agency and used in support of its social history report to the juvenile court (RQ-0532-KP)

Briefs requested by March 18, 2024

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

TRD-202400708

Justin Gordon

General Counsel

Office of the Attorney General

Filed: February 20, 2024



Opinions

Opinion No. KP-0456

The Honorable Matthew E. Minick

Hardin County Attorney

P.O. Box 516

Kountze, Texas 77625

Re: Whether an elected county commissioner may use county equipment and labor to maintain an outfall ditch that lies solely on private property (RQ-0512-KP)

S U M M A R Y

While in some instances state law authorizes a county to provide for drainage in connection with public roads, which could include the maintenance of a ditch, any such use of county labor and resources on private property must comply with article III, subsection 52(a) of the Texas Constitution.

Article III, subsection 52(a) prohibits the gratuitous payment of public funds for a private purpose. The determination whether a particular expenditure or use of public resources comports with article III, subsection 52(a) is, in the first instance, for the commissioners court to make subject to judicial review for abuse of discretion. Thus, this office cannot conclude as a matter of law that Hardin County may maintain an outfall ditch on private property.

A county commissioners court is the governing body of a county and administers the county's business. A single county commissioner may have limited authority to act independently with respect to county roads in his or her precinct but absent such authority a county acts through the county commissioners court.

Opinion No. KP-0457

The Honorable Bill Moore

Johnson County Attorney

204 South Buffalo Avenue, Suite 410

Cleburne, Texas 76033

Re: Whether Johnson County Emergency Services District No. 1 may operate a county-wide ambulance service (RQ-0513-KP)

S U M M A R Y

Section 775.026 of the Health and Safety Code provides that each rural fire prevention district created under former chapter 794 of that Code is converted to an emergency services district operating under chapter 775. Emergency services districts operating under chapter 775 of the Health and Safety Code generally have authority to provide ambulance service. Thus, a court would likely conclude that an emergency services district, even one that was converted from a rural fire prevention district like the Johnson County Emergency Services District No. 1, may generally provide ambulance service because the statutory text says it can.

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

TRD-202400710

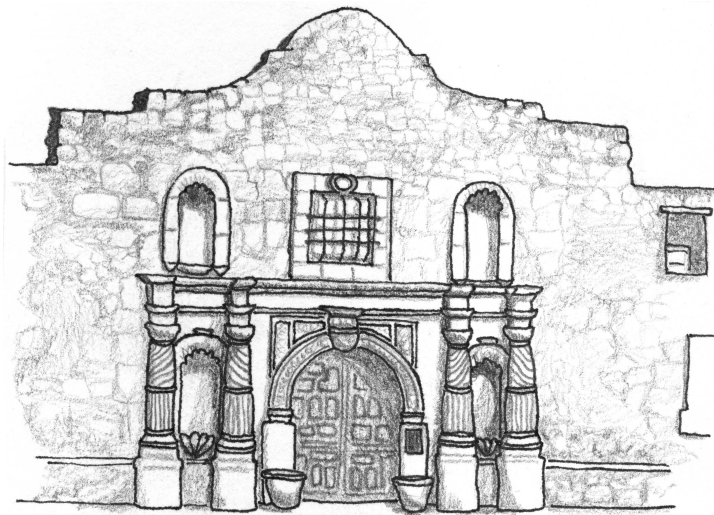
Justin Gordon

General Counsel

Office of the Attorney General

Filed: February 20, 2024





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 7. BANKING AND SECURITIES

PART 5. OFFICE OF CONSUMER CREDIT COMMISSIONER

CHAPTER 83. REGULATED LENDERS AND CREDIT ACCESS BUSINESSES

SUBCHAPTER A. RULES FOR REGULATED LENDERS

The Finance Commission of Texas (commission) proposes amendments to §83.503 (relating to Administrative Fee) and §83.605 (relating to Limitation on Acquisition Charge) in 7 TAC Chapter 83, Subchapter A, concerning Rules for Regulated Lenders.

The rules in 7 TAC Chapter 83, Subchapter A govern regulated lenders licensed by the Office of Consumer Credit Commissioner (OCCC) under Texas Finance Code, Chapter 342. In general, the purpose of the proposed rule changes is to adjust the maximum administrative fee and acquisition charge, in order to ensure that the rules reflect administrative costs of closing a loan.

The OCCC distributed an early precomment draft of proposed changes to interested stakeholders for review, and then held a stakeholder webinar regarding the rule changes. The OCCC received four written precomments on the rule text draft. The OCCC and the commission appreciate the thoughtful input provided by stakeholders.

Proposed amendments to §83.503 would adjust the maximum administrative fee for a consumer loan under Texas Finance Code, Chapter 342, Subchapter E. The proposed amendments would also prescribe a method for annually adjusting the administrative fee based on the consumer price index (CPI). The commission is authorized to set the maximum amount of the administrative fee under Texas Finance Code, §342.201(g). Currently, §83.503(a) sets the maximum administrative fee at \$100. The commission adopted the \$100 maximum amount in 2013. As the commission explained in its preamble to the adoption, the administrative fee "compensates the lender for the administrative costs of closing a loan and providing money to the borrower." 38 TexReg 5705 (Aug. 30, 2013).

Proposed amendments to §83.605 would adjust the maximum acquisition charge for a consumer loan under Texas Finance Code, Chapter 342, Subchapter F. The proposed amendments would also prescribe a method for annually adjusting the acquisition charge based on CPI. The commission is authorized to set the maximum amount of the acquisition charge under Texas Finance Code, §342.201(g). Currently, §83.605(a) sets the maximum acquisition charge at the lesser of 10% of the cash ad-

vance or \$100. The commission adopted the \$100 maximum amount in 2013. As the commission explained in its preamble to the adoption, the administrative fee "compensates the lender for performing the administrative activities related to making the loan and the risk involved in engaging in the transaction." (38 TexReg 5705).

Under the proposed amendments to §83.503, the maximum administrative fee would be set at \$125 through June 2025 and would then be adjusted annually based on the consumer price index (CPI). Under the proposed amendments to §83.605, the maximum acquisition charge would be set the lesser of 12.5% of the cash advance or \$125 through June 2025, and the \$125 amount would be adjusted annually based on CPI. CPI is a measure of the change over time in prices paid by consumers. CPI is widely used as a measure of inflation and the overall price level in an economy. The U.S. Bureau of Labor Statistics explains that CPI is "the most widely used measure of inflation" and that CPI is "used to adjust other economic series for price change." U.S. Bureau of Labor Statistics, Consumer Price Indexes Overview (Jan. 23, 2023). The process for adjusting the fee amounts based on CPI is similar to the process that the Texas Legislature has specified to adjust rate bracket amounts under Texas Finance Code, §§341.201-341.204, and to adjust debt management fee amounts under Texas Finance Code, §394.2101. The OCCC and the commission believe that the CPI-based methodology in the amendments would provide an effective method for the administrative fee and acquisition charge to keep pace with increases in costs.

Between September 2013 (when the \$100 administrative fee went into effect) and November 2023, the CPI for Urban Wage Earners and Clerical Workers increased approximately 31% (from 230.537 to 301.224). In addition to CPI, other indexes increased during this period. Comments from lenders suggest that the wages, office space, and technology are significant categories of costs. During this period, the seasonally adjusted Employment Cost Index for private industry workers (a measure of compensation for civilian workers) increased approximately 35% (from 119.0 to 160.7). The Commercial Real Estate Price Index increased approximately 64% (from 212,305 to 348,923). The Producer Price Index for Information Technology Technical Support and Consulting Services increased approximately 24% (from 103.900 to 128.939). Taken as a whole, this information strongly supports the conclusion that costs have increased for lenders since 2013.

The Federal Reserve Board and Fannie Mae have projected that inflation will continue into 2024 and 2025. The Federal Reserve Board has estimated core inflation at a median value of 2.4% for 2024 (with a range from 2.3% to 3.0%) and a median value of 2.2% for 2025 (with a range from 2.0% to 2.6%). Federal Reserve Board, Summary of Economic Projections, p. 2 (Dec.

13, 2023). Similarly, Fannie Mae expects "that core inflation will continue to move toward the Fed's 2-percent target over the next year." Fannie Mae, "Economic Developments - November 2023" (Nov. 17, 2023). This information suggests that costs will continue to increase for lenders in 2024 and 2025, although at a decelerated pace from the high inflation of the last several years.

The proposed adjustment to the maximum administrative fee and acquisition charge (from \$100 to \$125) approximates cost increases between September 2013 and November 2023. This adjustment would ensure that lenders can be compensated for the administrative costs of making a loan, which is the intent of §83.503 and §83.605. The proposed adjustment would achieve an appropriate balance by maintaining loan affordability for consumers while compensating lenders. In addition, the adjustment from 10% to 12.5% in §83.605 would help ensure that lenders can be compensated for cost changes since 2013 for loan amounts of \$1,000 or less. The amount is a maximum, so lenders are free to offer lower administrative fees and acquisition charges in a competitive marketplace.

Since 2020, the OCCC has received several informal and official comments from stakeholders dealing with the maximum administrative fee under §83.503. In 2020, the OCCC received an informal request from the Texas Consumer Credit Coalition (an organization of licensed lenders) to review the maximum administrative fee. The TCCC requested a rule amendment that would increase the maximum administrative fee, and provided aggregated cost information purporting to justify this increase. To determine whether a rule amendment would be appropriate, in July 2021, the OCCC requested information about costs from stakeholders, and conducted an initial stakeholder meeting on this issue. Since then, the OCCC has provided stakeholders with four opportunities to provide informal comments on this issue: once in July and August 2021 (in response to the OCCC's initial information request), once in November 2021 (in response to an advance notice of rule review), once in January 2022 (in response to a precomment draft of amendments), and once in January 2024 (in response to a precomment draft of the current amendments). In addition, during December 2021 and January 2022, stakeholders submitted official comments in response to a published notice of rule review.

In general, lenders have provided informal and official comments that describe increased costs since 2013 and support amending §83.503. In response to the 2021 rule review notice, the TCCC provided an official comment explaining that the costs of originating loans have increased since the \$100 maximum was adopted in 2013. The comment focuses on costs for labor, occupancy, technology, and compliance. The comment states that although improvements in technology have created economies of scale, lenders face increased financial privacy, identity theft, and cybersecurity requirements. In particular, the comment describes recent amendments to the Federal Trade Commission's Safeguards Rule that will require costs to ensure compliance. Other groups of lenders have made similar points in informal precomments. For example, an attorney commenting on behalf of an association of banks explained that costs for overhead, labor, rent, and utilities have increased since 2013, and provided estimated loan origination costs ranging from \$185.35 (with labor making up \$106.35 of this estimate) to \$268. Another group of licensed lenders supported a CPI-based adjustment method, explaining that "[c]hanges in CPI evidence changes in costs, which is why CPI is commonly used for such adjustments." In 2024, TCCC filed an informal precomment expressing general support

for a \$125 administrative fee with CPI-based adjustments, explaining that "as origination costs continue to rise, issues critical to consumer protection have increasingly required attention from our members. Efforts by lenders to safeguard financial privacy, to combat identity theft, and ensure cybersecurity have required continued investments. Additionally, large scale federal initiatives, like the Military Lending Act, the CFPB's third party vendor management requirements, and FTC's Safeguard Rule, have all increased up-front lending costs since the previous 2013 fee increase." Also in 2024, an association of Subchapter F lenders filed a written precomment that supported changing the acquisition charge to the lesser of 12.5% of the cash advance or \$150.

In general, consumer groups provided informal and official comments that express concerns about increased costs for consumers, and argue that the maximum administrative fee should be maintained at \$100 (or decreased due to increased efficiencies in electronic and online loans). In response to the 2021 published rule review notice, the Texas Fair Lending Alliance and Faith Leaders 4 Fair Lending (organizations of community and faith leaders supporting reforms to protect Texas consumers) filed an official comment expressing concerns about increasing the administrative fee, arguing that this is not supported by available data. The comment points out that licensed lenders have experienced profits and certain decreased expenses. The comment argues that if §83.503 is amended, the maximum should be decreased from \$100. Other consumer organizations (submitting information on behalf of retired Texans and Texans in poverty) have made similar points in informal precomments. In 2024, two consumer organizations filed informal precomments reiterating these concerns about whether an increase to the administrative fee and acquisition charge is appropriate at this time.

The OCCC and the commission believe that objective measures cited earlier in this preamble (including CPI, Employment Cost Index, and Producer Price Index) strongly indicate that overall costs have increased since 2013. For the same reasons, the OCCC and the commission disagree with the contention that costs have stayed the same or decreased. At the same time, the OCCC does not believe that information provided by lenders warrants an increase above the proposed \$125 amount subject to CPI-based adjustments.

An informal precomment from an association of Subchapter F lenders recommends amending §83.605 to specify a maximum acquisition charge of the lesser of 12.5% of the cash advance or \$150 (with the \$150 amount adjusted annually based on CPI). The precomment points out that if the maximum in §83.605(a)(1) remains at 10%, the amendments would not provide any adjustment for loans up to \$1,000. The precomment explains: "Costs have increased with respect to the full range of loan amounts under Subchapter F, not just loans above \$1,000." As discussed earlier in this preamble, objective measures including CPI have increased since 2013. Costs have increased in a similar manner for loans above and below \$1,000. Without a change to the current 10% maximum in §83.605(a)(1), the rule would not reflect changes in costs since 2013 for loans up to \$1,000. Adjusting the 10% maximum to 12.5% (not to exceed \$125) maintains the same proportionate result between a \$1,000 loan with the proposed increased maximum acquisition charge of \$125 and a loan less than \$1,000. In order to ensure that lenders can be compensated for cost changes since 2013 for loan amounts up to \$1,000, the proposal includes a change in §83.605(a)(1) to replace the 10% maximum with 12.5%.

The OCCC appreciates the feedback of stakeholders on the issue of the administrative fee and the acquisition charge, and invites further comments in response to this proposal.

Mirand Diamond, Director of Licensing, Finance and Human Resources, has determined that for the first five-year period the proposed rule changes are in effect, there will be no fiscal implications for state or local government as a result of administering the rule changes.

Huffman Lewis, Director of Consumer Protection, has determined that for each year of the first five years the proposed amendments are in effect, the anticipated public benefit is that licensees will be able to charge administrative fees and acquisition charges that keep pace with changing costs.

The OCCC does not anticipate that the proposed rule changes will result in any economic costs to persons who are required to comply with the proposed rule changes.

The OCCC is not aware of any adverse economic effect on small businesses, micro-businesses, or rural communities resulting from this proposal. But in order to obtain more complete information concerning the economic effect of these rule changes, the OCCC invites comments from interested stakeholders and the public on any economic impacts on small businesses, as well as any alternative methods of achieving the purpose of the proposal while minimizing adverse impacts on small businesses, micro-businesses, and rural communities.

During the first five years the proposed rule changes will be in effect, the rules will not create or eliminate a government program. Implementation of the rule changes will not require the creation of new employee positions or the elimination of existing employee positions. Implementation of the rule changes will not require an increase or decrease in future legislative appropriations to the OCCC, because the OCCC is a self-directed, semi-independent agency that does not receive legislative appropriations. The proposal does not require an increase or decrease in fees paid to the OCCC. The proposal would not create a new regulation. The proposal would expand current §83.503 and §83.605 to provide a revised method for determining the maximum administrative fee and acquisition charge. The proposal would not limit or repeal an existing regulation. The proposed rule changes do not increase or decrease the number of individuals subject to the rule's applicability. The agency does not anticipate that the proposed rule changes will have an effect on the state's economy.

Comments on the proposal may be submitted in writing to Matthew Nance, General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705 or by email to rule.comments@occc.texas.gov. To be considered, a written comment must be received on or before the 30th day after the date the proposal is published in the *Texas Register*. After the 30th day after the proposal is published in the *Texas Register*, no further written comments will be considered or accepted by the commission.

DIVISION 5. INTEREST CHARGES ON LOANS

7 TAC §83.503

The rule changes to §83.503 are proposed under Texas Finance Code, §342.201(g), which authorizes the commission to adopt a rule prescribing a reasonable maximum amount of an administrative fee under Chapter 342, Subchapter E. In addition, Texas

Finance Code, §342.551, authorizes the commission to adopt rules to enforce Texas Finance Code, Chapter 342, and Texas Finance Code, §11.304 authorizes the commission to adopt rules necessary to supervise the OCCC and ensure compliance with Texas Finance Code, Title 4.

The statutory provisions affected by the proposal are contained in Texas Finance Code, Chapter 342.

§83.503. *Administrative Fee.*

An authorized lender may collect an administrative fee pursuant to Texas Finance Code, §342.201(f), on interest-bearing and precomputed loans.

(1) As an alternative to the maximum administrative fee specified in Texas Finance Code, §342.201(f), an authorized lender may collect an administrative fee that does not exceed the maximum administrative fee amount computed under this paragraph [\$100].

(A) Definitions. In this paragraph:

(i) "Consumer price index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers: U.S. City Average, All Items, 1967=100, compiled by the Bureau of Labor Statistics, United States Department of Labor, or, if that index is canceled or superseded, the index chosen by the Bureau of Labor Statistics as most accurately reflecting the changes in the purchasing power of the dollar for consumers.

(ii) "Reference base index" means the consumer price index for December 2023.

(B) Base amount. Effective until June 30, 2025, the maximum administrative fee is \$125.

(C) Annual adjustment. Beginning in 2025, each year, the amount of the maximum administrative fee will be adjusted. The adjustment will be effective from July 1 of the year of adjustment to June 30 of the next year. The adjusted amount of the maximum administrative fee is the greater of \$125 or the amount computed by:

(i) dividing the reference base index into the consumer price index at the end of the preceding year;

(ii) computing the percentage of change under clause (i) of this subparagraph to the nearest whole percent;

(iii) multiplying \$125 by the result under clause (ii) of this subparagraph; and

(iv) rounding the result computed under clause (iii) of this subparagraph to the next lower multiple of \$5.00, unless the result computed under clause (iii) of this subparagraph is a multiple of \$5.00 in which event that result is used.

(D) Computation and publication. Beginning in 2025, each year, the OCCC will compute the adjusted maximum administrative fee. No later than May 1, the OCCC will publish the amount of the maximum administrative fee in effect for the year of adjustment.

(2) An administrative fee may not be contracted for, charged, or received by an authorized lender directly or indirectly on a renewal or modification of an existing obligation that has an interest charge authorized by Texas Finance Code, §342.201(e) more than once in any 365-day period. An administrative fee may not be contracted for, charged, or received by an authorized lender directly or indirectly on a renewal or modification of an existing obligation that has an interest charge authorized by Texas Finance Code, §342.201(a) or (d) more than once in any 180-day period. The administrative fee may be contracted for, charged, or received in a renewal or modification if the authorized lender did not contract for, charge, or receive the

administrative fee on any previous obligation within the appropriate period.

(3) An administrative fee may not be contracted for, charged, or received by an authorized lender on the refinancing of a loan that utilizes Texas Finance Code, §342.201(a), (d), or (e) rates for a period of 365 days after the lender has entered into a Texas Finance Code, §342.201(e) rate loan in which an administrative fee was contracted for, charged, or received.

(4) An administrative fee is a prepaid charge and may be contracted for, charged, or received in addition to the contractual interest charge authorized by Texas Finance Code, §342.201(a), (d), or (e).

(5) The administrative fee may be included in the cash advance on which interest is computed under Texas Finance Code, §342.201(a) or (e). The administrative fee may be included in the principal balance on which interest is computed under Texas Finance Code, §342.201(d).

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

Filed with the Office of the Secretary of State on February 16, 2024.

TRD-202400678

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Earliest possible date of adoption: March 31, 2024

For further information, please call: (512) 936-7660



DIVISION 6. ALTERNATE CHARGES FOR CONSUMER LOANS

7 TAC §83.605

The rule changes to §83.605 are proposed under Texas Finance Code, §342.252(b), which authorizes the commission to adopt a rule prescribing a reasonable maximum amount of an acquisition charge under Chapter 342, Subchapter F. In addition, Texas Finance Code, §342.551, authorizes the commission to adopt rules to enforce Texas Finance Code, Chapter 342, and Texas Finance Code, §11.304 authorizes the commission to adopt rules necessary to supervise the OCCC and ensure compliance with Texas Finance Code, Title 4.

The statutory provisions affected by the proposal are contained in Texas Finance Code, Chapter 342.

§83.605. Acquisition Charge.

(a) As an alternative to the maximum acquisition charge specified in Texas Finance Code, §342.252(a) and §342.259(a)(1), an authorized lender may collect an acquisition charge that does not exceed the lesser of:

(1) 12.5% [~~10%~~] of the cash advance of the loan; or

(2) the maximum acquisition charge computed under subsection (b) of this section [~~\$100~~].

(b) Computation of maximum acquisition charge.

(1) Definitions. In this subsection:

(A) "Consumer price index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers: U.S. City Average, All Items, 1967=100, compiled by the Bureau of Labor Statistics, United States Department of Labor, or, if that index is canceled or superseded, the index chosen by the Bureau of Labor Statistics as most accurately reflecting the changes in the purchasing power of the dollar for consumers.

(B) "Reference base index" means the consumer price index for December 2023.

(2) Base amount. Effective until June 30, 2025, the maximum acquisition charge is \$125.

(3) Annual adjustment. Beginning in 2025, each year, the amount of the maximum acquisition charge will be adjusted. The adjustment will be effective from July 1 of the year of adjustment to June 30 of the next year. The adjusted amount of the maximum acquisition charge is the greater of \$125 or the amount computed by:

(A) dividing the reference base index into the consumer price index at the end of the preceding year;

(B) computing the percentage of change under subparagraph (A) of this paragraph to the nearest whole percent;

(C) multiplying \$125 by the result under subparagraph (B) of this paragraph; and

(D) rounding the result computed under subparagraph (C) of this paragraph to the next lower multiple of \$5.00, unless the result computed under subparagraph (C) of this paragraph is a multiple of \$5.00 in which event that result is used.

(4) Computation and publication. Beginning in 2025, each year, the OCCC will compute the adjusted maximum acquisition charge. No later than May 1, the OCCC will publish the amount of the maximum acquisition charge in effect for the year of adjustment.

(c) [~~(b)~~] Cash advance less than \$30. Subsections [~~Subsection~~] (a) and (b) of this section do [~~do not~~] apply to a loan for which the cash advance is less than \$30.

(d) [~~(e)~~] Limitation of one acquisition charge per month. For a Texas Finance Code, Chapter 342, Subchapter F loan, an authorized lender may not contract for, charge, or collect an acquisition charge more than once during a month to the same borrower for that loan, any refinancing of that loan, or any new loan made to the borrower within the same month.

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

Filed with the Office of the Secretary of State on February 16, 2024.

TRD-202400679

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Earliest possible date of adoption: March 31, 2024

For further information, please call: (512) 936-7660



CHAPTER 84. MOTOR VEHICLE INSTALLMENT SALES

SUBCHAPTER B. RETAIL INSTALLMENT CONTRACT

7 TAC §84.205

The Finance Commission of Texas (commission) proposes amendments to §84.205 (relating to Documentary Fee) in 7 TAC Chapter 84, concerning Motor Vehicle Installment Sales.

The rule at §84.205 relates to documentary fees for motor vehicle retail installment transactions. In general, the purposes of the proposed rule changes to 7 TAC §84.205 are: (1) to adjust the documentary fee amount that is presumed reasonable under the rule, and (2) to make technical corrections and updates.

The OCCC distributed an early precomment draft of proposed changes to interested stakeholders for review, and then held a stakeholder webinar regarding the rule changes. The OCCC received two written precomments on the rule text draft. The OCCC and the commission appreciate the thoughtful input provided by stakeholders.

Under Texas Finance Code, §348.006(a), in a motor vehicle retail installment transaction, the retail seller is authorized to charge "a documentary fee for services rendered for or on behalf of the retail buyer in handling and processing documents relating to the motor vehicle sale." Under §348.006(c), the documentary fee "may not exceed a reasonable amount agreed to by the retail seller and retail buyer for the documentary services." Under §348.006(e), before a retail seller increases the maximum amount of the documentary fee that the seller intends to charge, the seller must provide written notice to the OCCC, and the OCCC may review the amount for reasonableness. Under §348.006(f), a documentary fee is considered reasonable if it is less than or equal to the amount presumed reasonable as established by rule of the commission.

Currently, §84.205 describes the requirements for filing a written notification of an increased documentary fee under Texas Finance Code, §348.006, and describes the criteria that the OCCC uses to determine whether a documentary fee is reasonable. Current §84.205(b)(1) explains that a documentary fee of \$150 or less is presumed reasonable. The commission adopted the \$150 amount in 2016.

Proposed amendments throughout §84.205 would adjust the documentary fee amount that is presumed reasonable under the rule from \$150 to \$225. The proposal would adjust this amount throughout subsections (a), (b), (c), and (d).

The commission and the OCCC periodically adjust the documentary fee to ensure that it adequately represents a reasonable cost for documentary services in the current market. The agency's ongoing review of documentary fee cost analyses has indicated that most sellers can demonstrate costs related to documentary services of at least \$225. Of the 211 documentary fee filings submitted to the OCCC since 2020, the average filing amount is \$246.30. In 2022, in a contested case before the State Office of Administrative Hearings, an administrative law judge found that a dealership group met its burden of proving that a range of documentary fee amounts was reasonable. Proposal for Decision, Office of Consumer Credit Commissioner v. Clay Cooley Entities, SOAH Docket No. 466-22-0322 (Oct. 11, 2022) (hereinafter "Clay Cooley PFD"). The case involved extensive analysis of the dealership group's costs relating to payroll, facilities, software, forms, printing, and postage. The case resulted in a final order that approved a range of fees from \$202.58 to \$267.83 (with an average of \$245) as reasonable. Final Order to Reduce

Documentary Fees and Pay Restitution, Office of Consumer v. Clay Cooley Entities, SOAH Docket No. 466-22-0322 (Jan. 18, 2023).

Based on the analysis in the contested case regarding the Clay Cooley entities, as well as the OCCC's ongoing review of documentary fee cost analyses, the OCCC and the commission believe that it is appropriate to adjust the amount presumed reasonable from \$150 to \$225. The \$225 amount is well below typical documentary fee amounts in other states. A 2023 survey of 50 states and the District of Columbia reflects an average documentary fee of \$390. CarEdge, "Car Dealer Doc Fee by State in 2023 (Updated)," (rev. Dec. 8, 2023).

The proposal includes additional amendments that clarify requirements for a documentary fee cost analysis and include technical corrections. These clarifying amendments are discussed in the following six paragraphs.

A proposed amendment to §84.205(d)(2)(B) specifies that costs must be determined "in accordance with this section" in addition to being determined in accordance with generally accepted accounting principles (GAAP). This is intended to clarify that any costs included in the documentary fee must comply with both §84.205 and GAAP. In other words, if a cost is includable under GAAP but is not includable under §84.205, then it may not be included in the documentary fee. This is consistent with the analysis used by the administrative law judge in the contested case regarding the Clay Cooley entities. See Clay Cooley PFD at 26 (discussing specific timing requirements of the rule that control "rather than the general application of GAAP").

Proposed amendments to §84.205(d)(2)(E)(ii) would clarify requirements for including the cost of a credit report in the documentary fee. Proposed rule text would explain that a seller may include the cost of a credit report for a buyer who ultimately purchases a motor vehicle, that the seller must incur the cost uniformly in cash and credit transactions, and that the documentary fee may not include the cost of obtaining a credit report in unconsummated transactions. This text clarifies an issue that was analyzed by the administrative law judge in the contested case regarding the Clay Cooley entities. See Clay Cooley PFD at 30 (finding that the current text of §84.205 "does not restrict credit report costs to only consummated deals"). The OCCC and the commission believe that it is appropriate for the rule to limit credit report costs to consummated transactions. Credit report costs for unconsummated transactions are an indirect cost, do not directly relate to processing documents for a consummated transactions, and should not be subsidized by buyers in consummated transactions.

An additional proposed change to §84.205(d)(2)(E)(ii) replaces a reference to the USA PATRIOT Act with a reference to regulations of the Office of Foreign Assets Control (OFAC). OFAC rules prohibit sellers from doing business with certain specially designated nationals or blocked persons. See U.S. Department of the Treasury, Office of Foreign Assets Control, "Specially Designated Nationals And Blocked Persons List (SDN) Human Readable Lists" (rev. Dec. 20, 2023). Obtaining a credit report can be a way for sellers to ensure compliance with these OFAC rules. The citation to the OFAC rules is a more appropriate citation for this proposition than the current rule's reference to a provision of the USA PATRIOT Act.

Proposed amendments to §84.205(d)(3)(B)(ii)(I) would clarify requirements for including the cost of a sales contract in the documentary fee. The proposed language explains that any included

cost for a sales contract must be in the form of "only one" of the following: a purchase agreement, a buyer's order, a bill of sale, or a retail installment sales contract (excluding provisions used only in credit transactions). Because only one sales contract is legally required in order to sell a motor vehicle, this text is consistent with the requirement under §84.205(d)(2)(B) that costs must be legally required. The proposed text would clarify an ambiguity discussed by the administrative law judge in the contested case regarding the Clay Cooley entities. See Clay Cooley PFD at 15-17 (describing different possible interpretations of §84.205(d)(3)(B)(ii)(I) and an ambiguity regarding whether more than one type of sales contract may be included in the documentary fee).

Other proposed amendments to §84.205(d)(3)(B)(ii) would make technical corrections to the list of required forms that may be included in the documentary fee. A proposed amendment would remove current §84.205(d)(3)(B)(ii)(III), which allows the documentary fee to include the cost of the County of Title Issuance form (Form VTR-136). The OCCC understands that this form is now obsolete and is no longer used, following the passage of SB 876 (2021) and amendments to Texas Transportation Code, Chapter 501. A proposed amendment at §84.205(d)(3)(B)(ii)(IV) would replace a reference to the USA PATRIOT Act with a reference to regulations of OFAC, as discussed earlier in this preamble. Proposed amendments at §84.205(d)(3)(B)(ii)(VII) and (VIII) would make technical corrections to rule references regarding buyer's temporary tags. Other proposed amendments throughout §84.205(d)(3)(B)(ii) would renumber other subclauses accordingly.

A proposed amendment to §84.205(d)(3)(B)(v) would explain that the documentary fee may not include costs incurred while the dealership is closed, and that the documentary fee may not include costs relating to areas that are not involved in the processing of documents (e.g., common areas, break rooms, bathrooms). This proposed text is consistent with the current requirement in §84.205(d)(2) that costs must directly relate to the seller's preparation and processing of documents for a motor vehicle sale. The proposed text would help ensure that any facilities costs included in the documentary fee directly relate to processing documents.

Two associations of Texas motor vehicle dealers submitted written informal precomments expressing general support for the amendments to §84.205. One of these associations requested "that the proposal include an annual adjustment to the documentary fee's reasonable amount based on the Consumer Price Index (CPI) for Average Prices or another CPI as determined by the OCCC." The commission declines to use a recurring CPI-based adjustment to the reasonable documentary fee amount at this time. If documentary costs increase in the future, §84.205 enables dealers to file for a higher documentary fee and provide a cost analysis supporting the higher fee. The commission and the OCCC may periodically review the reasonable documentary fee amount.

Mirand Diamond, Director of Licensing, Finance and Human Resources, has determined that for the first five-year period the proposed rule changes are in effect, there will be no fiscal implications for state or local government as a result of administering the rule changes.

Huffman Lewis, Director of Consumer Protection, has determined that for each year of the first five years the proposed amendments are in effect, the anticipated public benefits are that licensees will be able to charge documentary fees that re-

fect costs for motor vehicle dealers, and that the commission's rules will be more easily understood by licensees.

The OCCC does not anticipate that the proposed rule changes will result in economic costs to persons who are required to comply with the proposed rule changes.

The OCCC is not aware of any adverse economic effect on small businesses, micro-businesses, or rural communities resulting from this proposal. But in order to obtain more complete information concerning the economic effect of these rule changes, the OCCC invites comments from interested stakeholders and the public on any economic impacts on small businesses, as well as any alternative methods of achieving the purpose of the proposal while minimizing adverse impacts on small businesses, micro-businesses, and rural communities.

During the first five years the proposed rule changes will be in effect, the rules will not create or eliminate a government program. Implementation of the rule changes will not require the creation of new employee positions or the elimination of existing employee positions. Implementation of the rule changes will not require an increase or decrease in future legislative appropriations to the OCCC, because the OCCC is a self-directed, semi-independent agency that does not receive legislative appropriations. The proposal does not require an increase or decrease in fees paid to the OCCC. The proposal would not create a new regulation. The proposal would expand current §84.205 by adjusting the documentary fee amount presumed reasonable and adding clarifying text regarding the documentary fee cost analysis. The proposal would limit current §84.205 by removing outdated text relating to a documentary fee cost analysis. The proposal would not repeal an existing regulation. The proposed rule changes do not increase or decrease the number of individuals subject to the rule's applicability. The agency does not anticipate that the proposed rule changes will have an effect on the state's economy.

Comments on the proposal may be submitted in writing to Matthew Nance, General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705 or by email to rule.comments@occc.texas.gov. To be considered, a written comment must be received on or before the 30th day after the date the proposal is published in the *Texas Register*. After the 30th day after the proposal is published in the *Texas Register*, no further written comments will be considered or accepted by the commission.

The rule amendments are proposed under Texas Finance Code, §348.006(f), which authorizes the Finance Commission to adopt a rule establishing a documentary fee amount that is presumed reasonable, and Texas Finance Code, §348.006(h), which authorizes the commission to adopt rules to enforce Texas Finance Code, §348.006, including rules relating to standards for a documentary fee reasonableness determination. In addition, Texas Finance Code, §11.304 authorizes the commission to adopt rules necessary to supervise the OCCC and ensure compliance with Texas Finance Code, Title 4, and Texas Finance Code, §348.513 authorizes the commission to adopt rules to enforce Texas Finance Code, Chapter 348.

The statutory provisions affected by the proposal are contained in Texas Finance Code, Chapter 348.

§84.205. *Documentary Fee.*

(a) Purpose. Under Texas Finance Code, §348.006(e), before a retail seller charges a documentary fee greater than \$225 [~~\$150~~], the seller must provide the OCCC with a written notification of the maxi-

mum amount of the documentary fee the seller intends to charge. The OCCC may review the amount of the documentary fee for reasonableness. This section describes the requirements for the notification and cost analysis.

(b) General requirements.

(1) ~~§225~~ [§150] or less. A seller is not required to provide a notification or cost analysis to the OCCC before charging a documentary fee of ~~§225~~ [§150] or less. A documentary fee of ~~§225~~ [§150] or less is presumed reasonable under Texas Finance Code, §348.006(f).

(2) Over ~~§225~~ [§150]. Before charging a documentary fee greater than ~~§225~~ [§150], a seller must provide a notification and a cost analysis to the OCCC.

(c) Notification.

(1) Generally. Before charging a documentary fee greater than ~~§225~~ [§150], a seller must provide a written notification to the OCCC, stating the amount of the maximum documentary fee that the seller intends to charge.

(2) Notification for each location. A seller must provide a notification for each licensed location or registered office at which motor vehicles are sold. If a seller has more than one license or registered office in the same physical space, then it must provide a notification for each license or registered office under which it sells vehicles. For example, if a seller has two registered offices at the same location and does business under the names of both registered offices, then it must provide a notification for each of the two registered offices.

(3) Form. The notification must be provided on a form prescribed by the OCCC for receiving notifications of documentary fee amounts. A notification is not effective until the OCCC receives a complete form.

(4) Transfer of ownership. In the event of a transfer of ownership described by §84.604 of this title (relating to Transfer of License; New License Application on Transfer of Ownership), if the transferee intends to charge a documentary fee greater than ~~§225~~ [§150], then the transferee must provide a documentary fee notification for each licensed location or registered office that the transferee will operate. The transferee must provide the notification no later than the 30th calendar day following the transfer of ownership. If the transferee has not filed a notification on or before the 30th calendar day following the transfer of ownership, then it must cease charging a documentary fee greater than ~~§225~~ [§150]. The transferee may not charge a greater amount than the amount described in the transferor's previous notification until the transferee has provided a complete notification listing the amount that the transferee intends to charge. If the transferor did not previously provide a documentary fee notification, then the transferee may not charge a documentary fee greater than ~~§225~~ [§150] until it has provided a complete notification listing the amount it intends to charge.

(5) Failure to provide notification. A seller violates this subsection if the seller:

(A) charges a documentary fee greater than ~~§225~~ [§150] without first providing a complete notification to the OCCC; or

(B) provides a notification to the OCCC and charges a documentary fee greater than the amount described in the notification.

(6) Restitution and order to lower documentary fee. If a seller violates this subsection, then the OCCC may take an action, including ordering the seller to do one or more of the following:

(A) provide restitution to affected buyers;

(B) lower its documentary fee prospectively;

(C) provide a complete, accurate notification to the OCCC;

(D) cease charging a documentary fee greater than ~~§225~~ [§150] for a specified period of time.

(7) Restitution amount. If a seller does not provide a complete notification to the OCCC, then the amount of restitution for violating this subsection will not exceed the amount of the documentary fee the seller charged or received minus ~~§225~~ [§150] (for each buyer). If the seller provides a notification but charges a documentary fee greater than the amount described in the notification, then the restitution for violating this subsection will not exceed the amount of the documentary fee the seller charged or received minus the amount of its filing (for each buyer).

(d) Cost analysis.

(1) Generally. Before charging a documentary fee greater than ~~§225~~ [§150], a seller must submit a cost analysis showing that the documentary fee is reasonable. The seller has the burden of showing that the documentary fee is reasonable, and that all included costs are reasonable, specified, and supported by adequate documentation. This subsection does not require the OCCC's approval of a documentary fee before a seller charges it. However, the OCCC may order restitution under subsection (d)(6) if a seller charges a documentary fee over ~~§225~~ [§150] that is not supported by a complete cost analysis, or if the documentary fee includes costs that are not reasonable.

(2) Reasonableness requirements. In order to be reasonable, a documentary fee must reflect costs actually incurred by the seller in preparing and processing documents for a motor vehicle sale. All included costs must comply with the following reasonableness requirements.

(A) Directly related and allocable. Costs must directly relate to the seller's preparation and processing of documents for a motor vehicle sale. Costs must be allocable (i.e., chargeable or assignable) to the objective of preparing and processing documents. Costs must be incurred by the seller. A seller may not increase any authorized charge imposed by a third party.

(B) Allowable. Costs must relate to activities required to comply with local, state, or federal law concerning motor vehicle sales. Costs related to ancillary or optional products may not be included. Costs must be determined in accordance with generally accepted accounting principles and in accordance with this section.

(C) Prudent business person. Costs must comply with the prudent-business-person standard. This means that costs are limited to what a prudent business person would pay in a competitive marketplace. For example, hiring a limousine to deliver documents does not comply with the prudent-business-person standard. In determining whether a given cost is prudent, consideration will be given to the following:

(i) whether the cost is of a type generally recognized as ordinary, customary, and necessary for preparing and processing documents for a motor vehicle sale;

(ii) the restraints or requirements imposed by sound business practices, arm's-length bargaining, and applicable laws and regulations;

(iii) market prices for comparable goods or services;

and

(iv) the necessity of the cost.

(D) Timing.

(i) Costs must be incurred either concurrently with or after the seller's preparation of at least one of the following: a buyer's order, bill of sale, purchase agreement, or retail installment sales contract. Any costs incurred before the preparation of the earliest of these documents may not be included. This clause does not apply to the costs of purchasing or printing forms specifically listed in subsection (d)(3)(B)(ii).

(ii) Costs must be incurred before the title of the purchased motor vehicle is actually transferred, or when title is legally required to have been transferred, whichever is earlier.

(iii) Costs relating to a trade-in motor vehicle must be incurred before the title of the trade-in motor vehicle is actually transferred, or when the title is legally required to have been transferred, whichever is earlier.

(E) No finance charge. The documentary fee may not include any amount that would be considered a finance charge under the Truth in Lending Act, 15 U.S.C. §§1601-1667f. All included costs must be incurred uniformly in cash and credit transactions.

(i) The documentary fee may not include any cost associated with the negotiation or assignment of the retail installment sales contract to another financial institution or a related finance company.

(ii) The documentary fee may not include any cost associated with the evaluation of the buyer's creditworthiness. A seller may include the cost of obtaining a credit report for a buyer who ultimately purchases a motor vehicle, if the seller incurs this cost uniformly in cash and credit transactions [in a substantial number of transactions where credit is not extended], and the cost complies with the other requirements described in this subsection (e.g., the cost of obtaining a credit report to ensure compliance with regulations of the Office of Foreign Assets Control, 31 C.F.R. Parts 501-599 [the USA PATRIOT Act, 31 U.S.C. §5318(l)(2)(C)]). The documentary fee may not include the cost of obtaining a credit report in unconsummated transactions.

(iii) The documentary fee may not include the cost of preparing any disclosure or contractual provision that is used only in credit transactions. In particular, the documentary fee may not include the cost of preparing a Truth in Lending disclosure statement.

(F) Other prohibitions. The documentary fee may not include costs associated with any of the following:

(i) advertising;

(ii) floor planning (i.e., the seller's credit arrangements for the purchase of its inventory);

(iii) manufacturer or distributor's rebates;

(iv) the price of any report on the condition or history of the motor vehicle to be purchased or traded in;

(v) the disbursement of money to a financial institution (e.g., the cost of issuing a certified check);

(vi) a salesperson's commission for the sale of the motor vehicle (but commissions for an employee other than a salesperson may be included if they comply with subsection (d)(3)(B)(i)).

(3) Form of cost analysis. The cost analysis must include a summary of documentary fee costs and supporting exhibits.

(A) Summary of documentary fee costs. The summary of documentary fee costs must be provided on a form prescribed by the OCCC.

(i) The summary must include an itemization of the amount of costs for each of the following categories:

(I) personnel;

(II) forms and printing;

(III) postage;

(IV) software;

(V) facilities costs;

(VI) other costs.

(ii) The summary must include the number of sales completed during the period used to determine the costs described in clause (i).

(B) Supporting exhibits. A seller must provide a supporting exhibit for each category of costs included in the documentary fee. A seller must prorate costs to ensure that costs that are impermissible under this subsection are excluded. If a category is associated with both permissible and impermissible costs, then a seller must include only the permissible portion and explain the percentage of the category that is being included. The OCCC may prescribe a form for the supporting exhibits. A seller is not required to provide an exhibit for any category that does not include any costs.

(i) Personnel. The supporting exhibit for personnel must describe how all employee salaries included in the documentary fee comply with the reasonableness requirements described in this subsection.

(I) The supporting exhibit for personnel must include a job description for each position. Job descriptions must be specific enough to illustrate which functions are unique to each listed position, on a task level. The job description must identify which specific tasks are included as a cost component of the documentary fee, and which are excluded.

(II) The supporting exhibit for personnel must include each salary and a complete description of how compensation is calculated for each position (e.g., a pay plan).

(-a-) Commission paid to a salesperson for the sale of a motor vehicle must be excluded. If the seller includes a portion of the base salary paid to a salesperson, then the seller must explain how the salary has been prorated to exclude impermissible costs. If the seller offers a guaranteed minimum draw against future commission, then the draw may be included in the base salary rather than the commission.

(-b-) If the seller includes any commission paid to a person other than a salesperson, then the seller must explain how the commission has been prorated to exclude any impermissible costs (e.g., commission for ancillary products, or commission that arises only in credit transactions). If the seller offers a guaranteed minimum draw against future commission, then the draw may be included in the base salary rather than the commission.

(III) If costs of training employees are included, then the supporting exhibit must include an agenda for the training and an explanation of the subject matter of the training. The seller must explain how training costs have been prorated to exclude impermissible costs (e.g., costs of training employees on responsibilities that arise only in credit transactions, or that arise before preparation of a purchase agreement).

(ii) Forms and printing. The supporting exhibit for forms and printing must describe all included costs and explain which forms are purchased or printed. All included forms must be used uniformly in cash and credit motor vehicle sales. If a seller uses a form

only in certain transactions, then the seller must prorate costs by the fraction of the seller's sales in which the form is used. For example, if a form is used only for used motor vehicle sales, then a seller must prorate the cost of the form by the fraction of the seller's sales that are used motor vehicles. If a seller includes forms not listed in this clause, then the supporting exhibit must include an explanation of how the forms comply with the reasonableness requirements described in this subsection, with a citation to the law that requires the form. A seller may include the costs of the following forms:

(I) a written contract for the sale of the motor vehicle, as required by Texas Business and Commerce Code §2.201, which must ~~may~~ be in the form of only one of the following: [a purchase agreement, buyer's order, bill of sale; or retail installment sales contract (if a seller includes the cost of a retail installment sales contract, then the cost must be prorated to exclude the Truth in Lending disclosure statement and any provisions that are used only in credit transactions);]

(-a-) a purchase agreement;

(-b-) a buyer's order;

(-c-) a bill of sale; or

(-d-) a retail installment sales contract (if a seller includes the cost of a retail installment sales contract, then the cost must be prorated to exclude the Truth in Lending disclosure statement and any provisions that are used only in credit transactions);

(II) an application for certificate of title, form 130-U, as required by Texas Transportation Code, §501.023;

~~(III) a statement of the county of title issuance, form VTR-136, as required by Texas Transportation Code, §501.023;~~

~~(III) [(IV)] a privacy notice, as required by the Gramm-Leach-Bliley Act, 15 U.S.C. §6803;~~

~~(IV) [(V)] a copy of the buyer's driver's license, in order to verify the buyer's identity and ensure compliance with regulations of the Office of Foreign Assets Control, 31 C.F.R. Parts 501-599 [the USA PATRIOT Act, 31 U.S.C. §5318(f)(2)(C)];~~

~~(V) [(VI)] a report of a cash payment over \$10,000, form 8300, as required by the USA PATRIOT Act, 31 U.S.C. §5331;~~

~~(VI) [(VII)] a Texas Lemon Law disclosure, as required by Texas Occupations Code, §2301.610;~~

~~(VII) [(VIII)] the buyer's temporary tag, as required by Texas Transportation Code, §503.063, and 43 Texas Administrative Code §215.155 [§245.155];~~

~~(VIII) [(IX)] the buyer's temporary tag receipt, as required by 43 Texas Administrative Code §215.156 [§245.156];~~

~~(IX) [(X)] a window sticker for new vehicles, as required by 15 U.S.C. §1232; and~~

~~(X) [(XI)] a used car buyers guide, as required by the Federal Trade Commission's Used Motor Vehicle Rule, 16 C.F.R. §455.2.~~

(iii) Postage. The supporting exhibit for postage must identify the postage carrier, the types of documents that are sent by postage, and each specific postage cost. All postage costs must comply with the reasonableness requirements described in this subsection, including the prudent-business-person standard. The OCCC will presume that a prudent business person would use certified mail from the United States Postal Service or a similarly priced service. The exhibit must explain how costs that do not comply with this subsection

(e.g., costs of sending documents to other financial institutions) have been excluded.

(iv) Software. The supporting exhibit for software must identify the cost of each included piece of software. The exhibit must state the type of software used and the specific functions of the software. The exhibit must identify which specific software functions are included as a cost component of the documentary fee, and which are excluded. If the software is associated with both permissible and impermissible costs, then a seller must include only the permissible portion and explain the percentage of the category that is being included.

(v) Facilities costs. The supporting exhibit for facilities must identify all included facilities costs (e.g., rent, property taxes, insurance). Any facilities costs must be adjusted to include only direct fixed costs that comply with the reasonableness requirements described in this subsection. The documentary fee may not include costs incurred while the seller's facilities are closed, because these are indirect costs that do not directly relate to the processing of documents. The documentary fee may not include costs associated with areas that are not involved in the processing of documents (e.g., common areas, break rooms, bathrooms). The documentary fee may not include any depreciation of facilities costs. The exhibit must describe an appropriate methodology ensuring that the documentary fee includes only the portion of the facilities costs that corresponds to the percentage of time and space used for activities that may be included in the documentary fee.

(vi) Other costs. The supporting exhibit for other costs must identify all other costs included in the documentary fee. The exhibit must state the amount of each cost and the nature of the associated activities. If the activities are associated with both permissible and impermissible costs, then a seller must include only the permissible portion and explain the percentage of the category that is being included.

(4) Cost analysis covering multiple locations. A seller may submit a cost analysis that covers more than one licensed location or registered office if:

(A) the cost structures of all covered locations are substantially similar (e.g., due to centralized processing among a group of locations); and

(B) in the supporting exhibits, the seller explains which costs are similar among the locations and explains the differences in costs among the locations.

(5) OCCC review. The OCCC will review each cost analysis in order to determine whether the documentary fee is reasonable for the seller that provided the analysis. If the cost analysis does not support the seller's documentary fee, or if the OCCC determines that any included costs are not reasonable, then the OCCC may require the seller to provide additional information, or the OCCC may determine that the amount is unreasonable. The review may result in a determination of the maximum amount of the documentary fee that a specific seller may charge.

(6) Restitution and order to lower documentary fee. If a seller violates this subsection by charging a documentary fee over ~~\$225~~ ~~[\$150]~~ that is not supported by a complete cost analysis or that includes costs that are not reasonable, then the OCCC may order the seller to provide restitution to affected buyers and lower its documentary fee prospectively. For each buyer, the restitution for violating this subsection will not exceed the amount of the documentary fee the seller charged or received, minus ~~\$225~~ ~~[\$150]~~, minus other restitution paid under subsection (c)(6) - (7) of this section. In addition, the OCCC may order a seller to cease charging a documentary fee greater than

§225 [§150] for a specified period of time if the seller violates this subsection.

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 February 16, 2024.

TRD-202400680

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Earliest possible date of adoption: March 31, 2024

For further information, please call: (512) 936-7660



TITLE 13. CULTURAL RESOURCES

PART 1. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 6. STATE RECORDS

SUBCHAPTER A. RECORDS RETENTION SCHEDULING

13 TAC §6.10

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 13 TAC §6.10 is not included in the print version of the Texas Register. The figure is available in the on-line version of the March 1, 2024, issue of the Texas Register.)

The Texas State Library and Archives Commission (commission) proposes amendments to 13 Texas Administrative Code §6.10, Texas State Records Retention Schedules.

BACKGROUND. Government Code, §441.006 directs the commission to aid and encourage, by adoption of policies and programs, the development of effective records management and preservation programs in state agencies and the local governments of the state. Government Code, §441.185(f) authorizes the commission to prescribe by rule a minimum retention period for any state record unless a minimum retention period for the record is prescribed by another federal or state law, regulation, or rule of court. Under this authority, the commission has established the Texas State Records Retention Schedule ("RRS"), adopted as 13 TAC §6.10(a). The RRS indicates the minimum length of time records in a particular records series must be retained by Texas state agencies before destruction or archival preservation. If a records series includes an archival review code indicating the record is subject to transfer or archival review, those records must either be transferred to the State Archives for archival preservation after they are no longer needed in an agency or reviewed for historical value before disposal.

In addition, Government Code, §441.104 establishes the commission's duties under the State Publications Depository Program ("depository program"), under which the commission acquires, organizes, retains, and provides access to state publications. Under section 441.103 of the Government Code, state agencies are required to designate one or more staff persons

as agency publications liaisons, who are required to maintain a record of the agency's state publications. State agencies must furnish copies of their state publications to the commission in the number specified by commission rules.

The RRS includes "Archives" and "Caution" notes to emphasize the need for action or attention by an agency to ensure records with archival value are properly maintained and/or retained. State publications that are required to be deposited into the depository program do not also have to be maintained separately by the State Archives. The proposed amendments to two Archives and Caution Notes are necessary to align archival requirements with requirements of the depository program and ensure records appropriate for the depository program are not unnecessarily transferred to the State Archives as well. The proposed amendments also add or correct legal citations in three records series related to agendas and minutes of open meetings and agendas, minutes, and recordings of closed meetings.

EXPLANATION OF PROPOSED AMENDMENTS. The proposed amendment to the Archives Note for record series 1.1.074, Sunset Review Report and Related Documentation, deletes an agency's Sunset Self-Evaluation Report from the list of related documentation, as the Self-Evaluation Report is a state publication required to be submitted to the depository program.

The proposed amendment to the Caution Note for record series 4.5.003, Annual Financial Reports, deletes language requiring archival review for the reports. Instead, the archival requirement for these reports when a biennial or annual narrative report is not produced is met by sending the required copies to the depository program.

The proposed amendment to the Archives Note for record series 1.1.058, Meetings, Agendas and Minutes of Open adds a reference to Government Code, §324.008(d), which requires the governing body of a state agency to deliver to both the Legislative Reference Library and the commission a certified copy of the minutes of any meeting of the governing body. Addition of the legal citation will clarify where the archival requirement is outlined in statute to remove any confusion regarding permanent retention for state agencies.

The proposed amendment to the legal citations for record series 1.1.059, Meetings, Agendas and Minutes or Audiovisual Recordings of Closed and record series 1.1.060, Meetings, Agendas and Minutes or Audiovisual Recordings of Closed, corrects an error by moving the reference to Government Code, §551.104(a) from record series 1.1.060 to record series 1.1.059.

FISCAL IMPACT. Craig Kelso, Director, State and Local Records Management Division, has determined that for each of the first five years the proposed amendments are in effect, there are no reasonably foreseeable fiscal implications for the state or local governments as a result of enforcing or administering the amended rule, as proposed.

PUBLIC BENEFIT AND COSTS. Mr. Kelso has determined that for each of the first five years the proposed amendments are in effect, the anticipated public benefit will be clarity and consistency in state government entities' records management and in the commission's requirements pertaining to the depository program, ultimately improving the commission's ability to acquire, organize, retain, and provide access to state publications and archival records. There are no anticipated economic costs to persons required to comply with the proposed amendments.

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

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT STATEMENT. There will be no adverse economic effect on small businesses, micro-businesses, or rural communities; therefore, a regulatory flexibility analysis under Government Code, §2006.002 is not required.

COST INCREASE TO REGULATED PERSONS. The proposed amendment does not impose or increase a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the commission is not required to take any further action under Government Code, §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. In compliance with Government Code, §2001.0221, the commission provides the following government growth impact statement. For each year of the first five years the proposed amendments will be in effect, the commission has determined the following:

1. The rule as proposed for amendment will not create or eliminate a government program;
2. Implementation of the rule as proposed for amendment will not require the creation of new employee positions or the elimination of existing employee positions;
3. Implementation of the rule as proposed for amendment will not require an increase or decrease in future legislative appropriations to the commission;
4. The proposal will not require an increase or decrease in fees paid to the commission;
5. The proposal will not create a new regulation;
6. The proposal will not expand, limit, or repeal an existing regulation;
7. The proposal will not increase the number of individuals subject to the proposed rules' applicability; and
8. The proposal will not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. No private real property interests are affected by this proposal, and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action. Therefore, the proposed amendment does not constitute a taking under Government Code, §2007.043.

REQUEST FOR PUBLIC COMMENT. Written comments on the proposed amendments may be submitted to Craig Kelso, Director, State and Local Records Management Division, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, or via email at rules@tsl.texas.gov. To be considered, a written comment must be received no later than 30 days from the date of publication in the *Texas Register*.

STATUTORY AUTHORITY. The amendments are proposed under Government Code, §441.185, which authorizes the commission to prescribe by rule a minimum retention period for any state record unless a minimum retention period for the record is prescribed by another federal or state law, regulation, or rule of court; Government Code, §441.199, which authorizes the commission to adopt rules it determines necessary for cost reduction and efficiency of recordkeeping by state agencies and for the

state's management and preservation of records; Government Code, §441.190, which authorizes the commission to adopt rules establishing standards and procedures for the protection, maintenance, and storage of state records, paying particular attention to the maintenance, storage, and protection of archival and vital state records; Government Code, §441.103, which requires a state agency to furnish copies of its state publications that exist in a physical format to the Texas State Library in the number specified by commission rules; and Government Code, §441.104, which directs the commission to establish a program for the preservation and management of state publications.

CROSS REFERENCE TO STATUTE. Government Code, Chapter 441.

§6.10. *Texas State Records Retention Schedules.*

(a) A record listed in the Texas State Records Retention Schedule (Revised 5th Edition) must be retained for the minimum retention period indicated by any state agency that maintains a record of the type described.

Figure: 13 TAC §6.10(a)
[Figure: 13 TAC §6.10(a)]

(b) A record listed in the Texas State University Records Retention Schedule (2nd Edition) must be retained for the minimum retention period indicated by any university or institution of higher education.

Figure: 13 TAC §6.10(b) (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 February 15, 2024.

TRD-202400639

Sarah Swanson

General Counsel

Texas State Library and Archives Commission

Earliest possible date of adoption: March 31, 2024

For further information, please call: (512) 463-5460



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER A. REQUIRED CURRICULUM

19 TAC §74.5

The State Board of Education (SBOE) proposes an amendment to §74.5, concerning academic achievement record (transcript). The proposed amendment would require that completion of instruction in the use of an automated external defibrillator (AED) in addition to the existing requirement for instruction in cardiopulmonary resuscitation (CPR) be indicated on a student's academic achievement record.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2013, the 83rd Texas Legislature, Regular Session, passed House Bill (HB) 897, amending Texas Education Code (TEC), §28.0023, to require that the SBOE include instruction in CPR

for students in Grades 7-12. The legislation required school districts and open-enrollment charter schools to provide instruction in CPR and for students to receive the CPR instruction at least once before graduation. The SBOE adopted an amendment to §74.5 in 2018 to update the rule for the academic achievement record to document the completion of the required CPR instruction (if the instruction is provided in Grades 9-12).

In 2023, the 88th Texas Legislature, Regular Session, passed HB 4375, further amending TEC, §28.0023, to add instruction in the use of an AED to the requirements for instruction in CPR. The proposed amendment would update the rule for the academic achievement record to include documentation of the completion of the additional instruction in the use of an AED (if the instruction is provided in Grades 9-12).

The SBOE approved the proposed amendment for first reading and filing authorization at its February 2, 2024 meeting.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and programs, has determined that for the first five years the proposal is in effect, there are no additional costs to state or local government beyond what is required by statute. There may be costs to school districts and charter schools associated with required updates to local student information systems in order to implement the requirements of statute. These may include amendments to district-developed databases. Since the design and format of and data collection for the academic achievement record (high school transcript) are made at the local district level, it is difficult to estimate the fiscal impact on any given district.

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

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

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

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

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by requiring school districts and charter schools to report a student's completion of instruction in the use of an AED on the academic achievement record.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to improve documentation of requirements on the academic achievement record and the ability to more effectively transmit that information between school districts and institutions of higher education. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/proposed-state-board-of-education-rules>. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 1, 2024.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §7.102(c)(13), which requires the State Board of Education to adopt transcript forms and standards for differentiating high school performance for purposes of reporting academic achievement under TEC, §28.025.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §7.102(c)(13).

§74.5. Academic Achievement Record (Transcript).

(a) The commissioner of education shall develop and distribute to each school district and institution of higher education the state guidelines for a common academic achievement record and coding system for courses and instructions for recording information on the academic achievement record. Each school district must use the coding system provided by the commissioner.

(b) Following guidelines developed by the commissioner, each school district must use an academic achievement record (transcript) form that includes the following:

- (1) student demographics;
- (2) school data;
- (3) student data; and
- (4) the record of courses and credits earned.

(c) The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. Each district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving school district.

(d) Any credit earned by a student must be recorded on the academic achievement record, regardless of when the credit was earned.

(e) A student who completes high school graduation requirements shall have attached to the academic achievement record a seal approved by the State Board of Education.

(f) A student who completes the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record.

(g) A student who earns a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record.

(h) A student who earns the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record.

(i) A student who demonstrates proficiency in speech as specified in §74.11(a)(3) of this title (relating to High School Graduation Requirements) shall have completion of the speech requirement clearly indicated on the academic achievement record.

(j) A student who completes the required instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as specified in §74.38 of this title (relating to Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) and the use of an automated external defibrillator (AED)) in Grade 9, 10, 11, or 12 shall have completion of the CPR and use of an AED instruction clearly indicated on the academic achievement record.

(k) A student who completes the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record.

(l) A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.

(m) A student who satisfies a languages other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with §74.12(b)(5)(F) of this title (relating to Foundation High School Program) shall have the credit clearly indicated on the academic achievement record.

(n) A student who earns a high school diploma by satisfying the requirements of the Texas First Early High School Completion Program in accordance with Chapter 21, Subchapter D, of this title (relating to the Texas First Early High School Completion Program) shall have completion of the program and the distinguished level of achievement clearly indicated on the academic achievement record.

(o) A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record will include a notation of the date such a certificate was issued to the student.

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 February 16, 2024.

TRD-202400662

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: March 31, 2024

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



SUBCHAPTER C. OTHER PROVISIONS

19 TAC §74.28

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 19 TAC §74.28(c) is not included in the print version of the Texas Register. The figure is available in the on-line version of the March 1, 2024, issue of the Texas Register.)

The State Board of Education (SBOE) proposes an amendment to §74.28, concerning students with dyslexia and related disorders. The proposed amendment would update the rule to align with House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; clarify terminology used in the Texas Education Code (TEC); and update the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders (Dyslexia Handbook)* adopted as Figure: 19 TAC §74.28(c) to clarify requirements related to dyslexia evaluation, identification, and instruction.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 74.28 provides the requirements to school districts and open-enrollment charter schools for identifying students with dyslexia or related disorders and providing appropriate services to those students.

The 85th Texas Legislature, Regular Session, 2017, passed HB 1886, amending TEC, §38.003, to specify that a student enrolled in public school must be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The legislation required that the program include screening at the end of the school year for all students in Kindergarten and Grade 1. An amendment to §74.28 to align the rule with HB 1886 was approved for second reading and final adoption at the June 2018 SBOE meeting with an effective date of August 27, 2018.

Section 74.28 was amended effective March 13, 2019, to adopt the *Dyslexia Handbook* in rule as Figure: 19 TAC §74.28(c).

The section was amended again effective December 25, 2019, to require school districts and open-enrollment charter schools to report to the Texas Education Agency (TEA) through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of screening for dyslexia and related disorders required at the end of the school year for each student in Kindergarten and each student in Grade 1 in accordance with TEC, §38.003(a).

The section was amended again effective February 10, 2022, to clarify that evaluations for dyslexia and related disorders must go through the process required by the Individuals with Disabilities Education Act.

The proposed amendment would update the section and the *Dyslexia Handbook* to align with the passage of HB 3928.

The SBOE approved the proposed amendment for first reading and filing authorization at its February 2, 2024 meeting.

FISCAL IMPACT: Justin Porter, associate commissioner and chief program officer for special populations, has determined that for the first five years the proposal is in effect, there are no additional costs to state or local government to comply with the proposal, including school districts and open-enrollment charter schools, beyond what is required by federal Individuals with Disabilities Education Act (IDEA) regulations.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking would expand an existing regulation by clarifying requirements related to student evaluation, identification, and instruction for dyslexia and related disorders in accordance with HB 3928, 88th Texas Legislature, Regular Session, 2023.

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

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Porter has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be clarifying requirements related to dyslexia evaluation, identification, and instruction in alignment with recent statutory changes. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/proposed-state-board-of-education-rules>. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024

in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 1, 2024.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §7.102(c)(28), as amended by House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education (SBOE) to approve a program for screening and testing students for dyslexia and related disorders; TEC, §29.0031, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023, which requires that dyslexia is considered and meets the definition of specific learning disability, as this is defined in the Individuals with Disabilities Education Act. It also requires certain actions when a student is suspected of having dyslexia and in the evaluation for dyslexia; TEC, §29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023, which requires that providers of dyslexia instruction be fully trained in the local educational agency's materials in order to provide that instruction; TEC, §38.003(a), which requires that students enrolling in public schools be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in Kindergarten and each student in Grade 1; and TEC, §38.003(c), which requires the SBOE to adopt any rules and standards necessary to administer TEC, §38.003, Screening and Treatment for Dyslexia and Related Disorders.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§7.102(c)(28), 29.0031, and 29.0032, as amended by House Bill 3928, 88th Texas Legislature, Regular Session, 2023; and §38.003(a) and (c).

§74.28. Students with Dyslexia and Related Disorders.

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

(1) Screening a student for dyslexia or a related disorder, a term used in Texas Education Code (TEC), §38.003, means the administration of a universal screening instrument required for students in Kindergarten and Grade 1.

(2) Testing a student for dyslexia or a related disorder, a term used in TEC, §38.003, means a comprehensive evaluation as required under 34 Code of Federal Regulations (CFR), Part 300, and includes evaluation components as stated in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders," referenced in subsection (c) of this section, for the identification of dyslexia or a related disorder.

(3) Treatment for a student identified with dyslexia or a related disorder, a term used in TEC §38.003, means any instructional accommodations through an accommodation plan under Section 504 or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student's individualized education program (IEP).

(4) Direct dyslexia instruction, a term used in TEC, §7.102(c)(28), or dyslexia instruction means evidence-based dyslexia instruction that includes the required components of dyslexia instruction and instructional delivery methods as outlined in the handbook referenced in subsection (c) of this section and as described by a student's IEP under TEC, §29.005.

(5) Provider of dyslexia instruction (PDI) means a provider who meets the requirements of TEC, §29.0032.

[(a) In order to support and maintain full educational opportunity for students with dyslexia and related disorders and consistent with federal and state law, school districts and open-enrollment charter schools shall provide each student with dyslexia or a related disorder access to each program under which the student qualifies for services.]

(b) The board of trustees of a school district or the governing body of an open-enrollment charter school must adopt and implement a policy requiring the district or school to comply with this section, inclusive of the handbook referenced in subsection (c) of this section and the provision of dyslexia instruction for students identified with dyslexia or a related disorder as determined by the student's admission, review, and dismissal (ARD) committee [ensure that procedures for identifying a student with dyslexia or a related disorder and for providing appropriate, evidence-based instructional services to the student are implemented in the district].

(c) A school district's or open-enrollment charter school's policy [procedures] must be implemented according to the State Board of Education's (SBOE's) [Education (SBOE) approved strategies for screening, individualized evaluation, and techniques for treating dyslexia and related disorders. The strategies and techniques are described in the] "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" provided in this subsection. Before adopting changes to the handbook, the SBOE will consider input provided by [The handbook is a set of guidelines for school districts and open-enrollment charter schools that may be modified by the SBOE only with broad-based dialogue that includes input from] educators and professionals in the field of reading and dyslexia and related disorders, as well as parents and other stakeholders, from across the state.

Figure: 19 TAC §74.28(c)
[Figure: 19 TAC §74.28(e)]

[(d) Screening as described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders" and further evaluation should only be conducted by individuals who are trained in valid, evidence-based assessments and who are trained to appropriately evaluate students for dyslexia and related disorders.]

(d) [(e)] A school district or open-enrollment charter school must provide evidence-based dyslexia instruction by a trained PDI for students with dyslexia or a related disorder that includes the required instructional and delivery components [shall purchase a reading program or develop its own evidence-based reading program for students with dyslexia and related disorders that is aligned with the descriptors] found in the handbook referenced in subsection (c) of this section ["Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." Teachers who screen and treat these students must be trained in instructional strategies that use individualized, intensive, multisensory, phonetic methods and a variety of writing and spelling components described in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." The professional development activities specified by each open-enrollment charter school and district and/or campus planning and decision making committee shall include these instructional strategies].

[(f) At least five school days before any evaluation or identification procedure is used selectively with an individual student, the school district or open-enrollment charter school must provide written notification to the student's parent or guardian or another person standing in parental relation to the student of the proposed identification or evaluation. The notice must be in English, or to the extent practicable, the individual's native language and must include the following:]

[(1) a reasonable description of the evaluation procedure to be used with the individual student;]

[(2) information related to any instructional intervention or strategy used to assist the student prior to evaluation;]

[(3) an estimated time frame within which the evaluation will be completed; and]

[(4) specific contact information for the campus point of contact, relevant Parent Training and Information Projects, and any other appropriate parent resources.]

[(g) Before a full individual and initial evaluation is conducted to determine whether a student has a disability under the Individuals with Disabilities Education Act (IDEA), the school district or open-enrollment charter school must notify the student's parent or guardian or another person standing in parental relation to the student of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503, provide all information required under subsection (f) of this section, and provide:]

[(1) a copy of the procedural safeguards notice required by 34 CFR, §300.504;]

[(2) an opportunity to give written consent for the evaluation; and]

[(3) a copy of information required under Texas Education Code (TEC), §26.0081.]

[(h) Parents/guardians of a student with dyslexia or a related disorder must be informed of all services and options available to the student, including general education interventions under response to intervention and multi-tiered systems of support models as required by TEC, §26.0081(d), and options under federal law, including IDEA and the Rehabilitation Act, §504.]

[(i) Each school or open-enrollment charter school must provide each identified student access at his or her campus to instructional programs required in subsection (e) of this section and to the services of a teacher trained in dyslexia and related disorders. The school district or open-enrollment charter school may, with the approval of each student's parents or guardians, offer additional services at a centralized location. Such centralized services shall not preclude each student from receiving services at his or her campus.]

[(j) Because early intervention is critical, a process for early identification, intervention, and support for students at risk for dyslexia and related disorders must be available in each district and open-enrollment charter school as outlined in the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders." School districts and open-enrollment charter schools may not use early intervention strategies, including multi-tiered systems of support, to delay or deny the provision of a full and individual evaluation to a child suspected of having a specific learning disability, including dyslexia or a related disorder.]

(c) [(k)] Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for dyslexia and related disorders required for each student in Kindergarten and each student in Grade 1 in accordance with TEC, §38.003(a).

(f) [(h)] Each school district and open-enrollment charter school shall provide to parents of students enrolled in the district or school information on [a parent education program for parents/guardians of students with dyslexia and related disorders. This program must include]:

(1) ~~[awareness and]~~ characteristics of dyslexia and related disorders;

(2) ~~evaluation and identification [information on testing and diagnosis]~~ of dyslexia and related disorders;

(3) ~~[information on]~~ effective instructional strategies for teaching students with dyslexia and related disorders;

(4) ~~[information on]~~ qualifications of and contact information for PDIs at each campus or school ~~[those delivering services to students with dyslexia and related disorders];~~

(5) instructional ~~[awareness of information on]~~ accommodations and modifications ~~[- especially those allowed for standardized testing];~~

(6) the steps in the special education process, as described in the form developed by the Texas Education Agency to comply with TEC, §29.0031(a)(1); and

~~[(6) information on eligibility, evaluation requests, and services available under IDEA and the Rehabilitation Act, §504, and information on the response to intervention process; and]~~

(7) how to request a copy and access the electronic version of the handbook referenced in subsection (c) of this section.

~~[(7) contact information for the relevant regional and/or school district or open-enrollment charter school specialists.]~~

~~[(m) School districts and open-enrollment charter schools shall provide to parents of children suspected to have dyslexia or a related disorder a copy or a link to the electronic version of the "Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders."]~~

(g) ~~[(n)]~~ School districts and open-enrollment charter schools will be subject to monitoring for compliance with federal law and regulations in connection with this section. School districts and open-enrollment charter schools will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by TEC, §38.003(c-1).

(h) School districts and open-enrollment charter schools must include the member required by TEC, §29.0031(b), on the multidisciplinary team and ARD committee, as appropriate, who meets the requirements of TEC, §29.0031(b)(1) or (2), or who meets the training requirements established by the SBOE as described in the handbook referenced in subsection (c) of this section.

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 February 16, 2024.

TRD-202400663

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: March 31, 2024

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



19 TAC §74.38

The State Board of Education (SBOE) proposes an amendment to §74.38, concerning requirements for instruction in cardiopulmonary resuscitation (CPR). The proposed amendment would implement House Bill (HB) 4375, 88th Texas Legislature, Regular Session, 2023, by requiring instruction in the use of an automated external defibrillator (AED) in addition to instruction in CPR for students in Grades 7-12.

BACKGROUND INFORMATION AND JUSTIFICATION: In 2013, the 83rd Texas Legislature, Regular Session, passed HB 897, amending Texas Education Code (TEC), §28.0023, to require that the SBOE include instruction in CPR for students in Grades 7-12. The legislation required school districts and open-enrollment charter schools to provide instruction in CPR and for students to receive the CPR instruction at least once before graduation. TEC, §38.017, requires school districts and open-enrollment charter schools to make available at each campus at least one AED.

Section 74.38 requires school districts and open-enrollment charter schools to provide instruction in CPR to each student in Grades 7-12 at least once before graduation from high school. The instruction is permitted to be provided as part of any course.

In 2023, the 88th Texas Legislature, Regular Session, passed HB 4375, which further amended TEC, §28.0023, to add instruction in the use of an AED to the requirements for instruction in CPR. The legislation specified that the SBOE must require districts and charter schools to provide instruction in the use of an AED to students in Grades 7-12. Additionally, the legislation added the requirement that CPR instruction must include training in CPR techniques and the use of AEDs.

The proposed amendment would align with the requirements of HB 4375 by requiring instruction in the use of an AED beginning with students who enter Grade 7 in the 2024-2025 school year.

The SBOE approved the proposed amendment for first reading and filing authorization at its February 2, 2024 meeting.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by requiring that school districts and

charter schools provide instruction in the use of an AED to students in Grades 7-12.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be establishing a rule for school districts to implement instruction in the use of an AED in addition to instruction in CPR for students in Grades 7-12, which could possibly save lives. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/proposed-state-board-of-education-rules>. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 1, 2024.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §28.0023, as amended by House Bill 4375, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education to require by rule instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator for students in Grades 7-12.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §28.0023, as amended by House Bill 4375, 88th Texas Legislature, Regular Session, 2023.

§74.38. Requirements for Instruction in Cardiopulmonary Resuscitation (CPR) and Use of an Automated External Defibrillator (AED).

(a) A school district or an open-enrollment charter school shall provide instruction to students in Grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). The instruction:

- (1) may be provided as a part of any course; and
- (2) shall [must] be provided to each student at least once before graduation from high school.

(b) CPR instruction shall include training for students in CPR techniques and the use of an AED.

(c) [(b)] The training shall have [CPR instruction must include training that has] been developed:

(1) by the American Heart Association or the American Red Cross; or

(2) using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

(d) [(e)] A school district or an open-enrollment charter school may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide CPR instruction and training under this section. Except as specified in subsection (e) [(d)] of this section, an instructor of this training is not required to be certified in CPR.

(e) [(d)] Instruction provided under this section is not required to result in certification by a student in CPR or the use of an AED. If instruction is intended to result in certification in CPR or the use of an AED, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association.

(f) [(e)] A school district or an open-enrollment charter school may waive the requirement under this section for a student [;] who, due to a disability, is unable to complete the requirement. The determination regarding a student's ability to complete the CPR or AED requirements [requirement] will be made by:

(1) the student's ARD committee if the student receives special education services under [the] Texas Education Code (TEC), Chapter 29, Subchapter A; or

(2) the committee established for the student under Section 504, Rehabilitation Act of 1973 (29 United States Code, §794) if the student does not receive special education services under [the] TEC, Chapter 29, Subchapter A, but is covered by the Rehabilitation Act of 1973.

(g) [(f)] The requirement to receive instruction in CPR [This section] applies to any student who entered Grade 7 in the 2010-2011 school year and thereafter.

(h) The requirement to receive instruction in the use of an AED applies to any student who entered Grade 7 in the 2024-2025 school year and thereafter.

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 February 16, 2024.

TRD-202400664

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: March 31, 2024

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



CHAPTER 127. TEXAS ESSENTIAL
KNOWLEDGE AND SKILLS FOR CAREER

DEVELOPMENT AND CAREER AND TECHNICAL EDUCATION

The State Board of Education (SBOE) proposes new §§127.30, 127.45-127.58, 127.86, 127.87, 127.795, 127.796, 127.887-127.890, and 127.920, concerning Texas Essential Knowledge and Skills (TEKS) for career development and career and technical education (CTE). The proposal would update and add new TEKS for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as update TEKS for two science, technology, engineering, and mathematics (STEM) courses that may satisfy science graduation requirements to ensure the content of the courses remains current and supports relevant and meaningful programs of study.

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

During the November 2022 meeting, the SBOE approved a timeline for the review of CTE courses for 2022-2025. Also at the meeting, the SBOE approved a specific process to be used in the review and revision of the CTE TEKS. The CTE-specific process largely follows the process for TEKS review for other subject areas but was adjusted to account for differences specific to CTE. The 2022-2025 CTE cycle identifies two reviews, beginning with the winter 2023 review of a small group of courses in career preparation and entrepreneurship. An abbreviated version of the new CTE TEKS review process was used for the winter 2023 review. The second review in the 2022-2025 CTE TEKS review cycle began in summer 2023. The complete CTE TEKS review process was used for the summer 2023 CTE TEKS review.

Applications to serve on the summer 2023 CTE TEKS review work groups were collected by the Texas Education Agency (TEA) from February through July 2023. TEA staff provided SBOE members with batches of applications for approval to serve on a CTE work group in April and May 2023. Work groups were convened to develop recommendations for the CTE courses in May, June, August, and September 2023.

The proposal would ensure the standards for agribusiness, animal science, plant science, aviation maintenance, and STEM courses that may satisfy science graduation requirements remain current and support relevant and meaningful programs of study. A discussion item regarding proposed revisions to the TEKS for courses in the agribusiness, animal science, plant science, and aviation maintenance programs of study as well as two STEM courses that may satisfy science graduation requirements was presented to the SBOE Committee of the Full Board at the November 2023 SBOE meeting. The work groups met for a final time in November-December 2023 to address feedback from the SBOE and others and to finalize their recommendations for the new standards.

The SBOE approved the proposed new sections for first reading and filing authorization at its February 2, 2024 meeting.

FISCAL IMPACT: Monica Martinez, associate commissioner for standards and programs, has determined that for the first five years the proposal is in effect (2024-2028), there are no additional costs to the state. However, in fiscal year 2023, there was a cost to the state of approximately \$100,000 to convene work

group members who traveled to Austin to draft recommendations for the CTE TEKS. In addition, there will be implications for TEA if the state develops professional development to help teachers and administrators understand the revised TEKS. Any professional development that is created would be based on whether TEA received an appropriation for professional development in the next biennium.

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

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

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

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

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

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

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be better alignment of the TEKS and additional course options for students to support relevant and meaningful programs of study. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins March 1, 2024, and ends at 5:00 p.m. on April

1, 2024. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/proposed-state-board-of-education-rules>. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 1, 2024.

SUBCHAPTER C. AGRICULTURE, FOOD, AND NATURAL RESOURCES

19 TAC §§127.30, 127.45 - 127.58, 127.86, 127.87

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(j), which allows the SBOE by rule to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002; and TEC, §28.025(b-2)(2), which requires the SBOE to allow a student by rule to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), and (j); and 28.025(a) and (b-2)(2).

§127.30. Principles of Agriculture, Food, and Natural Resources (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products and resources.

(3) In Principles of Agriculture, Food, and Natural Resources, students explore major areas of agriculture, food, and natural resources, including organizations, agribusiness leadership and communications, plant science, animal science, food science and technology, agricultural technology and mechanical systems, and environmental and natural resources. To prepare for careers in agriculture, food, and natural resources, students must attain academic knowledge and skills, acquire technical knowledge and skills related to the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, experience, apply, and transfer their knowledge and skills in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career development, education, and entrepreneurship opportunities in agriculture, food, and natural resources;

(B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills in agriculture, food, and natural resources;

(C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;

(D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;

(E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and

(F) identify training, education, and certification requirements for occupational choices in agriculture, food, and natural resources.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student understands the agriculture industry in Texas and the United States. The student is expected to:

(A) identify top agricultural commodities, exports, and imports in Texas and the United States; and

(B) identify regions of commodity production such as regions that produce livestock, corn, wheat, dairy products, and cotton and explain the correlation between the region and the commodity.

(5) The student explains the historical, current, and future significance of the agriculture, food, and natural resources industry. The student is expected to:

(A) define agriculture and identify the sectors of the agriculture industry;

(B) analyze the impact agriculture, food, and natural resources have on society;

(C) identify and explain significant historical and current events that have impacted the agriculture industry;

(D) identify issues that may impact agriculture, food, and natural resources systems, including related domestic and global systems, now and in the future;

(E) identify and discuss major innovations in the fields of agriculture, food, and natural resources;

(F) describe how emerging technologies such as online mapping systems, drones, and robotics impact agriculture, food, and natural resources; and

(G) compare how different issues such as biotechnology, employment, safety, environmental, and animal welfare issues impact agriculture, food, and natural resources industries.

(6) The student understands opportunities for leadership development in student organizations within agriculture, food, and natural resources. The student is expected to:

(A) describe the history, structure, and development of and opportunities in student organizations in the agriculture, food, and natural resources career cluster;

(B) develop and demonstrate leadership and personal growth skills and collaborate with others to accomplish organizational goals and objectives; and

(C) demonstrate use of parliamentary procedures when conducting meetings.

(7) The student identifies opportunities for involvement in professional agricultural organizations. The student is expected to:

(A) discuss the role of agricultural organizations in formulating public policy;

(B) develop strategies for effective participation in agricultural organizations; and

(C) identify and discuss the purpose of various professional agricultural organizations.

(8) The student demonstrates skills related to agribusiness, leadership, and communications. The student is expected to:

(A) demonstrate written and oral communication skills appropriate for formal and informal situations such as prepared and extemporaneous presentations;

(B) identify and demonstrate effective customer service skills, including appropriate listening techniques and responses; and

(C) explain the impact of marketing and advertising on the agricultural industry.

(9) The student applies a scientific process to agriculture, food, and natural resources topics. The student is expected to:

(A) identify and select an important agricultural issue, question, or principle;

(B) develop and test a hypothesis for the selected issue, question, or principle;

(C) collect and analyze data for the selected agricultural issue, question, or principle; and

(D) present findings and conclusions based on research performed using scientific practices.

(10) The student applies problem-solving, mathematical, and organizational skills to maintain financial or logistical records. The student is expected to:

(A) identify the components of and develop a formal business plan for an agricultural enterprise; and

(B) develop, maintain, and analyze records for an agricultural enterprise.

(11) The student develops technical knowledge and skills related to plant and soil systems. The student is expected to:

(A) define plant and soil science and analyze the relevance of horticulture, agronomy, forestry, and floriculture;

(B) identify the components and properties of soils;

(C) describe the basic structure and functions of plant parts;

(D) identify and use techniques for plant germination, growth, and development; and

(E) identify and use tools, equipment, and personal protective equipment common to plant and soil systems.

(12) The student develops technical knowledge and skills related to animal systems. The student is expected to:

(A) define animal science and analyze the relevance of animal selection, production, and marketing in the industry;

(B) analyze the roles and how animals benefit the agriculture industry;

(C) identify basic external anatomy of animals in agriculture;

(D) identify and classify breeds of livestock; and

(E) identify and use tools, equipment, and proper handling techniques related to animal systems.

(13) The student describes the principles of food products and processing systems. The student is expected to:

(A) identify food products and processing systems;

(B) identify emerging technologies and trends in domestic and global food production;

(C) compare various food labels;

(D) discuss current issues in food production; and

(E) identify and use tools, equipment, and personal protective equipment common to food products and processing systems.

(14) The student safely performs skills related to agricultural technology and mechanical systems. The student is expected to:

(A) identify the major disciplines of agricultural technology and mechanical systems;

(B) demonstrate basic measuring practices with accuracy;

(C) create a bill of materials and a technical drawing for a proposed agricultural engineering project;

(D) identify common building tools, materials, and fasteners; and

(E) identify and use tools, equipment, and personal protective equipment common to agricultural technology and mechanical systems.

(15) The student explains the principles of environmental and natural resources. The student is expected to:

(A) identify natural resources of economic importance to Texas agriculture;

(B) explain the relationship between agriculture and environmental and natural resources;

(C) identify and describe regulations and governmental programs related to environmental and natural resources, including water regulations, pesticide usage, and hunting and fishing laws;

(D) identify and compare alternative energy sources that stem from or impact environmental and natural resources; and

(E) identify and compare energy and water conservation methods.

§127.45. Professional Standards and Communication in Agribusiness (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Professional Standards and Communication in Agribusiness focuses on leadership, communication, employer-employee relations, and problem solving as they relate to agribusiness. To prepare for careers in agribusiness systems, students must attain academic knowledge and skills, acquire technical knowledge and skills related to leadership development and communications in agriculture, and develop knowledge and skills regarding agricultural career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career development, education, and entrepreneurship opportunities in the field of agribusiness;

(B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in agriculture, food, and natural resources industries;

(C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;

(D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;

(E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and

(F) identify training, education, and certification requirements for occupational choices.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) apply proper record-keeping skills as they relate to the supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student analyzes the professional development skills needed to be an effective leader in agribusiness. The student is expected to:

(A) describe the importance of positive self-concept, social skills, and maintaining a professional image;

(B) analyze various leadership styles;

(C) prepare a professional resume, letters of interest, employment applications, and follow-up communications related to the hiring process; and

(D) explain the interpersonal skills needed to work cooperatively with others.

(5) The student evaluates employer and employee responsibilities for occupations in agriculture, food, and natural resources. The student is expected to:

(A) identify and discuss work-related and agribusiness-related ethics;

(B) identify and practice job interview skills; and

(C) outline complaint and appeal processes in the workplace.

(6) The student communicates effectively through various mediums with groups and individuals. The student is expected to:

(A) describe elements of effective communication such as accuracy, relevance, rhetoric, and organization in informal, group discussions; formal presentations; and business-related, technical communication;

(B) describe how the style and content of spoken language varies in different contexts and can influence the listener's understanding;

(C) evaluate elements of oral presentations such as delivery, vocabulary, length, and purpose;

(D) modify presentations based on audience;

(E) identify elements of appropriate professional communications in agribusiness such as correct usage of grammar and punctuation;

(F) explain the importance of communicating factual and unbiased data and information obtained from reliable sources;

(G) identify and demonstrate effective nonverbal communication skills and listening strategies; and

(H) analyze and discuss the importance of relationships and organization for effective communication within groups.

(7) The student understands the dynamics of group collaboration. The student is expected to:

(A) explain the significance of personal and group goals;

(B) apply various leadership traits to solve problems when leading a group;

(C) discuss the importance of time management and teamwork;

(D) outline the steps in the decision-making and problem-solving processes; and

(E) demonstrate an understanding of parliamentary procedures by conducting or actively participating in a meeting.

(8) The student applies principles of design in visual media as they relate to agriculture. The student is expected to:

(A) explain the purpose of visual media;

(B) identify principles of design for visual media;

(C) create designs such as web design or print design for a targeted purpose in agribusiness; and

(D) interpret, evaluate, and justify artistic decisions in visual media related to agribusiness.

(9) The student demonstrates journalistic writing in agriculture. The student is expected to:

(A) differentiate between news, feature, and opinion writing;

(B) identify different forms of journalistic writing such as feature story, press release, and editorials; and

(C) create different forms of journalistic writing for a topic in agribusiness using the drafting process, including layout, selection, revisions, and editing.

(10) The student identifies new media being used in agriculture. The student is expected to:

(A) identify effective use of emerging technology in agricultural communications;

(B) propose a media campaign for an agricultural product or business;

(C) distinguish between appropriate and inappropriate uses of media; and

(D) identify key concepts related to digital citizenship and demonstrate appropriate use of technology for the workplace.

(11) The student examines media laws and ethics related to agricultural communications. The student is expected to:

(A) define free speech, free press, defamation, and libel within communications;

(B) identify and explain media laws applicable to various agricultural communications;

(C) identify and discuss ethical considerations related to media; and

(D) evaluate and practice safe, legal, and responsible use of communication technologies.

(12) The student examines crisis management and risk communication in agricultural communications. The student is expected to:

(A) differentiate between crisis and risk communication;

(B) create an outline for a crisis communication plan in agriculture; and

(C) analyze communication techniques, relevant communication networks, and organization communication strategies before, during, and after a crisis.

§127.46. Agribusiness Management and Marketing (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources,

including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Agribusiness Management and Marketing is designed to provide a foundation to agribusiness management and the free enterprise system. Instruction includes the use of economic principles such as supply and demand, budgeting, record keeping, finance, risk management, business law, marketing, and careers in agribusiness. To prepare for careers in agribusiness systems, students must attain academic skills and knowledge, acquire technical knowledge and skills related to agribusiness marketing and management and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of agribusiness systems science and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student recognizes and explains roles within organizations, inter-organizational systems, and the larger environment. The student is expected to:

(A) identify how organizational systems affect performance and the quality of products and services related to agriculture, food, and natural resources;

(B) research and describe the global context of agricultural industries and careers;

(C) describe the nature and types of agribusiness organizations; and

(D) identify the sectors of agribusiness such as production, processing, and distribution.

(5) The student examines critical aspects of career opportunities in one or more agriculture, food, and natural resources careers. The student is expected to:

(A) research job descriptions for one or more careers in agriculture, food, and natural resources and analyze labor market trends for the selected career(s); and

(B) identify educational and credentialing requirements for one or more careers in agriculture, food, and natural resources.

(6) The student defines and examines agribusiness management and marketing and its importance to agriculture and the economy. The student is expected to:

(A) describe different roles and functions of management and leadership in agribusiness;

(B) analyze the impact of management and marketing on the production, processing, and distribution of agricultural products;

(C) identify key economic principles of free enterprise;

(D) explain the impact of key economic principles in agribusiness;

(E) analyze the economic opportunities of agribusiness in a selected market or region; and

(F) identify how agribusiness management and marketing impact consumer and market trends.

(7) The student explains the importance of maintaining records and budgeting in agribusiness. The student is expected to:

(A) maintain and analyze agribusiness records such as payroll, employee benefits, inventories, financial statements, and balance sheets to make informed business decisions;

(B) research and identify loan and financing opportunities in agribusiness;

(C) compare methods of capital resource acquisition as it pertains to agriculture; and

(D) apply a cost-benefit analysis to a budget for an agricultural business.

(8) The student describes issues related to government policy and seeks opportunities to eliminate barriers for all stakeholders. The student is expected to:

(A) analyze methods of decision making;

(B) identify and examine the effects of government policies and regulations in making management decisions;

(C) describe the role of human resources in ensuring equality in the workplace;

(D) identify employee rights and laws pertaining to the workplace; and

(E) identify the rights and responsibilities of land and property ownership such as uses, taxes, wills, and liabilities.

(9) The student describes the marketing of agricultural products. The student is expected to:

(A) describe the purpose and importance of marketing agricultural products;

(B) develop a marketing plan for an agricultural business or product;

(C) compare various agribusiness markets and influence factors;

(D) identify methods used in agriculture for managing risk; and

(E) identify and analyze trends in agricultural commodity markets.

(10) The student understands the efficiency aspects of agribusiness management. The student is expected to:

(A) develop agricultural management and financial documents using management software or information technology;

(B) identify components of and develop an agribusiness entrepreneurial plan;

(C) identify components of and develop an agribusiness financial management plan; and

(D) create and present an agriculture business proposal.

§127.47. Agricultural Leadership, Research, and Communications (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: one credit from the courses in the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Agricultural Leadership, Research, and Communications focuses on challenging students to use higher level thinking skills, develop leadership abilities, and develop and communicate agricultural

positions effectively with all stakeholders. To prepare for careers in agriculture, food, and natural resources, students must attain academic knowledge and skills, acquire technical knowledge and skills related to the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and applying technologies in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of agriculture and develop a plan for obtaining the education, training, and certifications required for the chosen occupation;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student researches the qualities and characteristics of effective leaders within the agricultural industry. The student is expected to:

(A) identify past agricultural leaders, explain contributions made by these leaders, and define the impact of their contributions on the agricultural industry;

(B) compare characteristics of effective leaders and explain how these traits enabled them to enact meaningful change; and

(C) analyze and present the leadership skills of a leader in the field of agriculture.

(5) The student describes organizational leadership structures at the local, state, and national levels. The student is expected to:

(A) identify agricultural or governmental leadership positions at the local, state, and national levels;

(B) explain how individuals in leadership positions and their decisions impact the agricultural industry;

(C) explain the processes by which laws, regulations, and policies are developed at the local, state, and national levels; and

(D) evaluate a recent law affecting agriculture, food, and natural resources and analyze the impact of that law on local agriculture.

(6) The student develops skills needed to participate effectively in an organizational meeting. The student is expected to:

(A) describe parliamentary laws, motions, and other procedures;

(B) apply parliamentary procedures to conduct organizational meetings;

(C) debate and discuss issues in a clear, concise, and professional manner;

(D) serve as presiding officer over an actual or mock organizational meeting; and

(E) analyze an organizational meeting such as a chapter, a district, an area, or a state meeting or a local board meeting and make recommendations to increase the meeting's overall efficiency and effectiveness.

(7) The student demonstrates an agriculture-related technical skill to stakeholders. The student is expected to:

(A) examine the components of an effective skills demonstration and create a list of essential characteristics;

(B) identify an agricultural skill, develop detailed instructions for performing that skill, and demonstrate the skill with proficiency;

(C) analyze the performance of a pre-identified skill and make recommendations to increase the performance for overall efficiency and effectiveness; and

(D) explain the relevance of real-world applications for the demonstration process.

(8) The student asks questions, identifies problems, and conducts investigations to answer questions in agriculture. The student is expected to:

(A) explain the importance of using scientific processes;

(B) ask questions and define problems based on observations or data;

(C) collect, organize, and analyze quantitative and qualitative data; and

(D) present findings and conclusions based on research performed using scientific processes.

(9) The student examines the use of logic in debate and analysis of current issues impacting the agricultural community. The student is expected to:

(A) identify the rules and responsibilities of the affirmative and negative positions in a debate;

(B) construct logical affirmative and negative cases in a debate using a variety of approaches; and

(C) present an argument free of logical fallacies on a current agricultural issue.

(10) The student examines an agricultural topic to develop an advocacy communication plan. The student is expected to:

(A) identify and research controversial areas of agriculture;

(B) identify and analyze all sides of a controversial agricultural issue;

(C) develop an advocacy communication plan that addresses both supporting and opposing arguments; and

(D) present the advocacy communication plan to an audience.

(11) The student presents and communicates agricultural information using various media. The student is expected to:

(A) identify historical and current media outlets;

(B) research and write agricultural articles for publication in print media outlets;

(C) develop and record scripts for radio broadcasts or podcast productions to effectively communicate agricultural information using technology;

(D) develop scripts for video broadcasts and communicate agricultural information effectively using a video broadcast;

(E) examine and critique various media platforms; and

(F) communicate agricultural information in a responsible, professional manner via media.

(12) The student communicates agricultural information by means of presentations to groups of various sizes. The student is expected to:

(A) select appropriate tone, language, and content for an intended audience;

(B) plan, develop, and deliver effective presentations; and

(C) critique agricultural presentations given by self or others for structure, transitions, evidence, and details.

(13) The student evaluates and critiques agricultural informational resources. The student is expected to:

(A) identify processes used in the evaluation of a variety of agricultural resources;

(B) evaluate agricultural resources for credibility, bias, and accuracy;

(C) evaluate and compare agricultural resources and make professional decisions using reliable research resources; and

(D) explain and defend decisions made in the evaluation of agricultural resources.

(14) The student understands the importance of agricultural education. The student is expected to:

(A) identify and examine historical and present-day agricultural education;

(B) identify and research individuals, governmental agencies, and advocacy groups that are responsible for agricultural information dissemination and education; and

(C) explain the importance of agricultural education.

§127.48. Equine Science (One-Half Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one-half credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) In Equine Science, students acquire knowledge and skills related to the equine industry. Equine Science may address topics related to horses, donkeys, and mules. To prepare for careers in the field of animal science, students must enhance academic knowledge and skills, acquire knowledge and skills related to equine systems, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career development, education, and entrepreneurship opportunities in the field of equine science;

(B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in equine science;

(C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;

(D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;

(E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and

(F) identify training, education, and certification requirements for occupational choices.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student analyzes the history, domestication, and selection of equine. The student is expected to:

(A) research and describe the history and evolution of equine;

(B) describe the impacts of equine industries such as racing, rodeos, equestrian therapy, and the global food market; and

(C) evaluate and select equine breeds based on purpose and conformation.

(5) The student explains the anatomy and physiology of equine. The student is expected to:

(A) explain the function of the skeletal, muscular, respiratory, reproductive, digestive, and circulatory systems of equine;

(B) identify and interpret ranges for healthy equine vital signs; and

(C) compare normal and abnormal behavior of equine such as emotional and physical.

(6) The student determines the nutritional requirements of equine. The student is expected to:

(A) compare the equine digestive system to the digestive systems of other species;

(B) identify and describe sources of nutrients and classes of feed for equine;

(C) identify and research vitamins, minerals, and feed additives for equine;

(D) formulate feed rations based on the nutritional requirements of equine; and

(E) identify and discuss equine feeding practices, grazing practices, and feed quality issues.

(7) The student understands how equine are affected by diseases and pests. The student is expected to:

(A) identify and describe how bacteria, fungi, viruses, genetics, and nutrition affect equine health;

(B) identify signs, symptoms, and prevention of equine diseases;

(C) identify parasites of equine and explain the signs, symptoms, treatment, and prevention of equine parasites; and

(D) discuss methods of administering equine medications and calculating dosage.

(8) The student analyzes the management of equine. The student is expected to:

(A) identify tools and equipment for grooming, riding, and training equine and select the appropriate tools or equipment for such tasks and purposes;

(B) identify tools and equipment for safe handling and restraining of equine and select the appropriate tools or equipment for such tasks and purposes;

(C) identify types and essential features of equine facilities such as housing, performance, veterinary, and reproduction facilities;

(D) explain the procedures for breeding equine and caring for foals in accordance with industry standards;

(E) explain and demonstrate methods of identifying ownership of equine, including branding and tattooing;

(F) discuss effective equine management strategies such as financial planning, complying with governmental regulations, and interpreting performance data; and

(G) explain methods of maintaining equine health and soundness such as hoof care and dental health.

(9) The student discusses issues affecting the equine industry. The student is expected to:

(A) describe biotechnology issues related to the equine industry;

(B) research and explain animal welfare policy pertaining to equine industries such as racing, rodeos, equestrian therapy, the global food market, and pharmaceutical research; and

(C) research and explain governmental regulations, environmental regulations, or current events that affect the equine industry.

§127.49. Livestock and Poultry Production (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: a minimum of two credits with at least one course in a Level 2 or higher course from the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) In Livestock and Poultry Production, students acquire knowledge and skills related to the livestock and poultry production industry. Livestock and Poultry Production may address topics related to beef cattle, dairy cattle, swine, sheep, goats, and poultry. To prepare for careers in the field of animal science, students must attain academic knowledge and skills, acquire knowledge and skills related to livestock and poultry systems and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career development, education, and entrepreneurship opportunities in the field of livestock and poultry production;

(B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in livestock and poultry production;

(C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;

(D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;

(E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and

(F) identify training, education, and certification requirements for occupational choices.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student analyzes the history, domestication, and selection of livestock and poultry. The student is expected to:

(A) research and describe the history, domestication, and evolution of livestock and poultry species;

(B) describe the impacts other industries such as entertainment, recreation and leisure, and exhibition of animals have on the livestock and poultry industry; and

(C) evaluate and select livestock and poultry breeds based on purpose and conformation.

(5) The student explains the anatomy and physiology of livestock and poultry species. The student is expected to:

(A) identify and explain the skeletal, muscular, respiratory, and circulatory systems of livestock and poultry;

(B) identify and interpret ranges for healthy livestock and poultry vital signs; and

(C) compare normal and abnormal behavior of livestock and poultry.

(6) The student determines nutritional requirements of livestock and poultry. The student is expected to:

(A) describe and compare the digestive systems of ruminant and non-ruminant animals;

(B) identify sources of nutrients and classes of feed for livestock and poultry;

(C) identify vitamins, minerals, and feed additives for livestock and poultry;

(D) formulate feed rations based on nutritional needs and economic factors for livestock and poultry;

(E) research and discuss feeding practices and feed quality issues for livestock and poultry;

(F) identify forage plants used for livestock grazing; and

(G) research and explain livestock and poultry grazing practices such as rotational grazing and deferred grazing.

(7) The student explains livestock and poultry genetics and reproduction. The student is expected to:

(A) describe and compare the reproductive systems of various livestock and poultry;

(B) identify and explain livestock and poultry breeding systems such as grading up, crossbreeding, linebreeding, and inbreeding;

(C) use Expected Progeny Differences (EPDs) to evaluate livestock production;

(D) research and explain current and emerging technologies in livestock and poultry reproduction such as cloning, embryo transfer, in vitro fertilization, and artificial insemination;

(E) use Punnett squares to predict phenotypes and genotypes of livestock offspring; and

(F) explain the relationship between body condition scores and reproductive efficiency for livestock and poultry.

(8) The student understands how livestock and poultry are affected by pests and diseases. The student is expected to:

(A) identify and describe how bacteria, fungi, viruses, genetics, and nutrition affect livestock and poultry health;

(B) identify signs, symptoms, and prevention of livestock and poultry diseases;

(C) identify parasites and explain the signs, symptoms, treatment, and prevention of livestock and poultry parasites; and

(D) calculate dosage and identify administration methods of livestock and poultry medications.

(9) The student analyzes the management skills needed for livestock and poultry production. The student is expected to:

(A) identify tools and equipment for safe handling and restraining of livestock and poultry and select the appropriate tools or equipment for such tasks and purposes;

(B) identify types and essential features of facilities for livestock and poultry such as housing, veterinary, and reproduction facilities;

(C) evaluate and describe industry practices such as dehorning, castrating, docking, and vaccinating and sire, dam, and newborn care to maximize the efficiency of livestock and poultry;

(D) explain and demonstrate methods of identifying ownership of livestock and poultry such as branding, ear tagging, ear notching, wing bands, and tattooing; and

(E) explain the use of technology such as aircraft, robotics, and smart irrigation in modern livestock and poultry production.

(10) The student examines the interrelationship of the factors impacting livestock and poultry production operations. The student is expected to:

(A) research and explain livestock and poultry biosecurity and waste management practices;

(B) create an effective financial management plan for a livestock and poultry production operation;

(C) analyze and discuss environmental regulations, governmental regulations, and animal welfare policies related to livestock and poultry production;

(D) analyze the United States Department of Agriculture (USDA) standards and guidelines for organic livestock and poultry production;

(E) analyze and describe the interrelationship between grain markets and the livestock and poultry industry;

(F) assess the impact of the United States livestock and poultry industry on world commodity markets;

(G) use charts, tables, data, or graphs to evaluate the efficiency of livestock and poultry production; and

(H) develop and present a livestock or poultry operation plan that includes health, reproduction, nutrition, and management practices necessary for maximum efficiency.

§127.50. *Small Animal Management (One-Half Credit), Adopted 2024.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one-half credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) In Small Animal Management, students acquire knowledge and skills related to the small animal management industry. Small Animal Management may address topics related to small animals such as dogs and cats, rabbits, pocket pets, amphibians, reptiles, and birds. To prepare for careers in the field of animal science, students must enhance academic knowledge and skills, acquire knowledge and skills related to small animal systems, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer knowledge and skills in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career development, education, and entrepreneurship opportunities in the field of small animal management;

(B) identify and demonstrate interpersonal, problem solving, and critical thinking skills used in small animal management;

(C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;

(D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;

(E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and

(F) identify training, education, and certification requirements for occupational choices.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student analyzes the history, domestication, and importance of small animal ownership. The student is expected to:

(A) research and explain the history, domestication, and purpose of small animals;

(B) identify and discuss the influence small animals have on society;

(C) describe the economic impact of the small animal industry;

(D) describe the responsibilities and benefits of small animal ownership;

(E) explain services small animals provide to society such as medical, support, research, and working; and

(F) research and discuss the environmental and governmental regulations related to small animal ownership.

(5) The student understands the hazards associated with working in the small animal industry. The student is expected to:

(A) explain and demonstrate safe practices, including the proper use of personal protective equipment (PPE), when working with small animals;

(B) identify zoonotic diseases that can be transmitted by small animals;

(C) describe sanitation methods used to prevent the spread of disease in small animals; and

(D) locate, interpret, and implement safety data sheets (SDS) for handling chemicals.

(6) The student evaluates current topics in small animal rights and animal welfare. The student is expected to:

(A) analyze current issues in animal rights and animal welfare;

(B) research and report important persons, organizations, and groups involved in the animal rights movement; and

(C) create and discuss a historical timeline of major legislation related to animal welfare.

(7) The student explains anatomy and physiology of small animals. The student is expected to:

(A) identify and explain the skeletal, muscular, respiratory, reproductive, digestive, and circulatory systems for each species studied;

(B) identify and interpret ranges for healthy small animal vital signs; and

(C) compare normal and abnormal behavior of small animals.

(8) The student analyzes the care and management skills for a variety of small animals. The student is expected to:

(A) identify and discuss the impact physical characteristics have on the management practices for each species studied;

(B) identify and compare the breeds and types of each species studied;

(C) discuss the ownership identification methods, habitat, housing, and equipment needs for each species studied;

(D) identify nutritional requirements for each species studied;

(E) explain health maintenance for each species studied, including prevention and control of diseases and parasites;

(F) describe and practice methods of handling for each species studied;

(G) discuss basic grooming procedures for each species studied; and

(H) identify copulation, gestation, parturition, and weaning practices for each species studied.

(9) The student examines the interrelationship of the factors impacting small animal ownership. The student is expected to:

(A) develop and present a small animal ownership plan that includes health, reproduction, nutrition, and management practices; and

(B) research and create a financial plan for small animal operation or ownership.

§127.51. Veterinary Science(One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Equine Science, Small Animal Management, or Livestock Production. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Veterinary Science covers topics relating to veterinary practices, including practices for large and small animal species. To prepare for careers in the field of animal science, students must attain academic knowledge and skills, acquire technical knowledge and skills related to animal systems and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer knowledge and skills and technologies in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career, education, and entrepreneurship opportunities for a chosen occupation in the field of veterinary science and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student understands safety and health practices associated with working in veterinary medicine. The student is expected to:

(A) explain the importance of safe practices such as handling, restraint, and proper use of tools and equipment when working with animals;

(B) identify and discuss transmission and prevention of zoonotic diseases in large and small animal species;

(C) describe sanitation methods to prevent the spread of pathogens and maintain asepsis in sterile environments;

(D) locate, interpret, and implement safety data sheets (SDS) for handling chemicals;

(E) demonstrate and explain safe usage of clinical tools and equipment; and

(F) perform proper disposal of sharps and biohazards.

(5) The student understands current topics, professional ethics, and laws that relate to veterinary medicine. The student is expected to:

(A) research and discuss historical events, trends, and issues that have impacted veterinary medicine;

(B) analyze topics related to veterinary medical ethics, including animal rights and animal welfare; and

(C) explain policies and procedures in veterinary medicine that reflect local, state, and federal laws.

(6) The student evaluates effective management approaches and marketing strategies to determine their importance to the success of veterinary practices such as clinics and hospitals. The student is expected to:

(A) describe how the human-animal bond impacts veterinary practices when working with clients and their animals;

(B) identify and demonstrate skills needed to communicate effectively with clients and veterinary professionals;

(C) identify marketing strategies and explain how marketing affects the success of a veterinary practice; and

(D) research and discuss how electronic technology such as computer programs, medical records, hospital-to-hospital communication, and tablets is used in a veterinary practice.

(7) The student communicates the importance of medical terminology, evaluates veterinary terms to discover their meanings, and demonstrates the ability to use terms correctly. The student is expected to:

(A) analyze Greek and Latin prefixes, suffixes, and roots to determine the meaning of veterinary terms;

(B) identify, pronounce, and spell veterinary terms appropriately; and

(C) use directional anatomy terms appropriately for large and small animal species.

(8) The student understands proper animal handling as it relates to characteristics and behavior. The student is expected to:

(A) identify animal breeds according to characteristics;

(B) identify and compare normal and abnormal behavior within and among various animal species; and

(C) identify and discuss correct handling and restraint protocols for large and small animal species such as muzzling, lateral recumbency, sternal recumbency, jugular venipuncture, and haltering.

(9) The student explains anatomy and physiology of animals. The student is expected to:

(A) identify the parts and functions of the skeletal, muscular, respiratory, circulatory, digestive, endocrine, and nervous systems for large and small animal species; and

(B) describe the interrelationships among animal body systems.

(10) The student determines the importance of animal nutrition in maintaining a healthy animal. The student is expected to:

(A) identify sources of nutrients and classes of feeds for large and small animal species;

(B) identify feed additives for large and small animal species and describe how additives affect the food supply;

(C) analyze dietary needs and feed-quality issues for large and small animal species and their effect on feeding practices; and

(D) research and compare the nutritional value of feeds such as prescription, commercial, homemade, fad, and raw diets for large and small animal species.

(11) The student evaluates an animal's health during a clinical examination. The student is expected to:

(A) describe the characteristics and signs of a healthy and an unhealthy animal;

(B) identify ranges for healthy vital signs for large and small animal species such as temperature, pulse, respiration, hydration, and capillary refill time;

(C) demonstrate the proper procedures for obtaining vital signs for large and small animal species and interpret vital sign measurements to determine the health of the animal;

(D) describe effects of age, stress, and environmental factors on vital signs of animals;

(E) explain procedures for physical examinations for large and small animal species;

(F) explain the anatomical regional approach to assess an animal's health;

(G) apply mathematical skills to calculate weight and linear body measurement for large and small animal species and to convert between measurement systems; and

(H) analyze tables, charts, and graphs to interpret large and small animal patient and clinical data.

(12) The student analyzes how diseases and parasites affect animal health. The student is expected to:

(A) describe the process of immunity and disease transmission for large and small animal species;

(B) identify and describe pathogens for large and small animal species and the diseases they cause;

(C) describe the effects that diseases have on various body systems for large and small animal species;

(D) identify parasites for large and small animal species using common and scientific names;

(E) describe life cycles of parasites found in large and small animal species;

(F) explain how parasites found in large and small animal species are transmitted and explain the effects on the host;

(G) describe parasitic diagnostic procedures for large and small animal species; and

(H) describe treatment protocols for parasites found in large and small animal species.

(13) The student examines various aspects of veterinary laboratory procedures. The student is expected to:

(A) explain the procedures used in collecting, handling, and preparing fecal, blood, and urine specimens for large and small animal species;

(B) explain veterinary procedures used in examining fecal, blood, and urine specimens; and

(C) analyze and compare normal and abnormal results obtained in veterinary laboratory procedures.

(14) The student analyzes technical veterinary procedures and skills. The student is expected to:

(A) explain the care, maintenance, and use of equipment and instruments found in veterinary practices;

(B) interpret and prepare a veterinary medical record, adhering to client and patient confidentiality;

(C) explain and demonstrate routine animal care skills such as administering medications, nail trimming, bathing, dipping, grooming, ear cleaning, expressing anal sacs, dental care, placing a tail tie, and ownership identification methods;

(D) explain and demonstrate therapeutic care for large and small animal species such as patient observation, maintaining and administering fluids, applying and removing bandages, removing sutures, caring for open wounds, and providing hydrotherapy physical therapy;

(E) describe emergency protocols and first aid procedures for large and small animal species, including cardiopulmonary resuscitation, control of bleeding, and signs of shock; and

(F) research and compare veterinary care of specialty patients, including newborns, orphans, geriatric animals, recumbent animals, and animals with disabilities.

(15) The student identifies and discusses surgical-assisting procedures and skills. The student is expected to:

(A) explain the veterinary protocol for pre-surgical and post-surgical care of a patient;

(B) identify tools and equipment used in veterinary surgical procedures;

(C) describe methods used in the preparation, sterilization, and opening of surgery packs; and

(D) describe veterinary surgical procedures such as spaying, castration, dehorning, docking, dental prophylaxis, and tooth extraction.

(16) The student identifies imaging equipment and understands how to safely operate and maintain equipment. The student is expected to:

(A) research and explain the parts and function of imaging equipment such as an ultrasonograph, endoscope, electrocardiograph, and radiograph;

(B) explain safety, maintenance, and operation procedures of imaging equipment;

(C) demonstrate patient restraint and positioning methods used for imaging purposes of large and small animal species; and

(D) differentiate between the images from various imaging equipment.

(17) The student identifies veterinary pharmacology procedures and skills. The student is expected to:

(A) identify veterinary medications according to their classification, schedule, form, routes of administration, and methods of administration;

(B) explain handling, storage, distribution, protocols, and laws for veterinary medications, including controlled substances;

(C) calculate dosage for large and small animal species using factors such as concentration of drug, weight of animal, and prescribed dosage;

(D) prepare a veterinary prescription label with identifiers that are required by the United States Food and Drug Administration;

(E) identify and explain the equipment and instruments used to safely administer medications for large and small animal species; and

(F) research and present emerging trends in veterinary pharmacology such as internet pharmacies, herbal supplements, organic labeling, and extra-label and off-label use of medications.

§127.52. Advanced Animal Science (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Biology and Chemistry or Integrated Physics and Chemistry (IPC); Algebra I and Geometry; and either Small Animal Management, Equine Science, or Livestock Production. Recommended prerequisite: Veterinary Science. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Advanced Animal Science examines the interrelatedness of human, scientific, and technological dimensions of animal production, including canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorpha production. Instruction is designed to allow for the application of scientific and technological aspects of animal science through field and laboratory experiences. To prepare for careers in the field of animal science, students must attain academic knowledge and skills, acquire knowledge and skills related to animal systems, and develop knowledge and skills regarding career opportunities, entry requirements, and industry standards. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills in a variety of settings.

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

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

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

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

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

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

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

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

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

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of animal science and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

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

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

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

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

(D) use appropriate tools such as dissection equipment, standard laboratory glassware, microscopes, various prepared slides, measuring devices, micropipettors, hand lenses, thermometers, hot plates, laboratory notebook, timing devices, cameras, Petri dishes, laboratory incubators, models, diagrams, and samples of biological specimens, syringes, needles, scalpels, microscopes slides, cover slips, artificial insemination equipment, and drench gun;

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

(F) organize quantitative and qualitative data using calculators, computers, software, laboratory notebook, recordkeeping system, and reliable sources;

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

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

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

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

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

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

(D) evaluate experimental and engineering designs.

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

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

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

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

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

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

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

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

(6) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(7) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(8) The student analyzes the history, domestication, and evaluation of animals, including canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs. The student is expected to:

(A) research and describe the history, including evolution, domestication, and introduction of species to countries, of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) analyze and describe how changes in the global food market impact the animal production industry; and

(C) evaluate breeds of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorph based on purpose and conformation.

(9) The student defines how an organism grows and how specialized cells, tissues, and organs develop. The student is expected to:

(A) compare cells to show specialization of structure and function;

(B) explain cell division, including mitosis and meiosis;

(C) explain cell differentiation in the development of tissues and organs; and

(D) identify and explain the biological levels of organization in animals.

(10) The student examines and compares anatomy and physiology in animals. The student is expected to:

(A) compare the external anatomy of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) identify the anatomical structures and physiological functions of the skeletal, muscular, circulatory, genitourinary, respiratory, nervous, immune, and endocrine systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs; and

(C) investigate and describe the interrelationship among animal body systems.

(11) The student understands the anatomical structures and physiological functions of the digestive system to determine nutritional requirements of ruminant and non-ruminant animals. The student is expected to:

(A) describe the structures and functions of the digestive systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) identify and describe sources of nutrients and classes of feeds for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(C) identify and describe the feed additives and supplements used to meet the nutritional requirements of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(D) formulate rations based on different nutritional requirements, including age, gestation, lactation, sex, and purpose, for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(E) analyze feeding practices in relation to nutritional requirements, including age, gestation, lactation, sex, and purpose, for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(F) analyze feed quality issues and determine their effect on the health of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(G) research and compare the nutritional value of feeds for all species discussed;

(H) identify forage plants used for livestock grazing and analyze the protein levels of each; and

(I) research grazing practices such as rotational grazing and deferred grazing and explain the advantages and disadvantages of each using the scientific and engineering design process.

(12) The student understands the principles of molecular genetics and heredity. The student is expected to:

(A) explain Mendel's laws of inheritance and predict genotypes and phenotypes of offspring using a Punnett square;

(B) use a Punnett square and assign alleles to justify genotype and phenotype predictions;

(C) identify the parts of the nucleotide and differentiate between the nucleotides found in deoxyribonucleic acid (DNA) and ribonucleic acid (RNA); and

(D) explain the functions of DNA and RNA.

(13) The student applies the principles of reproduction and breeding to animal improvement. The student is expected to:

(A) describe and compare reproductive anatomy of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) analyze and compare reproductive cycles and phases of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(C) correlate the reproductive cycles and phases to animal behavior;

(D) research breeding systems, including grading up, crossbreeding, linebreeding, and inbreeding, and explain the advantages and disadvantages of each using the scientific and engineering design process; and

(E) research breeding methods, including embryo transfer, artificial insemination, and natural mating, and explain the advantages and disadvantages of each using the scientific and engineering design process.

(14) The student analyzes how diseases and parasites affect animal health. The student is expected to:

(A) examine how factors such as geographic location, age, genetic composition, and inherited diseases influence the health of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) describe the process of immunity and disease transmission of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(C) identify and describe pathogens and the diseases they cause in canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(D) describe the effects that diseases have on various body systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(E) research and explain the methods of prevention and control for diseases of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(F) identify parasites of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs using common and scientific names;

(G) describe the life cycles of various parasites and relate them to animal health issues;

(H) explain how parasites are transmitted and the effect they have on canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(I) conduct or simulate parasite diagnostic tests; and

(J) explain the methods of prevention, control, and treatment of parasites of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs.

(15) The student discusses livestock market readiness and harvesting methods. The student is expected to:

(A) explain the stages of animal growth and development and how they relate to market readiness;

(B) evaluate market class and grades of livestock;

(C) compare harvesting methods for various species using the scientific and engineering design process;

(D) research and describe federal and state meat inspection standards such as safety, hygiene, and quality control standards;

(E) identify wholesale and retail cuts of meat and correlate to major muscle groups; and

(F) research animal by-products and explain their impact on society.

(16) The student explores methods of marketing animals and animal products. The student is expected to:

(A) compare various methods of animal marketing such as auction, contract sales, private treaty, internet sales, value-based, and exhibition of various animals;

(B) describe methods of marketing animal products such as farmers market, direct sales, wholesale, and retail;

(C) research and evaluate the effectiveness of various strategies and campaigns to market animal products based on consumption patterns and consumer preferences; and

(D) research and evaluate the effectiveness of various labeling options to market animal products such as organic, farm-raised, hormone-free, cage-free, grass-fed, antibiotic-free, and non-GMO labels based on consumption patterns and consumer preferences.

(17) The student demonstrates an understanding of policies and current issues in animal science. The student is expected to:

(A) investigate and discuss the use of biotechnology and biosecurity in the animal science industry;

(B) identify governmental regulations and policies such as environmental and animal welfare and research the impacts on animal production; and

(C) identify and research a current issue in scientific animal agriculture and design a protocol to address the issue using the scientific and engineering design process.

§127.53. Floral Design (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 9-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. This course satisfies the fine arts graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant

technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Floral Design is designed to develop students' ability to identify and demonstrate the elements and principles of floral design as well as develop an understanding of the management of floral enterprises. Through the analysis of artistic floral styles and historical periods, students develop respect for the traditions of and appreciation for the contributions of diverse cultures. Students respond to and analyze floral designs, thus contributing to the development of lifelong skills of making informed judgments and evaluations. To prepare for careers in floral design, students must attain academic knowledge and skills, acquire technical knowledge and skills related to horticultural systems, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.

(4) Floral Design follows the four basic fine arts strands of foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response to provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences as sources for thinking about, planning, and creating original floral art. Students communicate their thoughts and ideas with innovation and creativity. Through floral design, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(5) Students are encouraged to participate in extended learning experiences related to floral design such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of floral design and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student identifies elements and principles of design in floral art in both historical and current contexts. The student is expected to:

(A) identify the historical trends and characteristics of floral art as they relate to current industry practices;

(B) identify design elements in floral art, including color, texture, form, line, space, pattern, size, and fragrance;

(C) identify design principles in floral art, including rhythm, balance, proportion, dominance, contrast, harmony, and unity;

(D) identify the ancillary concepts of design principles such as emphasis, focal area, repetition, transition, opposition, and variation; and

(E) compare the forms and functions of flowers and foliage, including form, mass, line, and filler.

(5) The student demonstrates elements and principles through the creation of floral designs using flowers and plants. The student is expected to:

(A) create and evaluate floral arrangements using cut flowers, including arrangements using bud vases, and round, symmetrical, and asymmetrical designs;

(B) create and evaluate floral designs using permanent botanicals such as homecoming mums;

(C) design and create corsages and boutonnières;

(D) create floral designs for specific holidays and cultural occasions such as weddings and funerals; and

(E) create interiorscapes using the elements and principles of floral design.

(6) The student makes informed judgments about personal designs and the designs of others. The student is expected to:

(A) interpret, evaluate, and justify artistic decisions in the design of personal arrangements;

(B) evaluate and appraise floral designs;

(C) construct a physical or electronic portfolio of personal floral artwork to provide evidence of learning; and

(D) interpret and evaluate design elements and principles in floral arrangements of others.

(7) The student demonstrates contemporary designs and creativity in the floral industry by developing floral design skills. The student is expected to:

(A) identify and classify specialty floral items for a variety of occasions;

(B) create specialty designs to expand artistic expression;

(C) apply proper wiring and taping techniques to materials used in the floral industry; and

(D) demonstrate safe and proper usage of floral design tools.

(8) The student recognizes the current industry practices of floral enterprises. The student is expected to:

(A) identify and classify flowers, foliage, and plants used in floral design;

(B) use temperature, preservatives, and cutting techniques to extend the vase life of floral materials;

(C) identify and describe how tools, chemicals, and equipment are used in floral design and describe safe handling practices;

(D) analyze the needs of indoor plants such as fertilizer, light, pruning, and water based on the condition of the plant;

(E) identify common pests and diseases that affect the floral industry; and

(F) identify management techniques of pests and diseases in the floral industry, including the safe use of pesticides.

(9) The student recognizes current business management practices of floral enterprises. The student is expected to:

(A) create cost-effective floral designs;

(B) apply pricing strategies and order-processing skills to meet various budgets and needs; and

(C) describe packaging, distribution, and setup logistics in the floral industry.

(10) The student understands botany and physiology and how they relate to floral design and interiorscapes. The student is expected to:

(A) analyze the structure and functions of indoor plants used in the floral industry; and

(B) identify the structure and functions of flowers used in the floral industry.

§127.54. Horticultural Science (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: at least one credit in a course from the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food, and Nat-

ural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) In Horticultural Science, students develop an understanding of common horticultural management practices as they relate to food and ornamental plant production. To prepare for careers in horticultural industry systems, students must attain academic knowledge and skills, acquire technical knowledge and skills related to horticulture and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer knowledge and skills in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career and entrepreneurship opportunities in the field of plant science and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student understands the history and progression of the horticulture industry. The student is expected to:

(A) trace how relevant historical advancements in the horticulture industry relate to current industry practices;

(B) identify and describe different disciplines of horticulture such as arboriculture, floriculture, olericulture, pomology, viticulture, turf management, and ornamental horticulture;

(C) identify and research emerging technology in the horticulture industry;

(D) identify current trends in the horticulture industry; and

(E) compare types of horticulture industries in the different regions of Texas.

(5) The student identifies plant structures and their functions and needs. The student is expected to:

(A) classify horticultural plants by their common and scientific names;

(B) describe functional differences in plant structures, including roots, stems, flowers, leaves, and fruit;

(C) identify pollination factors affecting plants and trees such as access to pollinators, wind, and hand pollination;

(D) compare monocots and dicots;

(E) analyze environmental needs of plants, including light, water, and nutrients; and

(F) identify the components of a fertilizer label.

(6) The student develops technical knowledge and skills associated with the production of horticultural plants. The student is expected to:

(A) classify horticultural plants based on taxonomy;

(B) identify classifications of plants, including annuals, perennials, biennials, and evergreens, based on growing cycles;

(C) identify horticultural plants based on their physical characteristics;

(D) compare the reproduction of flowering and non-flowering horticultural plants;

(E) select appropriate tools and equipment for production of horticultural plants;

(F) demonstrate safe and appropriate use of tools and equipment; and

(G) identify maintenance practices for hand tools, power tools, and equipment.

(7) The student understands plant propagation techniques and growing methods. The student is expected to:

(A) identify asexual propagation methods for horticultural plants, including cuttings, grafting, budding, layering, and tissue culture;

(B) propagate horticultural plants using asexual methods such as cuttings, grafting, budding, layering, and tissue culture;

(C) manipulate the germination of seeds using various methods such as mechanical scarification, chemical scarification, and heat and cold treatments;

(D) compare various soil-based growing media; and

(E) identify soilless growing methods used in the horticulture industry.

(8) The student manages and controls common pests, diseases, and deficiencies of horticultural plants. The student is expected to:

(A) identify and manage common horticultural pests, diseases, and deficiencies;

(B) identify and manage common weeds that impact horticultural production;

(C) develop a plan for disease control using integrated pest management;

(D) apply proper sanitation methods to prevent the spread of pests;

(E) demonstrate safe and proper practices in selecting, applying, storing, and disposing of chemicals; and

(F) review and explain the parts of a pesticide label.

(9) The student understands the concepts of ornamental plants and landscape design. The student is expected to:

(A) compare landscaping methods that account for environmental variables such as water availability, soil type, light availability, and climate;

(B) identify and select plants, including bedding plants, shrubs, trees, and turf grasses, for landscapes based on United States Department of Agriculture (USDA) hardiness zones;

(C) design a landscape using design elements and principles; and

(D) compare sustainability practices such as planting native plants, water conservation, and irrigation technology used in a landscape.

(10) The student demonstrates business skills used in the horticulture industry. The student is expected to:

(A) identify opportunities for entrepreneurship in the horticulture industry;

(B) identify practices to maintain business relationships;

(C) describe and demonstrate correct procedures for handling customer sales transactions;

(D) calculate pricing to maximize profit for wholesale and retail settings;

(E) develop a plan to market horticultural products and services; and

(F) formulate a budget for a horticultural enterprise.

§127.55. Greenhouse Operation and Production (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Greenhouse Operation and Production is designed for students to develop an understanding of greenhouse production techniques and practices. To prepare for careers in horticultural and controlled environment agricultural systems, students must attain academic knowledge and skills, acquire technical knowledge and skills related to horticultural systems and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career development, education, and entrepreneurship opportunities in the field of greenhouse operation and production;

(B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in greenhouse operation and production;

(C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;

(D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;

(E) describe and demonstrate characteristics of good citizenship such as stewardship, community leadership, and promotion of industry awareness and literacy; and

(F) identify training, education, and certification requirements for occupational choices.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student understands the history and progress of the greenhouse industry. The student is expected to:

(A) trace the relevant historical advancements in the greenhouse industry such as developments in construction materials and use of technology and describe the impact of these advancements on current industry practices;

(B) research and identify emerging technologies in the greenhouse industry; and

(C) analyze current trends in the greenhouse industry.

(5) The student identifies and investigates different greenhouse structures, interior layout, and construction factors. The student is expected to:

(A) compare greenhouse styles and construction materials;

(B) compare and select greenhouse coverings;

(C) analyze the costs associated with greenhouse construction;

(D) identify factors to consider when constructing a greenhouse such as greenhouse orientation and access to electricity, roads, drainage, water, and plumbing;

(E) identify and describe additional growing structures such as cold frames and hotbeds;

(F) design a layout of essential areas of a greenhouse such as receiving, storage, seedling propagation, crop production, harvest, sanitation, packaging, labeling, and distribution areas;

(G) describe the adaptation of greenhouse concepts to plant production in controlled environments such as indoor vertical farms and freight containers;

(H) differentiate between passive and controlled greenhouses; and

(I) analyze greenhouse operation regulations enacted by regulatory agencies such as the Texas Department of Agriculture, the United States Department of Agriculture, and local agencies.

(6) The student identifies and assesses environmental conditions within the greenhouse. The student is expected to:

(A) describe various environmental factors controlled in the greenhouse;

(B) determine and calculate factors used in heating and cooling a greenhouse;

(C) describe the effects of greenhouse climate conditions such as ventilation, carbon dioxide generation, and humidity on plant growth in the greenhouse;

(D) explore the importance of light characteristics on the production of greenhouse crops; and

(E) compare open and closed environmental systems in the greenhouse such as irrigation, lighting, climate control, carbon dioxide injection, and fertilization.

(7) The student identifies, operates, and maintains greenhouse environmental and mechanical controls. The student is expected to:

(A) explain how to operate and maintain heating, cooling, and ventilation systems in a greenhouse;

(B) explain how to operate and maintain electrical systems in a greenhouse;

(C) explain how to operate and maintain various water systems in a greenhouse;

(D) explain how to operate lighting systems in a greenhouse; and

(E) illustrate and describe the integration of automated control systems such as lighting, cooling, irrigation, fertigation, and carbon dioxide injection.

(8) The student identifies and classifies plants used in greenhouse production. The student is expected to:

(A) classify plants commonly used in greenhouses based on taxonomic systems;

(B) identify and compare plant anatomical structures and functions that are used in plant identification; and

(C) analyze plant classifications based on cropping schedules and market demand for greenhouse crops.

(9) The student identifies and investigates greenhouse crop production factors. The student is expected to:

(A) identify and explain the chemical and physical differences in greenhouse media components;

(B) compare greenhouse growing mixes for factors, including drainage and nutrient-holding capacity;

(C) compare different containers, benches, and production equipment used in greenhouses;

(D) evaluate different methods of watering greenhouse crops based on the type of crop, stage of development, cost-effectiveness, and weather;

(E) analyze the effect of nutrients on greenhouse plant growth;

(F) diagnose common nutrient deficiency symptoms found in greenhouse crops; and

(G) develop fertilization plans that address greenhouse crop needs and environmental impacts.

(10) The student propagates greenhouse crops. The student is expected to:

(A) analyze different methods of propagating greenhouse crops using sexual and asexual propagation methods;

(B) propagate greenhouse crops using sexual and asexual methods;

(C) investigate and explain physiological conditions that affect plant propagation; and

(D) analyze the effects of plant growth regulators on plant growth and development.

(11) The student investigates pest and disease identification and control methods in the greenhouse environment. The student is expected to:

(A) identify and classify common diseases, insects, pathogens, and weeds in the greenhouse;

(B) identify essential components of an integrated pest management plan in controlling an insect, pathogen, or weed problem;

(C) identify appropriate greenhouse pesticide application techniques and equipment; and

(D) analyze pesticide labeling and safety data sheets.

(12) The student performs greenhouse management business procedures. The student is expected to:

(A) identify and develop effective marketing strategies to market greenhouse crops to increase profits;

(B) develop appropriate methods for preparing greenhouse crops for various means of transport;

(C) analyze materials, labor, and administrative costs related to greenhouse production;

(D) analyze methods used to maintain crop quality during marketing and transport; and

(E) prepare a production schedule for a greenhouse crop from establishment to market within a specific timeline.

§127.56. *Viticulture (One Credit), Adopted 2024.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: at least one credit in a course from the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Viticulture is a course designed to provide students with the academic and technical knowledge and skills that are required to pursue a career related to vineyard operations, grape cultivation, and related industries that contribute to the Texas economy. Students in Viticulture develop an understanding of grape production techniques and practices while emphasizing environmental science related to production decisions. To prepare for success, students need opportunities

to learn, reinforce, experience, apply, and transfer their knowledge and skills in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of viticulture and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student understands the history and progression of the viticulture industry. The student is expected to:

(A) trace how relevant historical advancements in viticulture relate to current industry practices;

(B) research and identify emerging technology in the viticulture industry; and

(C) identify current trends in the viticulture industry.

(5) The student explains the production cycle and basic physiology of grapevines. The student is expected to:

(A) describe asexual propagation techniques used in the production of domesticated grapes;

(B) identify the major vegetative and reproductive structures of grapevines;

(C) explain the role of rootstock in grapevine production;

(D) describe the annual vegetative growth and reproductive cycle of grapevines;

(E) explain how environmental conditions influence grapevine vegetative and reproductive growth; and

(F) describe the use of training systems in vineyard production.

(6) The student analyzes vineyard design and development. The student is expected to:

(A) identify the site characteristics required for successful vineyard production;

(B) evaluate the soil and climatic characteristics of a potential vineyard site to determine if it is suitable for vineyard production;

(C) identify and research successful vineyards in other parts of the world with soil and climatic characteristics similar to local conditions; and

(D) develop a vineyard design and installation plan.

(7) The student evaluates technology and practices used for vineyard frost protection. The student is expected to:

(A) describe the environmental conditions that lead to plant cold injury;

(B) identify frost damage in grapevines and effective frost damage mitigation techniques;

(C) differentiate advection and radiation frost events;

(D) evaluate the effectiveness of passive frost protection techniques employed in vineyards;

(E) evaluate the effectiveness of active frost protection techniques employed in vineyards; and

(F) analyze the cost effectiveness of frost protection systems.

(8) The student demonstrates vineyard management techniques. The student is expected to:

(A) identify and demonstrate safe and appropriate usage of vineyard tools;

(B) describe and demonstrate dormant pruning of grapevines to minimize crop loss due to frost;

(C) describe grapevine-training techniques such as spur and cane pruning; and

(D) explain the use of technology in modern vineyard production systems such as drones, robotics, and smart irrigation.

(9) The student develops an integrated pest management plan for vineyards. The student is expected to:

(A) identify common insect pests and diseases found in vineyards;

(B) identify common animal pests that are problematic in vineyards;

(C) evaluate the components of integrated pest management used in vineyards;

(D) explain cultural practices for vineyard pest control;
and

(E) describe the safe and effective use of pesticides in vineyards, ensuring compliance with federal and state regulations.

(10) The student examines soil properties and soil fertility as they relate to vineyard production systems. The student is expected to:

(A) explain the concepts of soil type, soil texture, and basic soil chemistry;

(B) identify the essential nutrients required by grapevines;

(C) describe the relationship between soil properties and fertility;

(D) calculate the fertilizer needs of grapevines;

(E) develop and present a vineyard fertilization plan;
and

(F) identify the practices of organic vineyards related to soil properties and fertility.

(11) The student evaluates water requirements of vineyards and associated climatic factors. The student is expected to:

(A) evaluate grapevine water requirements;

(B) compare grape varieties that thrive in local soil and weather conditions;

(C) analyze the influence of soil properties and climate on vineyard water usage;

(D) describe irrigation strategies used in vineyards;

(E) identify the water resources required for vineyards;

(F) describe methods used to determine soil moisture;

and

(G) calculate the irrigation needs of vineyards based on soil and climate.

§127.57. Advanced Floral Design (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Floral Design. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) In Advanced Floral Design, students gain advanced knowledge and skills specifically needed to enter the workforce as floral designers or as freelance floral event designers, with an emphasis on specialty designs and occasion-specific designs and planning. Students are also prepared to enter postsecondary certification or degree programs in floral design or special events design. Students build on the knowledge base from Floral Design and are introduced to more advanced floral design concepts. In addition, students gain knowledge of the design elements and planning techniques used to produce unique specialty floral designs that support the goals and objectives of an occasion or event.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of floral design and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student understands advanced floral design elements and principles. The student is expected to:

(A) describe floral materials using advanced botanical terminology;

(B) identify the symbolic meaning of flowers and plants used in floral design such as love, friendship, courage, and innocence;

(C) compare the characteristics of contemporary floral design styles such as abstract, assemblage, asymmetrical, Biedermeier, cascade/waterfall, hedgerow, parallel, synergistic, submerged, topiary, and vegetative;

(D) illustrate ideas for arrangements using contemporary floral design styles from direct observation, experience, and imagination;

(E) identify and explain various basing design techniques, including layering, terracing, pavĂ©, clustering, and pillowing; and

(F) identify and explain advanced focal-emphasis design techniques, including grouping, banding, binding, shadowing, sequencing, framing, zoning, and parallelism.

(5) The student demonstrates advanced design techniques using fresh and permanent floral designs. The student is expected to:

(A) plan and design fresh flower and permanent botanical arrangements using various contemporary design styles such as abstract, assemblage, asymmetrical, Biedermeier, cascade/waterfall, hedgerow, parallel, synergistic, submerged, topiary, and vegetative;

(B) design and evaluate floral designs that exhibit various basing design techniques such as layering, terracing, pavĂ©, clustering, and pillowing; and

(C) design and evaluate floral designs using advanced focal-emphasis design techniques such as grouping, banding, binding, shadowing, sequencing, framing, zoning, and parallelism.

(6) The student describes effective design planning and the processes used to create floral designs for specific occasions and events. The student is expected to:

(A) describe and apply proper planning techniques in floral design;

(B) identify and execute the steps of effective planning used to design floral arrangements for specific occasions such as weddings and funerals;

(C) analyze and discuss contingency factors when planning large-volume floral designs; and

(D) identify effective consultation practices to determine customers' expectations for design, including budget.

(7) The student applies key floral design elements and principles to enhance the experience of specific occasions and events. The student is expected to:

(A) identify floral design terminology used for specific occasions, including weddings and funerals;

(B) apply elements and principles of floral design to wedding and funeral arrangements such as bouquets, boutonnieres, corsages, sprays, and pedestal arrangements;

(C) describe current floral design trends;

(D) use and maintain floral design tools; and

(E) create examples of appropriate occasion-specific floral designs from direct observation, experience, and imagination.

(8) The student demonstrates effective planning of occasion-specific floral designs from the conceptual stage through completion. The student is expected to:

(A) conduct a floral design consultation to gather details, including occasion, budget, formality, and theme;

(B) evaluate and select floral arrangements that achieve the objectives and budget expectations of an occasion;

(C) develop a proposal that showcases floral arrangements appropriate for the selected occasion;

(D) develop a production schedule that allows sufficient time for the design, creation, installation, and disassembly of floral arrangements;

(E) develop a procurement plan to ensure necessary resources are obtained within a specified budget and timeframe; and

(F) implement a floral design plan through completion and evaluate the results of the plan.

(9) The student demonstrates business management and merchandising skills necessary for floral design and freelance floral event design professionals. The student is expected to:

(A) calculate mark-up of floral products and design services;

(B) evaluate the cost-effectiveness and profitability of pricing policies;

(C) develop and negotiate contracts for floral services;

(D) formulate a floral budget, including per-item total costs;

(E) describe and demonstrate proper customer service skills for a floral business;

(F) identify the benefits of establishing business relationships with a variety of vendors such as wedding venues, funeral homes, wholesale florists, and wire services; and

(G) analyze basic marketing principles and procedures used in the floral industry such as displays and advertisements.

(10) The student explains the significance of professional organizations to the floral design industry. The student is expected to:

(A) identify industry-related professional organizations; and

(B) describe the benefits of participating in professional floral organizations and earning industry-based certifications.

§127.58. *Advanced Plant and Soil Science (One Credit), Adopted 2024.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Biology; either Chemistry or Integrated Physics and Chemistry (IPC); Algebra I; Geometry; and either Horticultural Science, Greenhouse Operation and Production, or Floral Design. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Advanced Plant and Soil Science provides a way of learning about the natural world. In this course, students learn how plant and soil science has influenced a vast body of knowledge, that there are still applications to be discovered, and that plant and soil science is the basis for many other fields of science. To prepare for careers in plant and soil science, students must attain academic knowledge and skills, acquire technical knowledge and skills related to plant and soil science and the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.

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

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

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

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

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

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

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

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

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

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of plant science and develop a plan for obtaining the education, training, and certifications required;

(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;

(C) model appropriate personal and occupational safety practices and explain the importance of established safety and health protocols for the workplace;

(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and

(E) analyze the importance of exhibiting good citizenship and describe the effects of good citizenship on the development of home, school, workplace, and community.

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

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

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

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

(D) use appropriate tools such as microscopes, measuring equipment, sensors, plant propagation tools, soil testing kits, and calculators;

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

(F) organize quantitative and qualitative data using graphs and charts;

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

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

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

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

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

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

(D) evaluate experimental and engineering designs.

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

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

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

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

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

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

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

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

(6) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(7) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(8) The student understands interrelationships between plants, soil, and people in historical and current contexts. The student is expected to:

(A) research and document major historical milestones related to plant and soil science in human civilization;

(B) explain how humans have influenced plant selection and how plant selection has influenced civilization's development;

(C) analyze the effect of soil properties on settlement of civilizations and migration; and

(D) investigate and explain how plants have shaped major world economies.

(9) The student identifies how plants grow and how specialized cells, tissues, and organs develop. The student is expected to:

(A) describe the unique structure and function of organelles in plant cells;

(B) explain the growth and division of plant cells;

(C) compare cells from different parts of the plant, including roots, stems, flowers, and leaves, to show specialization of structures and functions; and

(D) illustrate the levels of cellular organization in plants.

(10) The student develops a knowledge of plant anatomy and functions. The student is expected to:

(A) describe the structure and function of plant parts, including roots, stems, leaves, flowers, fruits, and seeds;

(B) compare the anatomy of monocots and dicots;

(C) compare the various propagation methods for plants; and

(D) identify the functions of modified plant structures such as tubers, rhizomes, pseudo stems, and pitchers.

(11) The student develops an understanding of plant physiology and nutrition. The student is expected to:

(A) explain the metabolic process of photosynthesis and cellular respiration;

(B) describe the role of mineral nutrition in the soil for plant development;

(C) identify the essential nutrients in soil; and

(D) describe the role of macronutrients and micronutrients in plants.

(12) The student analyzes soil science as it relates to plant and human activity. The student is expected to:

(A) explain soil formation;

(B) investigate and document the properties of soils, including texture, horizons, structure, color, parent materials, and fertility;

(C) identify and classify soil orders;

(D) explain methods of soil conservation such as crop rotation, mulching, terracing, cover cropping, and contour plowing;

(E) describe the application of soil mechanics to buildings, landscapes, and crop production;

(F) research and explain soil management practices such as tillage trials and sustainable soil management practices;

(G) practice and explain soil evaluations related to experiential activities such as land judging;

(H) evaluate and determine soil health through soil testing; and

(I) analyze concepts of soil ecology.

(13) The student maps the process of soil formation influenced by weathering, including erosion processes due to water, wind, and mechanical factors influenced by climate. The student is expected to:

(A) illustrate the role of weathering in soil formations;

(B) distinguish between chemical weathering and mechanical weathering;

(C) identify geological formations that result from differing weathering processes; and

(D) describe the role of biotic factors in soil formation.

(14) The student explains the relationship of biotic and abiotic factors within habitats and ecosystems and their effects on plant ecology. The student is expected to:

(A) identify and define plant populations, ecosystems, communities, and biomes;

(B) distinguish between native and introduced plants in an ecosystem;

(C) investigate and describe characteristics of native and introduced plants;

(D) make observations and compile data about fluctuations in abiotic cycles;

(E) describe the effects of fluctuations in abiotic cycles on local ecosystems; and

(F) describe potential positive and negative impacts of human activity such as pest control, hydroponics, monoculture planting, and sustainable agriculture on ecosystems.

(15) The student evaluates components of plant science as they relate to crop production and advancements. The student is expected to:

(A) analyze the genetics and evolution of various crops;

(B) identify and classify plants according to taxonomy;

(C) identify characteristics related to seed quality, including mechanical damage, viability, and grade;

(D) identify plant pests and diseases using laboratory equipment such as microscopes, test kits, and technology;

(E) evaluate the effectiveness of plant management practices, including germination tests, plant spacing trials, and fertilizer tests;

(F) analyze trends in crop species and varieties grown locally in Texas and the United States and how trends affect producers and consumers; and

(G) investigate and identify recent advancements in plant and soil science such as biotechnology, artificial intelligence, and drone, infrared, and sensor technologies.

(16) The student describes the relationship between resources within environmental systems. The student is expected to:

(A) summarize and evaluate methods of land use and management;

(B) identify sources, quality, and conservation of water in plant production;

(C) explore and describe conservation practices such as rainwater collection, water-conserving irrigation systems, and use of biofuels;

(D) analyze and evaluate the economic significance and interdependence of components of the environment;

(E) debate the impact of human activity and technology on soil health and plant productivity;

(F) research and summarize the impact of natural disasters on soil health and plant productivity; and

(G) explain how regional changes in the environment may have a global effect.

(17) The student describes the dynamics of soil on watersheds and its effects on plant growth and production. The student is expected to:

(A) identify and record the characteristics of a local watershed such as average annual rainfall, runoff patterns, aquifers, location of water basins, and surface reservoirs; and

(B) analyze the impact of floods, drought, irrigation, urbanization, and industrialization in a watershed.

(18) The student analyzes plant and soil science as it relates to plant and soil relationships affecting the production of food, fiber, and other economic crops. The student is expected to:

(A) explain the importance and interrelationship of soil and plants; and

(B) compare soil and plants in agricultural and urban settings.

(19) The student demonstrates skills related to the human, scientific, and technological dimensions of crop production and the resources necessary for producing domesticated plants. The student is expected to:

(A) describe the growth and development of major agricultural crops in Texas such as cotton, corn, sorghum, sugarcane, wheat, and rice;

(B) apply principles of genetics and plant breeding to plant production;

(C) illustrate the development of new crop varieties that are developed over time;

(D) design and conduct investigations to test principles of genetics; and

(E) identify and test alternative growing methods such as hydroponics and aquaponics used in plant production.

§127.86. Practicum in Agriculture, Food, and Natural Resources (Two Credits), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. The practicum course is a paid or an unpaid capstone experience for students participating in a coherent sequence of career and technical education courses in the Agriculture, Food, and Natural Resources Career Cluster. Prerequisite: a minimum of two credits with at least one course in a Level 2 or higher course from the Agriculture, Food, and Natural Resources Career Cluster. Students shall be awarded two credits for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products and resources.

(3) Practicum in Agriculture, Food, and Natural Resources is designed to give students supervised practical application of knowledge and skills. Practicum experiences can occur in a variety of locations appropriate to the nature and level of experiences such as employment, independent study, internships, assistantships, mentorships, or laboratories. To prepare for careers in agriculture, food, and natural resources, students must attain academic knowledge and skills, acquire technical knowledge and skills related to the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) adhere to policies and procedures;

(B) demonstrate positive work behaviors, including punctuality, time management, initiative, and cooperation;

(C) apply constructive criticism and critical feedback from supervisor and peers to work performance;

(D) apply ethical reasoning to a variety of situations in order to make ethical decisions;

(E) model professional appearance, including using appropriate dress, grooming, and personal protective equipment;

(F) comply with safety rules and regulations to maintain safe working conditions and environments;

(G) demonstrate a positive and productive work ethic by performing assigned tasks as directed; and

(H) comply with all applicable rules, laws, and regulations in a consistent manner.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student applies concepts of critical thinking and problem solving. The student is expected to:

(A) analyze elements of a problem to develop creative and innovative solutions that are practical for the agricultural workplace;

(B) compare alternative ways to solve a problem in the agricultural workplace; and

(C) analyze data to inform agriculture operational decisions or activities.

(5) The student demonstrates leadership and teamwork skills to accomplish goals and objectives. The student is expected to:

(A) analyze leadership characteristics such as trustworthiness, positive attitude, integrity, and work ethic;

(B) demonstrate teamwork processes such as team building, consensus, continuous improvement, respect for the opinions of others, cooperation, adaptability, and conflict resolution in the agricultural workplace;

(C) demonstrate responsibility for shared group and individual work tasks in the agricultural workplace;

(D) establish and maintain effective working relationships using interpersonal skills to accomplish objectives; and

(E) demonstrate respect for all individuals.

(6) The student demonstrates oral and written communication skills in creating, expressing, and interpreting information and ideas, including technical terminology and information. The student is expected to:

(A) apply appropriate content knowledge, technical concepts, and vocabulary to analyze information and follow directions;

(B) use professional communication skills when receiving and conveying information in the agricultural workplace;

(C) identify and analyze information contained in informational texts, internet sites, or technical materials in the agricultural workplace;

(D) evaluate verbal and nonverbal cues and behaviors to enhance communication in the agricultural workplace;

(E) apply active listening skills to receive and clarify information in the agricultural workplace; and

(F) produce effective written and oral communication in the agricultural workplace.

(7) The student practices financial literacy as it relates to agriculture. The student is expected to:

(A) develop a budget based on personal financial goals;

(B) interpret the different components of a pay stub;

(C) read and reconcile bank statements;

(D) maintain financial records, including pay stubs, bank statements, and tax records;

(E) define credit and identify factors that impact a credit score;

(F) identify methods to prevent identity theft; and

(G) prepare or model how to complete a personal income tax form.

(8) The student demonstrates technical knowledge and skills required to pursue a career in the Agriculture, Food, and Natural Resources Career Cluster. The student is expected to:

(A) develop advanced technical knowledge and skills related to the individual occupational objective;

(B) develop an individualized training plan;

(C) evaluate personal strengths and weaknesses in technical skill proficiency;

(D) explain safe operation of tools and equipment related to the work experience;

(E) identify the cost of supplies, tools, equipment, or structures related to the work experience;

(F) identify the importance of maintaining supplies, tools, equipment, or structures related to the work experience; and

(G) identify opportunities for licensure or certification related to the chosen career path.

(9) The student documents technical knowledge and skills. The student is expected to:

(A) create a professional portfolio that includes:

(i) attainment of technical skill competencies;

(ii) licensures or certifications;

(iii) recognitions, awards, scholarships, or letters of recommendation;

(iv) extended learning experiences such as community service and active participation in career and technical student organizations and professional organizations;

(v) a summary of individual practicum experience;

(vi) a resume;

(vii) samples of work; and

(viii) an evaluation from the practicum supervisor;

and

(B) present the portfolio to interested stakeholders.

§127.87. Extended Practicum in Agriculture, Food, and Natural Resources (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. The practicum course is a paid or an unpaid capstone experience for students participating in a coherent sequence of career and technical education courses in the Agriculture, Food, and Natural Resources Career Cluster. Prerequisite: a minimum of two credits with at least one course in a Level 2 or higher course from the Agriculture, Food, and Natural Resources Career Cluster. Corequisite: Practicum in Agriculture, Food, and Natural Resources. This course must be taken concurrently with Practicum in Agriculture, Food, and Natural Resources and may not be taken as a stand-alone course. Students shall be awarded one credit for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Agriculture, Food, and Natural Resources Career Cluster focuses on the production, processing, marketing, distribution, financing, and development of agricultural commodities and resources, including food, fiber, wood products, natural resources, horticulture, and other plant and animal products/resources.

(3) Extended Practicum in Agriculture, Food, and Natural Resources, a corequisite course, is designed to give students supervised practical application of knowledge and skills. Practicum experiences can occur in a variety of locations appropriate to the nature and level of experiences such as employment, independent study, internships, assistantships, mentorships, or laboratories. To prepare for careers in agriculture, food, and natural resources, students must attain academic knowledge and skills, acquire technical knowledge and skills related to the workplace, and develop knowledge and skills regarding career opportunities, entry requirements, and industry expectations. To prepare for success, students need opportunities to learn, reinforce, apply, and transfer their knowledge and skills and technologies in a variety of settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) participate in a paid or an unpaid, laboratory or work-based application of previously studied knowledge and skills related to agriculture, food, and natural resources;

(B) participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;

(C) demonstrate professional standards needed to be employable such as punctuality, time management, initiative, and cooperation with increased fluency;

(D) demonstrate teamwork and conflict-management skills with increased fluency to achieve collective goals; and

(E) demonstrate planning and time-management skills and tools with increased fluency to enhance results and complete work tasks.

(2) The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(3) The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(4) The student implements advanced professional communications strategies. The student is expected to:

(A) apply appropriate content knowledge, technical concepts, and vocabulary with increased fluency to analyze information and follow directions;

(B) demonstrate verbal communication consistently in a clear, concise, and effective manner;

(C) demonstrate non-verbal communication consistently and effectively; and

(D) analyze, interpret, and effectively communicate information, data, and observations.

(5) The student applies concepts of critical thinking and problem solving. The student is expected to:

(A) apply critical-thinking skills with increased fluency both independently and collaboratively to solve problems and make decisions; and

(B) demonstrate the use of content, technical concepts, and vocabulary when analyzing information and following directions.

(6) The student understands and applies proper safety techniques in the workplace. The student is expected to:

(A) demonstrate and consistently follow workplace safety rules and regulations;

(B) demonstrate safe operation of tools and equipment;

(C) troubleshoot equipment when operation fails;

(D) demonstrate safe handling and proper disposal of supplies;

(E) identify unsafe conditions or practices; and

(F) describe procedures for reporting and handling accidents and safety incidents.

(7) The student documents growth in advanced technical knowledge and skills. The student is expected to:

(A) develop advanced technical knowledge and skills related to the student's occupational objective;

(B) demonstrate growth of technical skill competencies;

(C) evaluate personal strengths and weaknesses in technical skill proficiency; and

(D) update a professional portfolio.

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 February 16, 2024.

TRD-202400665

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: March 31, 2024

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



SUBCHAPTER O. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

19 TAC §127.795, §127.796

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(j), which allows the SBOE by rule to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002; and TEC, §28.025(b-2)(2), which requires the SBOE to allow a student by rule to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits

under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), and (j); and 28.025(a) and (b-2)(2).

§127.795. *Applied Physics and Engineering (One Credit), Adopted 2024.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: one credit of Algebra I and one credit of Chemistry, Physics, or Integrated Physics and Chemistry. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Science, Technology, Engineering, and Mathematics Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.

(3) In Applied Physics and Engineering, students conduct laboratory and field investigations, use scientific and engineering practices during investigations, and make informed decisions using critical thinking and scientific problem solving. Various systems are described in terms of space, time, energy, and matter. Students study topics, including laws of motion, conservation of energy, momentum, electricity, magnetism, thermodynamics, and characteristics and behavior of waves. Students apply physics concepts and perform laboratory experimentations for at least 40% of instructional time using safe practices.

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

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

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

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

(6) Scientific inquiry. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive,

comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

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

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

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

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

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, other leadership or extracurricular organizations, or practical, hands-on activities or experiences through which a learner interacts with industry professionals in a workplace, which may be an in-person, virtual, or simulated setting. Learners prepare for employment or advancement along a career pathway by completing purposeful tasks that develop academic, technical, and employability skills.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) describe and demonstrate how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;

(B) describe and demonstrate how to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

(C) present written and oral communication in a clear, concise, and effective manner;

(D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and

(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.

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

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

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

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

(D) use appropriate tools such as ammeters, balances, ballistic carts or equivalent, batteries, calipers, Celsius thermometers, consumable chemicals, collision apparatus, computers and modeling software, constant velocity cars, data acquisition probes and software, discharge tubes with power supply (H, He, Ne, Ar), dynamics and force demonstration equipment, electroscopes, electrostatic generators, electrostatic kits, friction blocks, graphing technology, hand-held visual spectrometers, hot plates, iron filings, laser pointers, light bulbs, macrometers, magnets, magnetic compasses, mass sets, metric rulers, meter sticks, models and diagrams, motion detectors, multimeters, optics bench, optics kit, optic lenses, pendulums, photogates, plane mirrors, polarized film, prisms, protractors, resistors, ripple tank with wave generators, rope or string, scientific calculators, simple machines, slinky springs, springs, spring scales, standard laboratory glassware, stopwatches, switches, tuning forks, timing devices, trajectory apparatus, voltmeters, wave motion ropes, wires, or other equipment and materials that will produce the same results;

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

(F) organize quantitative and qualitative data using notebooks or engineering journals, bar charts, line graphs, scatter plots, data tables, equations, conceptual mathematical relationships, labeled drawings and diagrams, or graphic organizers such as Venn diagrams;

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

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

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

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

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

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

(D) assess and optimize experimental processes and engineering designs.

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

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

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

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

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

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

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

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

(6) The student thinks critically and creatively to devise a system or process in applying fundamental engineering solutions needed for a project to meet desired needs and specifications within constraints. The student is expected to:

(A) identify an engineering need through collaborative conversation or research;

(B) develop a proposal to execute an engineering solution that includes performance metrics and constraints such as economics, resources, or safety;

(C) analyze an implemented engineering solution and suggest changes to improve the engineering design or process; and

(D) assess the risks or trade-offs and benefits of a design solution such as accessibility, aesthetics, codes, cost, functionality, ethical considerations, or sustainability.

(7) The student uses the scientific and engineering practices to investigate physical concepts and phenomena. The student is expected to:

(A) develop and test hypotheses that can be supported by observational evidence;

(B) compare scientific concepts such as particle or wave behavior or the law of thermodynamics to describe physical phenomena;

(C) design procedures to conduct an investigation;

(D) perform accurate measurement techniques using precision instruments and proper techniques;

(E) identify and quantify causes and effects of uncertainties in measured data;

(F) analyze and interpret data using equations, tables, charts, and graphs to reveal potential patterns, trends, and sources of error; and

(G) communicate conclusions supported through various methods such as laboratory reports, labeled drawings, graphic organizers, journals, summaries, oral reports, or technology-based reports.

(8) The student demonstrates appropriate safety techniques in field and laboratory environments. The student is expected to:

(A) locate and apply safety guidelines as described in various manuals, instructions, or regulations; and

(B) identify hazardous materials and properly dispose of wastes.

(9) The student describes and applies the laws governing motion in a variety of situations. The student is expected to:

(A) generate and interpret relevant equations for one-dimensional motion using graphs and charts;

(B) define scalar and vector quantities;

(C) calculate displacement, distance, speed, velocity, average velocity, frames of reference, acceleration, and average acceleration using one-dimensional equations;

(D) calculate displacement, velocity, average velocity, acceleration, and average acceleration within a frame of reference using graphical vector addition;

(E) use graphs and charts to generate and interpret relevant equations for two-dimensional motion;

(F) explain projectile and circular motion using two-dimensional equations or vectors and apply the concepts to an investigation such as testing a catapult or carousel;

(G) explain Newton's first law of motion and apply the concepts of equilibrium and inertia to investigations using relevant real-world examples such as rockets, satellites, and automobile safety devices;

(H) conduct investigations that include calculations and free body diagrams to observe the effect of forces on objects, including tension, friction, normal force, gravity, centripetal force, and applied force, using the relationship between force, mass, and acceleration as represented by Newton's second law of motion;

(I) conduct or design investigations such as those that involve rockets, tug-of-war, or balloon cars to illustrate and analyze the simultaneous forces between two objects as represented in Newton's third law of motion using free body diagrams;

(J) design a model based on Newton's law of universal gravitation between two or more objects to determine the relationships between force, their masses, and the distance between their centers;

(K) design, evaluate, and refine a device that uses the concepts of impulse and conservation of momentum to minimize the net force on objects during collisions such as those that occur during vehicular accidents or sports activities or when a personal electronic device is dropped; and

(L) describe and calculate the mechanical energy of the power generated within, the impulse applied to, and the momentum of a physical system.

(10) The student describes the nature of forces in the physical world. The student is expected to:

(A) use Coulomb's law to predict how the magnitude of the electric force between two objects depends on their charges and the distance between their centers;

(B) build models such as generators, motors, and transformers that show how electric, magnetic, and electromagnetic forces and fields work in everyday life;

(C) test a variety of materials to determine conductive or insulative properties based on their electric properties;

(D) design, evaluate, and refine series and parallel circuits using schematics, digital resources, or materials such as switches, wires, resistors, lightbulbs, batteries, multimeters, voltmeters, and ammeters; and

(E) construct series and parallel circuits and use Ohm's Law to calculate current, potential difference, resistance, and power of various real-world series and parallel circuits such as models of in-home wiring, automobile wiring, and simple electrical devices.

(11) The student describes and applies the laws of the conservation of energy. The student is expected to:

(A) describe the transformations among work, potential energy, and kinetic energy using the work-energy theorem;

(B) calculate work, power, kinetic energy, and potential energy;

(C) identify, describe, and give real-world examples of simple machines such as levers, pulleys, wheels axles, wedges, screws, and inclined planes;

(D) calculate the mechanical advantage of simple machines; and

(E) apply the laws of conservation of energy to a physical system using simple machines such as a Rube Goldberg machine.

(12) The student analyzes the concept of thermal energy. The student is expected to:

(A) explain the laws of thermodynamics and how they relate to systems such as engines, heat pumps, refrigeration, solar, and heating and air conditioning;

(B) investigate and demonstrate the movement of thermal energy through various states of matter by convection, conduction, and radiation through environmental and man-made systems; and

(C) design, construct, and test a device or system that either minimizes or maximizes thermal energy consumption and perform a cost-benefit analysis such as comparing materials and energy sources that are renewable and nonrenewable.

(13) The student analyzes the properties of wave motion and optics. The student is expected to:

(A) examine and describe oscillatory motion using pendulums and wave propagation in various types of media;

(B) investigate and analyze characteristics of waves, including period, velocity, frequency, amplitude, and wavelength;

(C) investigate and calculate the relationship between wave speed, frequency, and wavelength;

(D) compare the characteristics and behaviors of transverse waves and longitudinal waves, including electromagnetic waves and sound waves;

(E) describe how the differences in wavelength and frequency within the electromagnetic spectrum impact real-world technologies such as radio, x-rays, and microwaves;

(F) investigate and explain behaviors of waves, including reflection, refraction, diffraction, interference, resonance, polarization, and the Doppler effect; and

(G) describe and predict image formation as a consequence of reflection from a plane mirror and refraction through a thin convex lens.

§127.796. *Scientific Research and Design (One Credit), Adopted 2024.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Biology, and one credit of the following: Applied Physics and Engineering, Chemistry, Integrated Physics and Chemistry (IPC), or Physics. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course. Students may take this course with different course content for a maximum of three credits.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Science, Technology, Engineering, and Mathematics Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.

(3) Scientific Research and Design allows districts and schools flexibility to develop local curriculum to supplement a program of study or coherent sequence. The course has the components of any rigorous scientific or career and technical education (CTE) program of study, including problem identification, investigation design, data collection, data analysis, formulation, and presentation of conclusions. These components are integrated with the CTE emphasis of helping students gain entry-level employment in high-skill, high-wage jobs and/or continue their education.

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

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

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

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent

researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

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

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

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

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

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

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, other leadership or extracurricular organizations, or practical, hands-on activities or experiences through which a learner interacts with industry professionals in a workplace, which may be an in-person, virtual, or simulated setting. Learners prepare for employment or advancement along a career pathway by completing purposeful tasks that develop academic, technical, and employability skills.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) describe and demonstrate how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;

(B) describe and demonstrate how to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

(C) present written and oral communication in a clear, concise, and effective manner;

(D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and

(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.

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

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

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

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

(D) use appropriate tools such as measurement and data collection tools, software, sensors, probes, microscopes, cameras, and glassware;

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

(F) organize quantitative and qualitative data using notebooks, journals, graphs, charts, tables, spreadsheets, and drawings and models;

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

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

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

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

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

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

(D) evaluate experimental and engineering designs.

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

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

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

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

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

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

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

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors to investigate science, technology, engineering, and mathematics careers.

(6) The student develops a proposal that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:

(A) establish a rationale and preliminary set of ideas for a research question or questions using organizational tools, collaboration, or research;

(B) perform a literature review and evaluate several examples related to the project;

(C) refine a research question by interacting with professionals in the field of study and document the conversations;

(D) distinguish between descriptive, comparative, or experimental research design methodologies;

(E) develop a research question or questions that are testable and measurable;

(F) justify in writing the significance and feasibility of the project;

(G) generate a materials list and propose a cost analysis; and

(H) use the citation style appropriate to the field of study throughout the documentation.

(7) The student formulates hypotheses to guide experimentation and data collection independently or in a team that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:

(A) perform background research on the selected investigative problem;

(B) examine hypotheses generated to guide a research process by evaluating the merits and feasibility of the hypotheses; and

(C) identify the control, independent variable, and dependent variables within the research and justify the purpose of each.

(8) The student develops, implements, and collects data for their investigative designs that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:

(A) write the procedure of the experimental design, including a schematic of the lab, materials, set up, ethical considerations, and safety protocols;

(B) conduct the experiment with the independent and dependent variables;

(C) acquire data using appropriate equipment and technology; and

(D) record observations as they occur within an investigation, including qualitative and quantitative observations such as journals, photographic evidence, logs, tables, and charts.

(9) The student organizes and evaluates qualitative and quantitative data obtained through experimentation that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:

(A) manipulate data by constructing charts, data tables, or graphs using technology to organize information collected in an experiment;

(B) identify sources of random error and systematic error and differentiate between both types of error;

(C) report error of a set of measured data in various formats such as standard deviation and percent error; and

(D) analyze data using statistical methods to recognize patterns, trends, and proportional relationships.

(10) The student knows how to synthesize valid conclusions from qualitative and quantitative data that centers around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:

(A) justify conclusions that are supported by research data;

(B) consider and summarize alternative explanations for observations and results; and

(C) identify limitations within the research process and provide recommendations for additional research.

(11) The student communicates clearly and concisely to an audience of professionals conclusions that center around a scientific or engineering topic or problem within a specific program of study or area of interest. The student is expected to:

(A) develop a plan of action on how to present to a target audience;

(B) review artifacts used in the communication of the presentation for errors, grammar, professional standards, and citations;

(C) develop a professional collection or portfolio of work that includes artifacts such as a journal, proposal, written procedures, methodology, iterations, interviews and check ins with professionals, changes within the experiment, and photographic evidence;

(D) practice a professional presentation with peers and educators using a rubric to measure content, skill, and performance;

(E) incorporate feedback provided by a review panel to document for future improvements or changes; and

(F) communicate data analysis and experimental results of original findings of a research project clearly to an audience of professionals.

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 February 16, 2024.

TRD-202400666

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Texas Education Agency

Earliest possible date of adoption: March 31, 2024

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SUBCHAPTER P. TRANSPORTATION, DISTRIBUTION, AND LOGISTICS

19 TAC §§127.887 - 127.890, 127.920

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(j), which allows the SBOE by rule to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under the TEC, §28.002; and TEC, §28.025(b-2)(2), which requires the SBOE to allow a student by rule to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), and (j); and 28.025(a) and (b-2)(2).

§127.887. Introduction to Aircraft Technology (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.

(3) Introduction to Aircraft Technology is designed to teach the theory of operation of aircraft airframes, powerplants, and

associated maintenance and repair practices. Maintenance and repair practices include knowledge of the general curriculum subjects, powerplant theory and maintenance, and the function, diagnosis, and service of airframe structures, airframe systems and components, and powerplant systems and components of aircraft. Industry-recognized professional licensures, certifications, and registrations are available for students who meet the requirements set forth by the accrediting organization.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify and compare employment opportunities, including entrepreneurship opportunities, and certification requirements for the field of aircraft maintenance and repair;

(B) exhibit the ability to cooperate, contribute, and collaborate as a member of a team;

(C) identify individual ethical and legal behavior standards according to professional and regulatory agencies;

(D) research Federal Aviation Regulations and discuss the impact of the English language proficiency requirements as prescribed by the Federal Aviation Regulations;

(E) identify and explain human factors that may impact health and safety in a worksite and how they are addressed by industry standards;

(F) explain the role of human factors in maintaining health and safety in the workplace and demonstrate personal responsibility to maintain health and safety in the workplace;

(G) identify and explain how employees' personal responsibility and other human factors, including personal attitudes, can affect the success and profitability of a workplace;

(H) apply reasoning skills to a variety of simulated workplace situations to make ethical decisions;

(I) identify industry standards for employee appearance and health habits;

(J) demonstrate appropriate etiquette and behavior;

(K) identify and demonstrate effective written and oral communication skills; and

(L) identify and demonstrate effective listening skills.

(2) The student relates academic skills to the requirements of aircraft maintenance and repair. The student is expected to:

(A) demonstrate effective oral and written communication skills with individuals from various cultures such as fellow workers, management, and customers;

(B) identify requirements of work orders and technical documents for repairs;

(C) locate and interpret documents, including schematics, charts, graphs, drawings, blueprints, wiring diagrams, service-re-

pair manuals, service bulletins, type certificate data sheets, supplemental type certificates, airworthiness directives, federal aviation regulations, and advisory information;

(D) demonstrate proficiency in metric and U.S. customary standard measurement systems;

(E) perform precision measurements using engineering scales, dial calipers, and Vernier micrometers to determine if a component is within tolerance of specifications; and

(F) use critical-thinking and problem-solving skills to identify aircraft maintenance problems and recommend solutions.

(3) The student demonstrates an awareness of aviation history. The student is expected to:

(A) research and discuss the historical interest in flight;

(B) describe early aircraft designs such as lighter-than-air or heavier-than-air designs;

(C) research and describe the contributions of various pioneers in aviation history, including Charles Taylor;

(D) identify driving forces that provide rapid advancements in aircraft design and performance; and

(E) describe the contributions of aviation and aerospace to society.

(4) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft maintenance and repair, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify and locate aviation regulations prescribed by 14 Code of Federal Regulations Chapter I that govern mechanic privileges related to the construction, maintenance, and service of aircraft;

(B) apply the principles of simple machines, basic aerodynamics, aircraft structures, and theory of flight to accomplish an assigned task;

(C) identify aircraft categories such as airplane, rotorcraft, glider, and lighter-than-air in federal aviation regulations;

(D) explain the certification process, ratings, privileges, and limitations of airmen;

(E) identify and compare airframe construction, including wood structures, metal tubular structures, fabric coverings, sheet metal, and composite structures, and basic repair methods and techniques;

(F) identify and explain airframe systems and components, including landing gear, hydraulic power, cabin atmosphere control systems, and electrical systems;

(G) describe aircraft reciprocating and turbine engine operating theory, functions, and basic repair methods and techniques;

(H) identify and explain powerplant systems and components, including engine instruments, electrical systems, lubrication systems, ignition and starting systems, cooling systems, exhaust systems, and propellers;

(I) explain common aircraft terminology and standard practices required to complete maintenance, modifications, and repairs;

(J) identify necessary elements of logbook entries and critique sample logbook entries; and

(K) describe inspections required to maintain compliance with airworthiness, safety, health, and environmental regulations.

(5) The student understands the function and application of the tools, equipment, technologies, and preventative maintenance used in aircraft maintenance and repair. The student is expected to:

(A) identify and demonstrate basic skills in safely using hand tools, power tools, and equipment commonly employed in the maintenance and repair of aircraft;

(B) research and explain the proper handling and disposal of environmentally hazardous materials used in servicing aircraft;

(C) research and describe the impact of new and emerging aircraft technologies; and

(D) identify and examine the need for preventative maintenance procedures and practices.

(6) The student uses regulatory and industry standards and demonstrates technical knowledge and skills of the trade, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) start and ground operate an aircraft or simulated aircraft using a high-fidelity flight simulator with a physical yoke and pedal device;

(B) research and locate appropriate documentation to perform a function in a written work order and complete the required logbook entry;

(C) draw top, side, and front views of various aircraft categories, including airplane, rotorcraft, glider, and lighter-than-air;

(D) perform basic airframe and engine inspections according to a checklist;

(E) use an engine troubleshooting chart to show the results of simple defects on engine performance; and

(F) discuss and describe preventative maintenance plans and systems to keep aircraft systems in operation.

§127.888. Aircraft Airframe Technology (Two Credits), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Aircraft Maintenance Technology. Students shall be awarded two credits for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.

(3) Aircraft Airframe Technology is designed to teach the theory of operation of aircraft airframes and associated maintenance and repair practices of Federal Aviation Administration (FAA) air-

frame curriculum subjects utilizing aircraft, aircraft training devices, or equivalent simulated situations. In this course, the academic and technical skills are separated to reflect the learning outcomes as designed in the FAA Airman Certification Standards. Airframe maintenance and repair practices include knowledge of the theory, function, diagnosis, and service of airframe structures, systems, and components of aircraft. Industry-recognized professional licensures, certifications, and registrations are available for students who meet the requirements set forth by the accrediting organization.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(6) The FAA uses standard terms with specific expectations for performance. The terms are defined as follows.

(A) Check means to verify proper operation.

(B) Inspect means to examine with or without inspection-enhancing tools or equipment.

(C) Overhaul means to disassemble, clean, inspect, repair as necessary, and reassemble.

(D) Repair means to correct a defective condition.

(E) Service means to perform functions that assure continued operation.

(F) Troubleshoot means to analyze and identify malfunctions.

(7) When a student performs an action, such as checking, inspecting, overhauling, repairing, servicing, troubleshooting, and installing in this course, they are to complete all associated tasks. If an action detects a flaw, defect, or discrepancy in an aircraft or component, that finding could trigger another maintenance action. Actions may include documenting findings through logbook entries, maintenance action forms, installation plans, and work orders.

(d) Knowledge and skills.

(1) The student demonstrates professional standards, interpersonal communication, and employability skills as required by business and industry. The student is expected to:

(A) identify and compare employment opportunities, including entrepreneurship opportunities, and certification requirements for the field of aircraft maintenance and repair;

(B) identify and demonstrate ways to contribute and collaborate as an effective member of a team;

(C) identify individual ethical and legal behavior standards according to professional and regulatory agencies;

(D) research and discuss the impact of the English language proficiency requirements as prescribed by the Federal Aviation Regulations;

(E) identify and explain human factors that may impact health and safety in a worksite and how they are addressed by industry standards;

(F) explain the role of human factors in maintaining health and safety in the workplace and demonstrate personal responsibility to maintain health and safety in the workplace;

(G) identify and explain how employees' personal responsibility and other human factors, including personal attitudes, can affect the success and profitability of a workplace;

(H) apply reasoning skills to a variety of simulated workplace situations in order to make ethical decisions;

(I) identify industry standards related to employee appearance and health habits;

(J) identify and practice effective written and oral communication skills;

(K) identify and practice effective listening skills; and

(L) define and apply FAA standard terms that have specific expectations for performance, including check, inspect, overhaul, repair, service, and troubleshoot.

(2) The student relates academic skills to the requirements of metallic structures. The student is expected to:

(A) describe best practices for maintenance safety, including the use of personal protective equipment (PPE), and precautions for sheet metal repairs and fabrication;

(B) identify characteristics and types of metallic structures;

(C) identify types of sheet metal defects and select sheet metal repair materials;

(D) explain inspection and testing processes of metal structures;

(E) explain the selection of rivets, hardware, and fasteners for a sheet metal repair per FAA-approved data;

(F) explain the layout, forming, and drilling of sheet metal components per FAA-approved data; and

(G) explain rivet layout, installation, and removal per FAA-approved data.

(3) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for metallic structures utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) install and remove solid rivets such as universal head, countersink head, and blind rivets;

(B) create a drawing of a repair, including the number of rivets and size of sheet metal required, utilizing a manufacturer's structural repair manual;

(C) design a rivet pattern for a specific repair;

(D) determine the applicability of sheet metal for a repair in a specific application;

(E) design a repair using a manufacturer's structural repair manual;

(F) sketch and build a piece of sheet metal to fit a prepared area; and

(G) determine the extent of damage to a metallic structure and decide if it is repairable.

(4) The student relates academic skills to the requirements of non-metallic structures. The student is expected to:

(A) identify and discuss maintenance safety practices for composite materials, composite structures, and windows;

(B) identify and discuss tools, inspection techniques, and practices for wood structures, including determining acceptable and unacceptable wood defects;

(C) define and explain covering textile terms;

(D) identify and explain commonly used covering methods of attachment, including types of approved aircraft covering material and common stitching seams used with aircraft covering;

(E) describe inspection methods for textile aircraft coverings;

(F) identify and discuss composite repair methods, techniques, fasteners, and practices;

(G) differentiate between composite structure fiber, core, and matrix materials;

(H) identify and discuss types of composite structure defects such as delamination, crush core, and surface gouges;

(I) identify inspection and testing of composite structures such as tap testing and ultrasonics;

(J) research and describe the care and maintenance of windows;

(K) research and describe thermoplastic material inspection and types of thermoplastic material defects;

(L) research and describe temporary and permanent window repairs; and

(M) research and describe inspection of restraints and upholstery.

(5) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for non-metallic structures, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) inspect and repair fiberglass, composite, plastic, or glass-laminated structures;

(B) clean and inspect acrylic-type windshields;

(C) perform a tap test on composite material;

(D) locate and explain repair procedures for elongated bolt holes; and

(E) perform lay up for a repair to a composite panel, including preparation for vacuum bagging, using a manufacturer's repair manual.

(6) The student understands the academic knowledge and skills for flight controls. The student is expected to:

(A) identify and compare types of aircraft control cables and control cable maintenance techniques;

(B) identify and explain the function of cable connectors, cable guides, and control stops;

(C) identify and explain the function of push-pull tubes and torque tubes;

(D) identify bellcranks and explain their function;

(E) explain the purpose of maintaining a calibration schedule for cable tension meters and other rigging equipment;

(F) explain the use and interpretation of cable tensioning equipment and a cable tension chart;

(G) define and explain flutter and flight control balance;

(H) identify and explain primary aircraft flight controls, stabilizer systems, and flight control rigging; and

(I) identify and explain secondary and auxiliary control surfaces and other aerodynamic wing features.

(7) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for flight controls, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify fixed-wing aircraft rigging adjustment locations;

(B) inspect and report findings on primary and secondary flight control surfaces;

(C) inspect and report findings on primary control cables;

(D) adjust and secure a primary flight control cable;

(E) adjust push-pull flight control systems;

(F) check the balance of a flight control surface and balance a control surface;

(G) determine allowable axial play limits for a flight control bearing; and

(H) identify and locate appropriate data to verify aircraft flight control travel limits.

(8) The student understands the academic knowledge and skills for airframe inspection. The student is expected to:

(A) explain the use of inspection requirements under 14 Code of Federal Regulations (CFR) Part 91;

(B) discuss maintenance recordkeeping requirements under 14 CFR Part 43;

(C) research and describe requirements for complying with airworthiness directives, as found in 14 CFR Part 39;

(D) identify and differentiate between FAA-approved data and other data sources such as manufacturer manuals;

(E) explain the need for compliance with service letters, service bulletins, instructions for continued airworthiness, and airworthiness directives;

(F) explain the purpose and methods of visual inspections;

(G) describe the method to select and use checklists and other maintenance publications, including service letters, service bulletins, instructions for continued airworthiness, and airworthiness directives; and

(H) describe the importance of maintenance record documentation.

(9) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for airframe inspection, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) perform a portion of a 100-hour inspection in accordance with 14 CFR Part 43 such as a records check using the appropriate checklist;

(B) enter results of a 100-hour inspection, including airworthy and unairworthy conditions, in a maintenance record; and

(C) analyze and inspect applicable equipment and documents to determine compliance with a specific airworthiness directive.

(10) The student understands the academic knowledge and skills for landing gear. The student is expected to:

(A) identify and discuss safety precautions when using aircraft jacks;

(B) identify and discuss safety precautions when working with high pressure fluids and gases;

(C) identify and discuss safety precautions in the storage and handling of hydraulic fluids;

(D) identify and discuss safety precautions in the operation of retractable landing gear systems around personnel;

(E) identify and discuss safety precautions in landing gear, tire, and wheel maintenance operations;

(F) describe fixed and retractable landing gear systems and components;

(G) explain the necessity of landing gear strut servicing and lubrication;

(H) describe and compare the method of inspection of bungee and spring steel landing gear systems;

(I) describe and compare aircraft steering systems;

(J) explain landing gear position and warning system inspection, check, and servicing;

(K) explain brake assembly servicing and inspection;

and

(L) describe and compare brake actuating systems.

(11) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for landing gear, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) inspect and service landing gear such as fixed or retractable systems;

(B) jack an aircraft for a gear retraction check;

(C) inspect wheels, brakes, bearings, and tires;

(D) bleed air from a hydraulic brake system;

(E) inspect a tire for defects;

(F) replace shock strut air valve;

(G) locate and explain the process for checking landing gear alignment;

(H) troubleshoot aircraft steering system issues such as nose-wheel shimmy;

(I) identify landing gear position and warning system components;

(J) troubleshoot landing gear position and warning systems;

(K) inspect a brake for serviceability; and

(L) inspect tube landing gear for damage.

(12) The student understands the academic knowledge and skills for hydraulic and pneumatic systems. The student is expected to:

(A) describe hydraulic system components, including reservoirs, filters, hoses, lines, fittings, valves, actuators, accumulators, and pumps;

(B) explain the function of hydraulic system components, including reservoirs, filters, hoses, lines, fittings, valves, actuators, accumulators, and pumps;

(C) explain hydraulic system operation, inspections, operational checks, servicing, and troubleshooting;

(D) describe pneumatic system components, including reservoirs, filters, hoses, lines, fittings, valves, actuators, accumulators, and pumps;

(E) explain the function of pneumatic system components, including reservoirs, filters, hoses, lines, fittings, valves, actuators, accumulators, and pumps;

(F) explain pneumatic system operation, inspections, operational checks, servicing, and troubleshooting;

(G) identify types of hydraulic seals and hydraulic seal fluid compatibility;

(H) research and identify the risks associated with high pressure gases and fluids;

(I) research and identify the risks of not properly relieving system pressure prior to system servicing;

(J) research and identify the risks associated with storage and handling of hydraulic fluids; and

(K) research and identify the risks of cross-contamination of hydraulic fluids.

(13) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for hydraulic and pneumatic systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify different types of hydraulic fluids;

(B) install seals and backup rings in a hydraulic component;

(C) remove, clean, inspect, and install a hydraulic system filter;

(D) service a hydraulic system reservoir;

(E) purge air from a hydraulic system;

(F) inspect a hydraulic system and a pneumatic system for leaks;

(G) troubleshoot a hydraulic system and a pneumatic system for leaks;

(H) locate and explain hydraulic fluid servicing instructions;

(I) identify and select hydraulic fluid for a given aircraft; and

(J) locate installation procedures for a seal, backup ring, or gasket.

(14) The student understands the academic knowledge and skills for environmental systems. The student is expected to:

(A) explain the operation and purpose of pressurization systems and bleed air heating systems;

(B) explain and compare aircraft instrument cooling methods;

(C) differentiate between exhaust heat exchanger system and combustion heater system components, functions, and operations;

(D) differentiate between vapor-cycle system and air-cycle system components, function, and operation;

(E) explain cabin pressurization systems, components, and operation;

(F) differentiate between types of aircraft oxygen systems;

(G) differentiate between types of aircraft oxygen system components;

(H) identify and assess risks associated with oxygen system maintenance;

(I) identify and assess risks associated with the recovery of vapor-cycle refrigerant;

(J) identify and assess risks associated with storage, handling, and use of compressed gas cylinders;

(K) identify and assess risks associated with disregarding manufacturer's recommended refrigerant servicing procedures; and

(L) identify and assess risks associated with maintenance of combustion heaters.

(15) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for environment systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) inspect and service an oxygen system;

(B) clean and inspect emergency oxygen masks and supply hoses;

(C) inspect an oxygen system cylinder for serviceability;

(D) locate and describe the procedures to troubleshoot a combustion heater;

(E) locate and describe the procedures for servicing a refrigerant (vapor-cycle) system;

(F) locate and describe the troubleshooting procedures for an air-cycle system;

(G) inspect a cabin heater system equipped with an exhaust heat exchanger for cracks; and

(H) locate troubleshooting procedures for a pressurization system.

(16) The student understands the academic knowledge and skills for aircraft instrument systems. The student is expected to:

(A) describe annunciator indicating systems and define the meaning of warning, caution, and advisory lights;

(B) differentiate between fuel quantity indicating systems;

(C) differentiate between types of gyroscopic instruments; and

(D) explain the function and operation of:

- (i) magnetic compasses and compass swinging procedures;
- (ii) pressure and temperature indicating instruments;
- (iii) position indication sensors and instruments;
- (iv) engine indication and crew alerting systems;
- (v) instrument vacuum and pneumatic systems;
- (vi) pitot-static systems;
- (vii) electronic displays and flight instrument systems;
- (viii) transponder and encoder systems;
- (ix) angle of attack and stall warning systems; and
- (x) takeoff and landing gear configuration warning systems.

(17) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft instrument systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

- (A) remove and install an aircraft instrument;
- (B) determine barometric pressure using an altimeter;
- (C) verify proper range markings on an instrument for a particular aircraft using approved data;
- (D) locate the procedures for troubleshooting a vacuum-operated instrument system;
- (E) identify exhaust gas temperature system components;
- (F) inspect an aircraft's alternate static air source; and
- (G) locate and explain the adjustment procedures for a stall warning system.

(18) The student understands the academic knowledge and skills for aircraft communication and navigation systems. The student is expected to:

- (A) describe radio operating principles and radio components;
- (B) identify and explain mounting requirements of antennas, static discharge wicks, and avionics components;
- (C) identify the components of communication systems, including very high frequency (VHF), high frequency (HF), satellite communications (SATCOM), and Aircraft Communication Addressing and Reporting System (ACARS);
- (D) explain the basic operation of communications systems, including VHF, HF, SATCOM, and ACARS;
- (E) identify the components of emergency locator transmitters (ELT) and explain the basic operation of ELTs;
- (F) identify the components of navigation systems, including distance measuring equipment (DME), instrument landing system (ILS), global positioning system (GPS), automatic direction finder (ADF), and VHF omnidirectional range (VOR);
- (G) explain the basic operation of navigation systems, including DME, ILS, GPS, ADF, and VOR;

(H) identify the components of collision avoidance systems, including radio altimeter (RA), automatic dependent surveillance-broadcast (ADS-B), traffic collision avoidance systems (TCAS), and ground proximity warning system (GPWS);

(I) explain the basic operation of collision avoidance systems, including RA, ADS-B, TCAS, and GPWS;

(J) identify the components and explain the basic operation of intercom systems;

(K) identify the components and explain the basic operation of weather radar;

(L) identify the components and explain the basic operation of autopilot and auto-throttle systems;

(M) research and identify the risks of improper ELT testing procedures;

(N) research and identify the risks of performing maintenance on high power/high frequency systems such as weather radar and SATCOM systems; and

(O) research and identify the risks of improper mounting of antennas.

(19) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft communication and navigation systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

- (A) locate and explain autopilot inspection procedures;
- (B) identify navigation and communication antennas;
- (C) perform an operational check of a VHF communications system;
- (D) locate proper testing procedures for an ELT, inspect ELT batteries for expiration date, and perform an operational check of an ELT; and
- (E) locate and explain the installation procedures for antennas, including mounting and coaxial connections.

(20) The student understands the academic knowledge and skills for aircraft fuel systems. The student is expected to:

- (A) identify fuel system types and fuel system components, including filters and selector valves;
- (B) differentiate between types of aircraft fuel tanks and types of fuel cells;
- (C) explain fuel flow during fuel transfer, fueling, defueling, and fuel jettisoning;
- (D) describe characteristics of fuel types;
- (E) describe fuel system maintenance industry best practices;
- (F) differentiate between fuel quantity indication methods such as float type, electrical resistance, or visual indicators;
- (G) research and identify the risks of improper fuel system maintenance;
- (H) research and identify the risks of fuel system contamination and spills;
- (I) research and identify the risks of fuel system maintenance requiring fuel tank entry; and

(J) research and identify the risks when defueling aircraft.

(21) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft fuel systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) inspect a metal, bladder, or integral fuel tank;

(B) inspect a fuel selector valve;

(C) drain a fuel system sump;

(D) service a fuel system strainer; and

(E) identify and locate fuel system operating instructions, inspection procedures, crossfeed procedures, required placards, and defueling procedures.

(22) The student understands the academic knowledge and skills for aircraft electrical systems. The student is expected to:

(A) identify the components of generators, direct current (DC) generation systems, and DC power distribution systems;

(B) explain the basic operation of generators, DC generation systems, and DC power distribution systems;

(C) identify the components of alternators, alternating current (AC) generation systems, and AC power distribution systems;

(D) explain the basic operation of alternators, AC generation systems, and AC power distribution systems;

(E) identify the components and explain the basic operation of voltage regulators, over-volt protection, and overcurrent protection;

(F) identify the components and explain the basic operation of inverter systems;

(G) explain aircraft wiring size and type selection criteria;

(H) explain the purpose of aircraft wiring shielding;

(I) explain the purpose of aircraft bonding and lightning protection;

(J) describe basic electrical system troubleshooting practices;

(K) identify soldering preparation techniques, types of solder, and flux usage;

(L) identify types of aircraft electrical connectors, splices, terminals, and switches;

(M) describe methods of aircraft battery troubleshooting and maintenance;

(N) research and identify the risks of testing electrical systems, including energized and non-energized systems;

(O) research and identify the risks of connecting and disconnecting external power;

(P) research and identify the risks of maintenance in areas containing aircraft wiring;

(Q) research and identify the risks of improperly routing and securing wires and wire bundles;

(R) research and identify the risks of improper selection or installation of wire terminals; and

(S) research and identify the risks of improper soldering practices.

(23) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft electrical systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) inspect aircraft wiring installation and routing;

(B) perform wire terminating and splicing;

(C) identify components using a wiring circuit diagram;

(D) connect aircraft wires using a solder joint;

(E) troubleshoot a simple airframe electrical circuit;

(F) install bonding jumpers to electrically connect two isolated components;

(G) measure the resistance of an electrical system component;

(H) inspect and test anti-collision, position, and landing lights for proper operation;

(I) identify components in an electrical schematic where AC is rectified to a DC voltage;

(J) perform a continuity test to verify the condition of a conductor; and

(K) perform a test on a conductor for a short to ground.

(24) The student understands the academic knowledge and skills for ice and rain control systems. The student is expected to:

(A) explain causes and effects of aircraft icing;

(B) identify the components of ice detection systems, aircraft anti-ice systems, and de-ice systems;

(C) explain the basic operation of ice detection systems, aircraft anti-ice systems, and de-ice systems;

(D) explain wind screen rain control systems, including wiper blade, chemical, and pneumatic bleed air systems;

(E) research and identify the risks of improper ice and rain control system testing or maintenance;

(F) research and identify the risks of improper storage and handling of deicing fluids; and

(G) research and identify the risks of improper selection and use of cleaning materials for heated windshields.

(25) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft electrical systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) clean a pneumatic deicer boot;

(B) locate and explain the procedures for inspecting an electrically operated windshield wiper system;

(C) locate and explain the procedures for replacing blades on a windshield wiper system; and

(D) locate and explain the procedures for inspecting a pneumatic rain removal system.

(26) The student understands the academic knowledge and skills for airframe fire protection systems. The student is expected to:

(A) explain types of fires and aircraft fire zones;

(B) identify the components and explain the basic operation of overheat detection and warning systems;

(C) identify the components and explain the basic operation of fire detection and warning systems;

(D) identify the components and explain the basic operation of smoke and carbon monoxide detection systems;

(E) describe types of fire extinguishing systems and extinguishing agents;

(F) research and identify the risks of maintenance on circuits associated with fire bottle squibs;

(G) research and explain the use of PPE when working on or testing fire extinguishing systems; and

(H) explain the risks of exposure to fire extinguishing agents.

(27) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for airframe fire protection systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) evaluate an installed fire extinguisher system for proper container pressure;

(B) locate and explain the procedures for checking a smoke detection system;

(C) locate and explain the procedures for inspecting an overheat detection system; and

(D) inspect fire protection system cylinders and check for hydrostatic test date.

(28) The student understands the academic knowledge and skills for rotorcraft fundamentals. The student is expected to:

(A) explain the characteristics of rotorcraft aerodynamics and flight controls;

(B) identify the components and explain the function of rotorcraft transmissions;

(C) explain the need for rigging requirements for rotary wing aircraft;

(D) identify rotor systems, rotor blade functions, and rotor blade construction;

(E) explain the need for helicopter skid shoe and tube inspections;

(F) explain causes of rotor system and drive system vibrations;

(G) explain the purpose of rotor blade track and balance;

(H) research and identify the risks of working around helicopter blades during ground operations;

(I) research and identify the risks of improper ground-handling procedures;

(J) research and identify the risks of ground operations and functional tests; and

(K) research and identify the risks of improper maintenance of rotorcraft systems and components.

(29) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for rotorcraft fun-

damentals, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify components of a helicopter rotor system;

(B) identify and locate helicopter rotor blade track and balance procedures;

(C) identify and locate procedures needed to rig helicopter controls; and

(D) identify and locate procedures to track and balance a rotor system.

(30) The student understands the academic knowledge and skills for water and waste systems. The student is expected to:

(A) identify the components and explain the basic operation of potable water systems;

(B) identify the components and explain the basic operation of lavatory waste systems;

(C) describe servicing requirements for water and waste systems; and

(D) research and identify the need for PPE to reduce the risks associated with servicing lavatory waste systems.

(31) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for water and waste systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) locate and explain the procedures for servicing a lavatory waste system; and

(B) locate and explain the procedures for servicing a potable water system.

§127.889. Aircraft Powerplant Technology (Two Credits), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Aircraft Maintenance Technology. Students shall be awarded two credits for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.

(3) Aircraft Powerplant Technology is designed to teach the theory of operation of aircraft powerplants and associated maintenance and repair practices of the Federal Aviation Administration (FAA) powerplant curriculum subjects utilizing aircraft, aircraft training devices, or equivalent simulated situations. In this course, the academic and technical skills are separated to reflect the learning outcomes as designed in the FAA Airman Certification Standards. Powerplant maintenance and repair practices include knowledge of the theory,

function, diagnosis, and service of powerplants, systems, and components of aircraft. Industry-recognized professional licensures, certifications, and registrations are available for students who meet the requirements set forth by the accrediting organization.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(6) The FAA uses standard terms with specific expectations for performance. The terms are defined as follows.

(A) Check means to verify proper operation.

(B) Inspect means to examine with or without inspection enhancing tools or equipment.

(C) Overhaul means to disassemble, clean, inspect, repair as necessary, and reassemble.

(D) Repair means to correct a defective condition.

(E) Service means to perform functions that assure continued operation.

(F) Troubleshoot means to analyze and identify malfunctions.

(7) When a student performs an action, such as checking, inspecting, overhauling, repairing, servicing, troubleshooting, and installing in this course, they are to complete all associated tasks. If an action detects a flaw, defect, or discrepancy in an aircraft or component, that finding could trigger another maintenance action. Actions may include documenting findings through logbook entries, maintenance action forms, installation plans, and work orders.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) identify and compare employment opportunities, including entrepreneurship opportunities, and certification requirements for the field of aircraft maintenance;

(B) identify and demonstrate ways to contribute and collaborate as an effective member of a team;

(C) identify individual ethical and legal behavior standards according to professional and regulatory agencies;

(D) research and discuss the impact of the English language proficiency requirements as prescribed by the Federal Aviation Regulations;

(E) identify and explain human factors that may impact health and safety in a worksite as addressed by industry standards;

(F) explain the role of human factors in maintaining health and safety in the workplace and demonstrate personal responsibility to maintain health and safety in the workplace;

(G) identify and explain how employees' personal responsibility attitudes can affect the success and profitability of a workplace;

(H) apply reasoning skills to a variety of simulated workplace situations in order to make ethical decisions;

(I) identify standards of industry related to employee appearance and health habits;

(J) identify and practice effective written and oral communication skills;

(K) identify and practice effective listening skills; and

(L) define and apply FAA standard terms that have specific expectations for performance, including check, inspect, overhaul, repair, service, and troubleshoot.

(2) The student relates academic skills to the requirements of reciprocating engines. The student is expected to:

(A) identify the components and types of reciprocating internal combustion aircraft engines, including inline, opposed, V-type, and radial engines;

(B) explain the operational theory of reciprocating internal combustion aircraft engines, including inline, opposed, V-type, and radial engines;

(C) explain the purpose and methods of reciprocating engine preservation;

(D) explain the purpose and methods of reciprocating engine maintenance and inspection;

(E) locate and explain the procedures for reciprocating engine ground operations;

(F) identify the components and explain the basic operation of diesel engines;

(G) explain the basic operational theory of diesel engines;

(H) research and identify the risks of maintenance that requires moving the propeller;

(I) research and identify the risks of ground operating a reciprocating engine;

(J) research and identify the actions necessary in the event of a reciprocating engine fire; and

(K) research and identify the risks in not using the manufacturer's procedures during maintenance.

(3) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for reciprocating engines, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) perform and document findings from a cylinder assembly inspection;

(B) operate and troubleshoot a reciprocating engine;

(C) install a wrist pin in a piston;

(D) identify the parts of a cylinder and a crankshaft;

(E) identify and inspect bearings found in reciprocating engines; and

(F) inspect and rig cable and push-pull engine controls.

(4) The student relates academic skills to the requirements of turbine engines. The student is expected to:

(A) identify the components and types of turbine engines;

(B) explain the basic operational theory of turbine engines;

(C) explain the purpose and methods of monitoring turbine engine performance;

(D) explain the purpose and methods of turbine engine troubleshooting, maintenance, and inspection;

(E) research and explain the causes of turbine engine performance loss;

(F) explain the basic operational theory of bleed air systems;

(G) explain the purpose and methods of turbine engine preservation;

(H) explain the theory and application of auxiliary power units;

(I) research and identify the risks of turbine engine operation;

(J) research and identify the risks of performing maintenance on a turbine engine;

(K) research and identify the actions necessary in the event of a turbine engine fire; and

(L) research and identify the risks of foreign object damage (FOD) to turbine engines.

(5) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for turbine engines, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify different turbine compressors;

(B) identify different types of turbine engine blades;

(C) identify components of turbine engines;

(D) map airflow direction and pressure changes in turbine engines;

(E) identify and locate the procedures for the adjustment of a fuel control unit;

(F) identify and locate the installation or removal procedures for a turbine engine;

(G) identify damaged turbine engine blades; and

(H) analyze causes for turbine engine performance loss.

(6) The student relates academic skills to the requirements of engine inspection. The student is expected to:

(A) explain the purpose of inspection requirements under 14 Code of Federal Regulations (CFR) Part 43 and 14 CFR Part 91;

(B) explain the purpose and methods of identification of life-limited parts and life-limited parts replacement intervals;

(C) explain the purpose and types of special inspections such as sudden engine stoppage, hard landings, and FOD ingestion;

(D) explain the purpose of using FAA-approved data;

(E) explain the importance of compliance with service letters, service bulletins, instructions for continued airworthiness, airworthiness directives (AD), and Type Certificate Data Sheets (TCDS);

(F) explain the purpose of maintenance recordkeeping requirements under 14 CFR Part 43;

(G) explain the purpose of engine component inspection, checking, and servicing;

(H) explain the importance of inspecting engine mounts and mounting hardware;

(I) research and identify the risks of performing a compression test on a reciprocating engine; and

(J) research and identify the risks of performing maintenance on an operating reciprocating engine and a turbine engine.

(7) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine inspection, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) evaluate a powerplant for compliance with FAA-approved or manufacturer data;

(B) perform a powerplant records inspection;

(C) inspect a powerplant for compliance with applicable ADs;

(D) determine powerplant installation eligibility in accordance with the TCDS;

(E) inspect engine controls for proper operation and adjustment;

(F) inspect an aircraft engine accessory for serviceability;

(G) inspect engine records for time or cycles on life-limited parts;

(H) perform an engine start and inspect engine operational parameters; and

(I) inspect an engine mount to determine serviceability.

(8) The student relates academic skills to the requirements of engine instrument systems. The student is expected to:

(A) identify the components of engine instrument systems, including fuel flow, temperature, engine speed, pressure, torque meter, engine pressure ratio (EPR), engine indicating and crew alerting system (EICAS), and electronic centralized aircraft monitor (ECAM);

(B) explain the operational theory of engine instrument systems, including fuel flow, temperature, engine speed, pressure, torque meter, EPR, EICAS, and ECAM;

(C) describe the types of annunciator indicators and the functions of annunciator indicating systems;

(D) define the meaning of annunciator indicating system warning, caution, and advisory lights;

(E) identify the components and explain the operational theory of full authority digital engine controls (FADEC);

(F) explain the purpose and methods of marking engine instrument ranges;

(G) research and identify the risks of damaging instrument systems or indicating systems during maintenance; and

(H) research and identify the risks of inaccurate engine instrument calibration or inaccurate instrument readings.

(9) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine inspection, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) remove, inspect, and install a fuel-flow transmitter;

- (B) remove, inspect, and install a fuel-flow gauge;
- (C) identify components of an electric tachometer system;
- (D) inspect tachometer markings for accuracy;
- (E) locate procedures for troubleshooting a turbine EPR system;
- (F) inspect exhaust gas temperature (EGT) probes;
- (G) locate and inspect engine low fuel pressure warning system components; and
- (H) troubleshoot an EGT indicating system.

(10) The student relates academic skills to the requirements of engine fire protection systems. The student is expected to:

- (A) identify types of fires such as electrical, structural, and petroleum-based fires and explain the purpose of engine fire zones;
- (B) identify the components and explain the basic operation of fire detection warning systems;
- (C) explain the purpose of fire detection system maintenance and inspection requirements;
- (D) identify fire extinguishing agents and types of fire extinguishing systems;
- (E) explain the purpose and methods of fire extinguishing system maintenance and inspection;
- (F) research and identify the risks of container discharge cartridges;
- (G) research and identify the risks of extinguishing agents; and
- (H) research and identify the risks of maintenance on circuits associated with electrically activated container discharge cartridges.

(11) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine fire protection systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

- (A) identify fire detection sensing units;
- (B) locate troubleshooting procedures for a fire detection system;
- (C) inspect fire extinguisher discharge circuit;
- (D) check operation of fire warning press-to-test and troubleshoot faults; and
- (E) identify continuous-loop fire detection system components.

(12) The student relates academic skills to the requirements of engine electrical systems. The student is expected to:

- (A) identify the components of engine electrical systems, including alternating current generators, direct current generators, alternators, starter generators, voltage regulators, overvoltage protection, and overcurrent protection;
- (B) explain the operational theory of engine electrical systems, including alternating current generators, direct current generators, alternators, starter generators, voltage regulators, overvoltage protection, and overcurrent protection;

(C) explain the procedure for locating the correct electrical wire size needed to fabricate a wire;

(D) explain the purpose of engine electrical wiring, switches, and protective devices;

(E) research and identify the risks of reversing polarity when performing electrical system maintenance;

(F) research and identify the actions necessary in response to a warning or caution annunciator light;

(G) research and identify the risks of performing maintenance on energized aircraft systems; and

(H) research and identify the risks of improper routing and securing wiring near flammable fluid lines.

(13) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine electrical systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

- (A) inspect engine electrical wiring, switches, cable, and protective devices;
- (B) analyze the suitability of a replacement component by part number;
- (C) troubleshoot a direct-drive electric starter system;
- (D) select the appropriate wire size for engine electrical system;
- (E) repair a broken engine electrical system wire;
- (F) troubleshoot an electrical system using a schematic or wiring diagram;
- (G) fabricate a bonding jumper; and
- (H) inspect engine electrical connectors.

(14) The student relates academic skills to the requirements of engine lubrication systems. The student is expected to:

- (A) describe types, grades, and uses of engine oil;
- (B) identify the components and explain the basic operation of lubrication systems, including wet-sumps and dry-sumps;
- (C) explain the purpose of chip detectors;
- (D) explain the purpose and methods of lubrication system maintenance, inspection, servicing, and analysis;
- (E) explain the causes of excessive aircraft engine oil consumption;
- (F) research and identify the risks of mixing engine oils;
- (G) research and identify the risks in not using the manufacturer's recommendations regarding the use of engine lubricants; and
- (H) research and identify the risks of improper handling, storage, and disposal of used lubricating oil.

(15) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine lubrication systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

- (A) inspect an oil cooler or oil lines;
- (B) identify the correct type of oil for a specific engine;

- (C) identify approved oils for different climatic temperatures;
- (D) identify and locate procedures for obtaining oil samples;
- (E) inspect an oil filter or screen based on industry standards;
- (F) identify oil system components;
- (G) replace an oil system component;
- (H) identify oil system flow through the engine;
- (I) troubleshoot an engine oil pressure malfunction;
- (J) troubleshoot an engine oil temperature system; and
- (K) identify types of metal found in an oil filter.

(16) The student relates academic skills to the requirements of ignition and starting systems. The student is expected to:

(A) identify the components of ignition systems, including spark plugs, shower of sparks, magnetos, impulse couplings, solid-state ignitions, and FADECs;

(B) explain the operational theory of ignition systems and components, including spark plugs, shower of sparks, magnetos, impulse couplings, solid-state ignitions, and FADECs;

(C) identify the components and explain the basic operation of engine starters;

(D) identify the components and explain the basic operation of turbine engine ignition systems;

(E) research and identify the risks of advanced and retarded ignition timing on piston engines;

(F) research and identify the risks of maintenance on engines with capacitor discharge ignition systems; and

(G) research and identify the risks of working around reciprocating engines with an ungrounded magneto.

(17) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for ignition and starting systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) remove, clean, inspect, and install a spark plug;

(B) inspect an electrical starting system;

(C) troubleshoot an electrical starting system;

(D) troubleshoot an ignition switch circuit;

(E) identify the correct spark plugs used for replacement installation; and

(F) identify the correct igniter plug on a turbine engine.

(18) The student relates academic skills to the requirements of engine fuel and fuel metering systems. The student is expected to:

(A) explain the purpose of proper fuel to air ratios and fuel metering;

(B) identify the components, basic operation, and adjustment of fuel metering systems, including float carburetor, pressure carburetor, continuous-flow fuel injection, FADEC, and hydromechanical fuel control;

(C) explain the purpose and basic operation of fuel heaters, lines, pumps, valves, filters, and drains;

(D) explain the basic operation of fuel nozzles and manifolds;

(E) identify the components and explain the basic operation of turbine engine fuel metering systems;

(F) locate and explain inspection requirements for an engine fuel system;

(G) explain fuel system operation;

(H) research and identify the risks of adjusting turbine engine fuel controls;

(I) research and identify the risks of adjusting reciprocating engine fuel controls;

(J) research and identify the risks of handling fuel metering system components or fuel control units that may contain fuel; and

(K) research and identify the risks of fuel system maintenance.

(19) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine fuel and fuel metering systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify carburetor components;

(B) identify fuel and air flow through a float-type carburetor;

(C) remove and install a carburetor main metering jet;

(D) inspect the needle, seat, and float level on a float-type carburetor;

(E) adjust carburetor idle speed and mixture;

(F) research and locate procedures for a turbine engine revolutions per minute overspeed inspection;

(G) research and locate procedures for adjusting a hydromechanical fuel control unit;

(H) explain procedures for removing and installing a turbine engine fuel control unit;

(I) identify components of an engine fuel system;

(J) identify fuel selector placards;

(K) inspect engine fuel system fluid lines and components;

(L) locate the procedures for troubleshooting a turbine engine fuel heater system; and

(M) inspect fuel selector valve.

(20) The student relates academic skills to the requirements of reciprocating engine induction and cooling systems. The student is expected to:

(A) identify the components and explain the theory of operation of reciprocating engine induction and cooling systems;

(B) explain the causes and effects of induction system icing;

(C) identify the components and explain the theory of superchargers, supercharger controls, turbochargers, turbocharger controls, and intercoolers;

(D) identify the components and explain the theory of augments cooling systems;

(E) identify the components and explain the theory of induction system filtering and carburetor heaters;

(F) research and identify the risks of maintenance on turbochargers;

(G) research and identify the risks of ground operation of aircraft engines;

(H) research and identify the risks of maintenance-related FOD; and

(I) research and identify the risks of chemicals used in liquid cooling systems.

(21) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for reciprocating engine induction and cooling systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) inspect a carburetor heat system;

(B) inspect an alternate air valve for proper operation;

(C) inspect an induction system drain for proper operation;

(D) service an induction air filter;

(E) inspect an induction system for obstruction;

(F) inspect an air intake manifold for leaks;

(G) locate the proper specifications for coolant used in a liquid-cooled engine;

(H) inspect reciprocating engine cooling ducting and baffle seals for damage;

(I) identify components of a turbocharger induction system;

(J) identify exhaust augments-cooled engine components;

(K) inspect and repair a cylinder baffle;

(L) inspect a cowl flap system for normal operation; and

(M) inspect cylinder cooling fins for damage.

(22) The student relates academic skills to the requirements of turbine engine air systems. The student is expected to:

(A) identify the components and explain the operational theory of air cooling systems, turbine engine induction systems, turbine engine bleed air systems and turbine engine anti-ice systems;

(B) explain the purpose and theory of turbine engine cowling air flow and turbine engine internal cooling;

(C) identify the components and purpose of turbine engine baffle and methods of seal installation;

(D) identify and explain the purpose of turbine engine insulation blankets and shrouds;

(E) research and identify the risks of maintenance on compressor bleed air systems; and

(F) research and identify the risks of ground operation of aircraft engines following other than manufacturer's instructions.

(23) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for turbine engine

air systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify location of turbine engine insulation blankets;

(B) identify turbine engine cooling air flow;

(C) inspect rigid or flexible turbine engine cooling ducting or baffle seals; and

(D) identify turbine engine ice and rain protection system components.

(24) The student relates academic skills to the requirements of engine exhaust and reverser systems. The student is expected to:

(A) identify the components of reciprocating engine exhaust systems, turbine engine exhaust systems, noise suppression systems, and thrust reversers;

(B) explain the operational theory of reciprocating engine exhaust systems, turbine engine exhaust systems, noise suppression systems, and thrust reversers;

(C) research and identify the risks of maintenance and inspection of exhaust system components;

(D) research and identify the risks of operating reciprocating engines with exhaust systems leaks and exhaust system failures; and

(E) research and identify the risks of ground operation of aircraft engines.

(25) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for engine exhaust and reverser systems, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify the type of exhaust system on a particular aircraft;

(B) inspect exhaust system;

(C) locate and explain procedures for testing and troubleshooting a turbine thrust reverser system; and

(D) perform a pressure leak check of a reciprocating engine exhaust system.

(26) The student relates academic skills to the requirements of propellers. The student is expected to:

(A) explain the theory and operation of propellers;

(B) identify types of propellers and blade design;

(C) explain the theory and operation of constant speed propellers, pitch control systems, and propeller governors;

(D) explain the theory and operation of turbine engine propeller beta range operation;

(E) explain the purpose and methods of propeller servicing, maintenance, and inspections;

(F) identify and locate procedures for removal and installation of a propeller;

(G) explain the purpose of propeller TCDS;

(H) explain the theory and operation of propeller synchronization systems and propeller ice control systems; and

(I) research and identify the risks of propeller ground operation, maintenance, and inspections.

(27) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for propellers, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

- (A) check blade static tracking;
- (B) inspect a propeller for condition and airworthiness;
- (C) measure propeller blade angle;
- (D) locate and explain the procedures for balancing a fixed-pitch propeller;
- (E) identify propeller range of operation; and
- (F) determine what minor propeller alterations are acceptable using the propeller specifications, TCDS, and listings.

§127.890. Aircraft Maintenance Technology (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 9-12. Recommended prerequisites: Introduction to Aircraft Technology. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.

(3) Aircraft Maintenance Technology is designed to teach the theory of operation, general maintenance, and repair practices of Federal Aviation Administration (FAA) general curriculum subjects utilizing aircraft, aircraft training devices, or equivalent simulated situations. In this course, the academic and technical skills are separated to reflect the learning outcomes as designed in the FAA airman certification standards. Maintenance and repair practices include knowledge of the function, diagnosis, and service of aircraft and their associated equipment. Industry-recognized professional licensures, certifications, and registrations are available for students who meet the requirements set forth by the accrediting organization.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(6) The FAA uses standard terms with specific expectations for performance. The terms are defined as follows.

- (A) Check means to verify proper operation.
- (B) Inspect means to examine with or without inspection enhancing tools or equipment.

(C) Overhaul means to disassemble, clean, inspect, repair as necessary, and reassemble.

(D) Repair means to correct a defective condition.

(E) Service means to perform functions that assure continued operation.

(F) Troubleshoot means to analyze and identify malfunctions.

(7) When a student performs an action, such as checking, inspecting, overhauling, repairing, servicing, troubleshooting, and installing in this course, they are to complete all associated tasks. If an action detects a flaw, defect, or discrepancy in an aircraft or component, that finding could trigger another maintenance action. Actions may include documenting findings through logbook entries, maintenance action forms, installation plans, and work orders.

(d) Knowledge and skills.

(1) The student demonstrates professional standards, interpersonal communication, and employability skills as required by business and industry. The student is expected to:

(A) identify employment opportunities, including entrepreneurship opportunities, and certification requirements for the field of aircraft maintenance and repair;

(B) identify and demonstrate ways to contribute and collaborate as an effective member of a team;

(C) identify individual ethical and legal behavior standards according to professional and regulatory agencies;

(D) research and discuss the impact of the English language proficiency requirements as prescribed by the Federal Aviation Regulations;

(E) identify and explain the technical knowledge and skills related to human factors in health and safety in the worksite as addressed by industry standards;

(F) explain the role of human factors in maintaining health and safety in the workplace and demonstrate personal responsibility to maintain health and safety in the worksite;

(G) identify and explain how employees' personal responsibility attitudes can affect the success and profitability of a worksite;

(H) apply reasoning skills to a variety of workplace situations to make ethical decisions;

(I) identify industry standards related to employee appearance and health habits;

(J) practice effective written and oral communication skills;

(K) identify and practice effective listening skills; and

(L) define and apply FAA standard terms that have specific expectations for performance, including check, inspect, overhaul, repair, service, and troubleshoot.

(2) The student relates academic skills to the requirements of human factors. The student is expected to:

(A) describe safety culture and organizational structures in the work environment;

(B) identify and explain types of human error and human factor principles;

(C) identify and discuss the chain-of-events theory, including pre-conditions and conditions for unsafe acts;

(D) identify and discuss the 12 common causes of mistakes in the aviation workplace; and

(E) research and discuss the purpose of safety management systems in the aviation workplace.

(3) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for human factors, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) complete and submit a malfunction and defect report; and

(B) research and report on information regarding human factor errors.

(4) The student relates academic skills to the requirements of aviation mathematics. The student is expected to:

(A) perform algebraic operations involving addition, subtraction, multiplication, and division, using positive and negative numbers;

(B) determine areas and volumes of various geometric shapes;

(C) solve ratio, proportion, and percentage problems; and

(D) extract roots and raise numbers to a given power.

(5) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aviation mathematics, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) compute the volume of a shape such as a baggage compartment, a fuel tank, or an engine cylinder;

(B) compute the area of an aircraft wing;

(C) convert between fractions and decimals;

(D) compute torque value conversions between inches-pounds and foot-pounds; and

(E) compute the compression ratio of a reciprocating engine cylinder.

(6) The student relates academic skills to the requirements of fundamentals of electricity and electronics. The student is expected to:

(A) explain electron theory, including magnetism, capacitance, induction, direct current electrical circuits, and alternating current electrical circuits;

(B) explain electrical theories and laws, including Ohm's Law, Kirchhoff's Law, Watt's Law, Faraday's Law, Lenz's Law, and right-hand rule;

(C) identify and explain electrical measurement principles and related tools and procedures for measuring voltage, current, resistance, and power;

(D) compare types of batteries; and

(E) compare series circuits and parallel circuits.

(7) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for fundamentals of elec-

tricity and electronics, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) use multimeters to perform circuit continuity tests, test a switch and fuse, and measure voltage, current, and resistance;

(B) interpret aircraft electrical circuit diagrams and symbols;

(C) inspect and service an aircraft battery; and

(D) identify faults in circuits by using appropriate troubleshooting techniques.

(8) The student relates academic skills to the requirements of physics for aviation. The student is expected to:

(A) explain the theory of flight, including lift, weight, thrust, and drag, as related to Bernoulli's Principle, Newton's Laws of Motion, and fluid mechanics;

(B) describe the function and operation of aircraft flight controls and additional aerodynamic devices, including vortex generators, wing fences, and stall strips; and

(C) analyze and compare standard atmospheric factors affecting atmospheric conditions, including the relationship between temperature, density, weight, and volume.

(9) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for physics for aviation, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) determine density and pressure altitude;

(B) identify changes to pressure and velocity of a fluid as it passes through a venturi;

(C) calculate force, area, and pressure for a given scenario related to aircraft maintenance; and

(D) calculate the lift of an aircraft and determine if the aircraft will climb, descend, or maintain altitude given its weight.

(10) The student relates academic skills to the requirements of weight and balance. The student is expected to:

(A) describe the purpose of weighing an aircraft and determining the aircraft's center of gravity;

(B) explain the procedures for weighing an aircraft, including the general preparation for weighing, with emphasis on aircraft weighing area considerations;

(C) explain the procedures for calculating center of gravity, including arm, positive and negative moment, center of gravity, and moment index; and

(D) explain adverse loading considerations, proper empty weight configuration, and ballast placement.

(11) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for weight and balance, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) calculate aircraft weight and balance, including equipment changes, empty weight, and empty weight center of gravity; and

(B) locate datum, weight and balance information, placarding, and limitation requirements for an aircraft in an appropriate reference such as the type certificate data sheet.

(12) The student relates academic skills to the requirements of aircraft drawings. The student is expected to:

(A) identify and use aircraft drawing terminology; and

(B) interpret aircraft drawings, blueprints, sketches, charts, graphs, and system schematics related to repairs, alterations, and inspections.

(13) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft drawings, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify and describe the meaning of lines and symbols used in an aircraft drawing;

(B) interpret dimensions used in an aircraft drawing;

(C) identify changes to aircraft drawings; and

(D) identify material requirements indicated by an aircraft drawing.

(14) The student relates academic skills to the requirements of regulations, forms, and publications. The student is expected to:

(A) identify recency of experience requirements, the privileges and limitations of mechanic certificates, and how to reestablish privileges once they are lost;

(B) define maintenance terminology as defined in 14 Code of Federal Regulations (CFR) Part 1, including time in service, maintenance, preventive maintenance, major alteration, major repair, minor alteration, and minor repair;

(C) describe requirements for maintenance record entries for approval for return to service after maintenance, alterations, and inspections;

(D) identify compliance requirements for manufacturer-specified maintenance methods, techniques, practices, and inspection intervals;

(E) explain FAA-approved maintenance data, including maintenance manuals and other methods acceptable by the administrator; and

(F) describe mechanic change of address notification procedures.

(15) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for regulations, forms, and publications, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) evaluate a 100-hour inspection aircraft maintenance record entry for accuracy;

(B) locate applicable FAA aircraft specifications and FAA Type Certificate Data Sheets (TCDS) for an aircraft or component;

(C) determine the conformity of aircraft instrument range markings and placarding;

(D) use a manufacturer's illustrated parts catalog to locate specific part numbers for aircraft parts such as door handles, rudder pedals, or seat latches;

(E) determine whether a given repair or alteration is major or minor; and

(F) explain the difference between approved data such as data required for major repairs or alterations and acceptable data such as data required for minor repairs or alterations.

(16) The student relates academic skills to the requirements of fluid lines and fittings. The student is expected to:

(A) identify rigid tubing and flexible hose materials, applications, sizes, and fittings;

(B) describe rigid tubing and flexible hose fabrication, installation, and inspection techniques;

(C) explain the importance of properly using a torque wrench and torque seal when securing fluid hose and line fittings; and

(D) analyze and describe the risks associated with high-pressure hydraulic system configuration prior to and during maintenance.

(17) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for fluid lines and fittings, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) fabricate and install a rigid line with a flare and a bend;

(B) fabricate and install a flexible hose; and

(C) perform a rigid line and flexible hose inspection.

(18) The student relates academic skills to the requirements of aircraft materials, hardware, and processes. The student is expected to:

(A) identify and describe material markings and hardware markings commonly used in aircraft;

(B) compare suitability and compatibility of materials and hardware used for maintenance;

(C) explain forces placed on aircraft materials, including tension, compression, torsion, bending, strain, and shear;

(D) identify safety wire and safety clip requirements and techniques;

(E) describe precision measurement tools, principles, and procedures;

(F) explain soldering preparation, types of solder, and flux usage;

(G) analyze torquing tools, principles, and procedures and the relationship between torque and fastener preload; and

(H) differentiate between the characteristics of acceptable and unacceptable welds.

(19) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for aircraft materials, hardware, and processes, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) select aircraft materials and hardware such as bolts, turnbuckles, washers, and rivets based on manufacturer's markings appropriate for a specific scenario;

(B) install safety wire on hardware such as nuts, bolts, and turnbuckles;

(C) check for proper calibration of a precision-measurement tool and record precision measurements with an instrument that has a Vernier scale;

(D) determine required torque values and properly torque aircraft hardware; and

(E) inspect welds and differentiate between acceptable and unacceptable welds.

(20) The student relates academic skills to the requirements of ground operations and servicing. The student is expected to:

(A) describe proper towing and securing procedures for aircraft using approved data;

(B) describe proper aircraft ground servicing, including oil, oxygen, hydraulic, pneumatic, and deicing systems and fueling and defueling procedures;

(C) differentiate between characteristics of aviation gasoline, turbine fuels, and fuel additives;

(D) explain engine starting, ground operation, and aircraft taxiing procedures;

(E) explain airport operation area procedures and air traffic control communications, including runway incursion prevention;

(F) identify the types and classes of fire extinguishers;

(G) analyze the importance of proper tool and hardware use and accountability;

(H) describe the need for proper material handling and parts protection;

(I) identify hazardous materials, locate the appropriate safety data sheet (SDS), and select the indicated personal protection equipment (PPE); and

(J) analyze and describe the potential effects of foreign object damage on aircraft.

(21) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for ground operations and servicing, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) perform a foreign object damage control procedure;

(B) connect external power to an aircraft;

(C) prepare an aircraft for towing;

(D) use appropriate hand signals for the movement of aircraft;

(E) identify different grades of aviation fuel and select an approved fuel for an aircraft;

(F) prepare an aircraft for fueling and inspect an aircraft fuel system for water and foreign object debris (FOD) contamination;

(G) follow a checklist to start up or shut down an aircraft reciprocating or turbine engine;

(H) identify procedures for extinguishing fires in an engine induction system;

(I) secure an aircraft by locating and following the correct procedures for a turbine-powered aircraft after engine shutdown; and

(J) locate and explain procedures for securing a turbine-powered aircraft after engine shutdown.

(22) The student relates academic skills to the requirements of cleaning and corrosion control. The student is expected to:

(A) explain the need for aircraft cleaning procedures;

(B) explain corrosion theory, including types and effects of corrosion, corrosion-prone areas in aircraft, and corrosion preventive maintenance procedures;

(C) describe corrosion identification and inspection techniques, corrosion removal and treatment procedures, the selection of optimal corrosion preventive compounds (CPC), and the frequency of corrosion treatment;

(D) describe the use of high-pressure application equipment;

(E) identify and discuss the effects of improper use of cleaners on aluminum or composite materials;

(F) explain accelerated corrosion caused by dissimilar metals and the role of protective barriers, including conversion coatings, materials used for protection of airframe structures, and primer materials, to mitigate this risk;

(G) identify topcoat materials and discuss concerns regarding surface preparation for a desired finishing material, effects of ambient conditions on finishing materials, and effects of improper surface preparation on finishing materials; and

(H) identify health concerns when using paints, solvents, and finishing materials and processes, including the use of PPE.

(23) The student uses regulatory and industry standards and demonstrates technical knowledge and skills for cleaning and corrosion control, utilizing aircraft, aircraft training devices, or equivalent simulated situations. The student is expected to:

(A) identify types of protective finishes;

(B) inspect finishes for corrosion and identify, select, and use aircraft corrosion prevention and cleaning materials; and

(C) apply aircraft corrosion prevention and coating materials.

§127.920. Advanced Transportation Systems Laboratory (One Credit), Adopted 2024.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12 as a corequisite course for students participating in a coherent sequence of career and technical education courses in the Transportation, Distribution, and Logistics Career Cluster. This course provides an enhancement opportunity for students to develop the additional skills necessary to pursue industry certification. Recommended prerequisite: a minimum of one credit from the courses in the Transportation, Distribution, and Logistics Career Cluster. Corequisites: Automotive Technology II: Automotive Services, Diesel Equipment Technology II, Collision Repair, Paint and Refinishing, Aircraft Airframe Technology, Aircraft Maintenance Technology, or Aircraft Powerplant Technology. This course must be taken concurrently with a corequisite course and may not be taken as a stand-alone course. Districts are encouraged to offer this lab in a consecutive block with the corequisite course to allow students sufficient time to master the content of both courses. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant

technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Transportation, Distribution, and Logistics Career Cluster focuses on planning, management, and movement of people, materials, and goods by road, pipeline, air, rail, and water and related professional support services such as transportation infrastructure planning and management, logistics services, mobile equipment, and facility maintenance.

(3) Advanced Transportation Systems Laboratory provides the opportunity to extend knowledge of the major transportation systems and the principles of diagnosing and servicing these systems. Topics in this course may include alternative fuels such as hybrid, bio diesel, hydrogen, compressed natural gas (CNG), liquidized natural gas (LNG), propane, and solar; total electric vehicles and power trains; advanced transportation systems such as collision avoidance, telematics, vehicle stability control, navigation, vehicle-to-vehicle communications; and other technologies. This study will allow students to have an increased understanding of science, technology, engineering, and mathematics in all aspects of these systems. This will reinforce, apply, and transfer academic knowledge and skills to a variety of relevant activities, problems, and settings.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

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

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate knowledge of the technical knowledge and skills related to health and safety in the workplace such as safety glasses and other personal protective equipment (PPE) and safety data sheets (SDS);

(B) identify employment opportunities, including entrepreneurship opportunities and internships, and industry-recognized certification requirements in the transportation field of study;

(C) demonstrate the principles of group participation, team concept, and leadership related to citizenship and career preparation;

(D) apply competencies related to resources, information, interpersonal skills, problem solving, critical thinking, and systems of operation in the transportation industry;

(E) discuss certification opportunities;

(F) discuss response plans to emergency situations;

(G) identify employers' expectations and appropriate work habits, ethical conduct, legal responsibilities, and good citizenship skills; and

(H) develop personal goals, objectives, and strategies as part of a plan for future career and educational opportunities.

(2) The student demonstrates an understanding of the technical knowledge and skills that form the core of knowledge of transportation services. The student is expected to:

(A) extend knowledge of new and emerging transportation technologies related to the corequisite course and its industry such

as hybrid, avionics, unmanned aerial systems, collision avoidance, and light duty diesel systems;

(B) demonstrate advanced technical skills related to the corequisite course and its industry;

(C) demonstrate an understanding of the use of advanced tools and equipment; and

(D) demonstrate an understanding of research and development in the transportation industry of the corequisite course.

(3) The student develops an elevated aptitude for the essential knowledge and skills listed for the corequisite course. The student is expected to:

(A) demonstrate deeper understanding of the corequisite course;

(B) develop hands-on skills at an industry-accepted standard; and

(C) exhibit progress toward achieving industry-recognized documentation of specific expertise in a transportation field or skill.

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 February 16, 2024.

TRD-202400667

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: March 31, 2024

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



CHAPTER 157. HEARINGS AND APPEALS SUBCHAPTER D. INDEPENDENT HEARING EXAMINERS

19 TAC §157.41

The State Board of Education (SBOE) proposes an amendment to §157.41, concerning certification criteria for independent hearing examiners. The proposed amendment would reduce the length of time an attorney must be licensed and engaged in full-time practice to be eligible to serve as an independent hearing examiner and expand the experience requirements to include family law, criminal law, and personal injury law.

BACKGROUND INFORMATION AND JUSTIFICATION: Chapter 157, Subchapter D, addresses criteria for the certification of hearing examiners eligible to conduct hearings.

During the rule review required under Texas Government Code, §2001.039, the SBOE requested that Texas Education Agency (TEA) staff present a proposed amendment to §157.41 that would modify the experience requirements for hearing examiners.

Subsection (d)(2) would be amended to require that an independent hearing examiner must not have had his or her license reprimanded, suspended, or revoked within the last three years.

Subsection (d)(3) and (4) would be amended to reduce the requirements that an independent hearing examiner must have been licensed to practice law and engaged in the practice of law on a full-time basis from five years to three years.

Subsection (e) would be amended to expand the experience requirements to include family law, criminal law, and personal injury law.

The SBOE approved the proposed amendment for first reading and filing authorization at its February 2, 2024 meeting.

FISCAL IMPACT: Von Byer, general counsel, has determined that for the first five years the proposal is in effect, there are no additional costs to state or local government required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by modifying the experience requirements for independent hearing examiners.

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

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Byer has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to reduce the number of years independent hearing examiners must have been licensed to practice law and engaged in the practice of law on a full-time basis from five years to three years. It would also expand the experience requirements to include family law, criminal law, and personal injury law. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not

require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/proposed-state-board-of-education-rules>.

The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on March 1, 2024.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.252(a), which requires the State Board of Education to establish certification criteria for independent hearing examiners.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §21.252(a).

§157.41. *Certification Criteria for Independent Hearing Examiners.*

(a) License required. An individual who is certified as an independent hearing examiner must be licensed to practice law in the State of Texas.

(b) Representations prohibited. An independent hearing examiner, and the law firm with which the independent hearing examiner is associated, must not serve as an agent or representative of:

- (1) a school district;
- (2) a teacher in any dispute with a school district; or
- (3) an organization of school employees, school administrators, or school boards.

(c) Moral character and criminal history. An independent hearing examiner must:

- (1) possess good moral character; and
- (2) as demonstrated by a criminal history report process required by the commissioner of education, not have been convicted, given probation (whether through deferred adjudication or otherwise), or fined for:

- (A) a felony;
- (B) a crime of moral turpitude; or
- (C) a crime that directly relates to the duties of an independent hearing examiner in a public school setting.

(d) Status as a licensed attorney. An independent hearing examiner must:

- (1) currently be a member in good standing of the State Bar of Texas;
- (2) within the last three [five] years, not have had the independent hearing examiner's bar license:
 - (A) reprimanded, either privately or publicly;
 - (B) suspended, either probated or otherwise; or
 - (C) revoked;
- (3) have been licensed to practice law in the State of Texas or any other state for at least three [five] years prior to application; and

(4) have engaged in the actual practice of law on a full-time basis, as defined by the Texas Board of Legal Specialization, for at least three [five] years.

(e) Experience. During the three years immediately preceding certification, an independent hearing examiner must have devoted a minimum of 50% of the examiner's time practicing law in some combination of the following areas, with a total of at least one-tenth or 10% of the independent hearing examiner's practice involving substantial responsibility for taking part in a contested evidentiary proceeding convened pursuant to law in which the independent hearing examiner personally propounded and/or defended against questions put to a witness under oath while serving as an advocate, a hearing officer, or a presiding judicial officer:

- (1) civil litigation;
- (2) administrative law;
- (3) school law; [ø]
- (4) labor law; [-]
- (5) family law;
- (6) criminal law; or
- (7) personal injury law.

(f) Continuing education. During each year of certification, an independent hearing examiner must receive credit for ten hours of continuing legal education, with three hours in the area of school law and seven hours in the area of civil trial advocacy and legal writing skills, which must include any combination of course work in evidence, civil procedure, and legal writing skills, during the period January 1 to December 31 of each year of certification.

(g) Sworn application. In order to be certified as an independent hearing examiner, an applicant must submit a sworn application to the commissioner of education. The application shall contain the following acknowledgments, waivers, and releases.

(1) The applicant agrees to authorize appropriate institutions to furnish relevant documents and information necessary in the investigation of the application, including information regarding grievances maintained by the State Bar of Texas.

(2) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose grievance matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.

(3) If selected as an independent hearing examiner, the applicant has the continuing duty to disclose criminal matters under subsection (d)(2) of this section at any time during the certification period. Failure to report these matters constitutes grounds for rejecting an application or removal as an independent hearing examiner.

(h) Assurances as to position requirements. In the sworn application, the applicant must:

- (1) demonstrate that the applicant currently maintains an office or offices within the State of Texas;
- (2) designate the office locations from which the applicant will accept appointments;
- (3) demonstrate that the applicant provides telephone messaging and facsimile services during regular business hours;
- (4) agree to attend meetings of independent hearing examiners in Austin, Texas, at the examiner's expense; and

(5) agree to comply with all reporting and procedural requirements established by the commissioner.

(i) Voluntary evaluations. The commissioner may solicit voluntary evaluations from parties to a case regarding their observations of the independent hearings process.

(j) Insufficient examiners in a region. In the event that insufficient numbers of independent hearing examiners are certified for any geographic region of the state, the commissioner may assign an independent hearing examiner whose office is within reasonable proximity to the school district.

(k) Annual recertification.

(1) Certification expires on December 31 of each calendar year. All independent hearing examiners seeking recertification shall reapply on a date specified by the commissioner. Certification as a hearing examiner is effective on a yearly basis only and does not confer any expectation of recertification in subsequent years.

(2) The commissioner, in his discretion, after providing notice and an opportunity to respond, may decline to recertify an independent hearing examiner, if the commissioner determines that the independent hearing examiner has failed to perform the duties of an independent hearing examiner in a competent manner. The commissioner may consider, but is not limited to, the following factors:

- (A) timeliness;
- (B) accuracy and appropriateness of procedural and evidentiary rulings;
- (C) decorum or control; or
- (D) application of appropriate legal standards.

(3) The commissioner's decision in regard to recertification is final and not appealable.

(l) Action against certification. The commissioner, after providing notice and an opportunity to respond, may take action against the certificate of an independent hearing examiner if it is determined that the independent hearing examiner or the law firm with which the independent hearing examiner is associated, during the time the independent hearing examiner has been certified, has:

- (1) served as an agent or representative of a school district;
- (2) served as an agent or representative of a teacher in any dispute with a school district;
- (3) served as an agent or representative of an organization of school employees, school administrators, or school boards; or
- (4) failed to timely issue a recommendation.

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 February 16, 2024.

TRD-202400671

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: March 31, 2024

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

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 6. LICENSE TO CARRY HANDGUNS

SUBCHAPTER B. ELIGIBILITY AND APPLICATION PROCEDURES FOR A LICENSE TO CARRY A HANDGUN

37 TAC §6.17

The Texas Department of Public Safety (the department) proposes amendments to §6.17, concerning Protective Order Designation, by adding additional designations on a license to carry a handgun, clarifying the requirements for each designation, and renaming the rule accordingly as "Designations."

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

Ms. Whittenton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities required to comply with the section 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.

Ms. Whittenton has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule will be greater clarity and transparency relating to the available designations and their requirements.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code, §2001.0225. "Major environmental rule" means a rule the specific intent of which is to protect the environment or reduce risks 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 the 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.

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

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The proposed rulemaking does not expand, limit, or repeal an existing regulation. The proposed rule does increase the number of individuals subject to the rule's applicability. During the first five

years the proposed rule is in effect the proposed rule should not impact positively or negatively the state's economy.

Comments on this proposal may be submitted to Steve Moninger, Regulatory Services Division, Texas Department of Public Safety, P.O. Box 4087, MSC 0240, Austin, Texas 78773-0240, or by email to RSD.Rule.Comments@dps.texas.gov. Email submission only is preferred. 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; Texas Government Code §411.197, which authorizes the director to adopt rules to administer this subchapter; and Texas Government Code §411.179, which authorizes the department to adopt the form of the license by rule, for which House Bill 918 and House Bill 2675, 87th Leg., R.S. (2021), added designations for individuals who have a protective order or are at-risk of becoming a victim of violence.

Texas Government Code, §411.004(3), §411.197, §411.179, §411.1735, and §411.184, are affected by this proposal.

§6.17. Designations [Protective Order Designation].

(a) The list in this subsection reflects the current designations as they appear on the license and the individuals to whom the designations may apply:

(1) Veteran: Military veterans meeting the requirements of Government Code, §411.1951;

(2) Judge/Prosecutor: Judges or justices, prosecuting attorneys, United States attorneys, assistant United States attorneys, the attorney general, assistant attorney generals, district attorneys, assistant district attorneys, criminal district attorneys, assistant criminal district attorneys, county attorneys, assistant county attorneys, and municipal attorneys;

(3) Instructor: Individuals certified as qualified handgun instructors;

(4) Protected Person: Individuals meeting the requirements for the protective order designation under Government Code, §411.1735 or the at-risk designation under Government Code, §411.184; and

(5) Court Clerk: District or county clerks.

(b) [(a)] On request of the department, the holder of a license with a protective order designation or an at-risk designation shall annually certify to the department that the individual continues to qualify for the designation and shall submit to the department a copy of any subsequent court order, documentation from the court indicating the previous order remains in effect, or any other information the department requires to verify the individual's continuing eligibility. An individual who no longer qualifies for the protective order designation or the at-risk designation shall immediately notify the department.

(c) [(b)] If the department determines that the individual is no longer eligible for a designation under this section, the department shall notify the individual that the license has expired. The license holder shall immediately return the license to the department.

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 February 16, 2024.

TRD-202400656
D. Phillip Adkins
General Counsel
Texas Department of Public Safety
Earliest possible date of adoption: March 31, 2024
For further information, please call: (512) 424-5848



PART 9. TEXAS COMMISSION ON JAIL STANDARDS

CHAPTER 259. NEW CONSTRUCTION RULES

SUBCHAPTER B. NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.135

The Texas Commission on Jail Standards proposes amendments to Texas Administrative Code, Title 37, §259.135, relating to dormitory housing. Specifically, the proposed amendment addresses the generally accepted industry standard of direct supervision inmate housing areas with congregate levels that exceed 48 inmates. Counties that utilize the direct supervision concept for inmate supervision have been forced to apply for a variance from minimum jail standards to operate inmate housing areas with a congregate level that exceeds 48 inmates. The construction and utilization of inmate housing areas with congregate levels that exceed 48 inmates is common across the nation and 10 counties in Texas currently operate direct supervision housing areas with no negative impact. Amending minimum jail standards to allow congregate levels that exceed 48 inmates when operated as direct supervision will acknowledge that this concept is viable and encouraged for counties that are capable of operating direct supervision facilities.

Brandon Wood, Executive Director, has determined that, during the first five years the amendment will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the amended sections as proposed.

TCJS has determined that during the first five years that the section will be in effect:

- (1) the proposed amendment will not create or eliminate a government program.
- (2) implementation of the proposed amendment will not affect the number of employee positions;
- (3) implementation of the proposed amendment will not require an increase or decrease in future legislative appropriations;
- (4) The proposed amendment will not affect fees paid to the agency;
- (5) the proposed amendment will not create a new rule;
- (6) the proposed amendment will not repeal an existing rule;
- (7) the proposed amendment will not change the number of individuals subject to the rule; and

(8) TCJS has insufficient information to determine the proposed rules' effect on the state's economy.

Mr. Wood has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities to comply with the amended rules, as they will not be required to alter their business practices and the rules do not impose any additional costs on those required to comply with the rules.

There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Texas Government Code, §2001.0045 does not apply to this proposal because the rules do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rule.

Mr. Wood has determined that for each year of the first five years the rules are in effect, the public will benefit from the adoption of the rules. The Commission anticipates that the amendment will enable the counties that are capable of operating a direct supervision housing facility without the burden of applying for a variance from the minimum jail standards.

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

Comments on the proposed rule may be submitted in writing to Richard Morgan, PO Box 12985, Austin, Texas 78711, Fax (512) 463-3185, or e-mail at richard.morgan@tcjs.state.tx.us.

The amendment is proposed under the authority of Government Code, Chapter 511, which authorizes the Texas Commission on Jail Standards to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This proposed change does not affect other rules or statutes.

§259.135. *Dormitories*

Dormitories shall contain 9 to 48 bunks. Dormitories operated as direct supervision may accommodate more than 48 inmates but shall not exceed more than 72 inmates. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers. Dormitories with contiguous [contiguous] day rooms in direct supervision facilities may exceed 40% of the facility capacity.

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 February 16, 2024.

TRD-202400676
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: March 31, 2024
For further information, please call: (512) 850-8668



37 TAC §259.136

The Texas Commission on Jail Standards proposes amendments to Texas Administrative Code, Title 37, §259.136, relating to dormitory housing and dayrooms.

Specifically, the proposed amendment addresses the generally accepted industry standard of direct supervision inmate housing areas and dayrooms with congregate levels that exceed 48 inmates. Counties that utilize the direct supervision concept for inmate supervision have been forced to apply for a variance from minimum jail standards to operate inmate housing areas and dayrooms with a congregate level that exceeds 48 inmates. The construction and utilization of inmate housing areas and dayrooms with congregate levels that exceed 48 inmates is common across the nation and 10 counties in Texas currently operate direct supervision housing areas with no negative impact. Amending minimum jail standards to allow congregate levels that exceed 48 inmates when operated as direct supervision will acknowledge that this concept is viable and encouraged for counties that are capable of operating direct supervision facilities.

Brandon Wood, Executive Director, has determined that, during the first five years the amendment will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the amended sections as proposed.

TCJS has determined that during the first five years that the section will be in effect:

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

Mr. Wood has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities to comply with the amended rules, as they will not be required to alter their business practices, and the rules do not impose any additional costs on those required to comply with the rules.

There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Texas Government Code, §2001.0045 does not apply to this proposal because the rules do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rule.

Mr. Wood has determined that for each year of the first five years the rules are in effect, the public will benefit from the adoption of the rules. The Commission anticipates that the amendment will enable the counties that are capable of operating a direct supervision housing facility without the burden of applying for a variance from the minimum jail standards.

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

Comments on the proposed rule may be submitted in writing to Richard Morgan, P.O. Box 12985, Austin, Texas 78711, Fax (512) 463-3185, or email at richard.morgan@tcjs.state.tx.us.

The amendment is proposed under the authority of Government Code, Chapter 511, which authorizes the Texas Commission on Jail Standards to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This proposed change does not affect other rules or statutes.

§259.136. *Day Rooms.*

All single cells, multiple occupancy cells, and dormitories shall be provided with day room space. Separation cells, violent cells, holding cells, detoxification cells, and medical cells are exempt from this requirement. Day rooms shall accommodate no more than 48 inmates. Dayrooms operated as direct supervision may accommodate more than 48 inmates but shall not exceed more than 72 inmates. Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of clear floor space for the first inmate plus 18 square feet of clear floor space for each additional inmate; a sufficient number of toilets, lavatories, and showers as approved by the Commission; and [] mirrors, seating, and tables. A utility sink should be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles should be individually controlled outside of the day room.

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 February 16, 2024.

TRD-202400675

Brandon Wood

Executive Director

Texas Commission on Jail Standards

Earliest possible date of adoption: March 31, 2024

For further information, please call: (512) 850-8668



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 15. TEXAS VETERANS COMMISSION

CHAPTER 455. TAPS PROGRAM

40 TAC §§455.1 - 455.5

The Texas Veterans Commission (Commission) finds it necessary to propose the repeal of §§455.1 - 455.5 relating to Taps Program codified under Title 40, Texas Administrative Code, Part 15.

PURPOSE AND BACKGROUND

The proposed repeal is made to eliminate a rule that is no longer applicable.

EXPLANATION OF SECTIONS

Sections 455.1 - 455.5

The purpose of the repeal is to remove a rule that no longer has purpose, as the TAPS Program has been terminated by passage of Senate Bill (SB) 1859 during the 88th Legislature, which repealed Section 54.344 (Participation in Military Funerals), Education Code, and Section 434.0072 ("TAPS" Tuition Voucher Program), Government Code, effective September 1, 2023.

IMPACT STATEMENTS

FISCAL NOTE

Kenneth Biddle, Chief Financial Officer, Texas Veterans Commission, has determined for each year of the first five years the proposed rule repeal will be in effect, there will not be an increase in expenditures or revenue for state and local government as a result of administering the rule repeal.

COSTS TO REGULATED PERSONS

Kenneth Biddle, Chief Financial Officer, has also determined there will not be anticipated economic costs to persons required to comply with the proposed rule repeal.

LOCAL EMPLOYMENT IMPACT

Anna Baker, Director, Veterans Employment Services of the Texas Veterans Commission, has determined that there will not be a significant impact upon employment conditions in the state because of the proposed rule repeal.

SMALL BUSINESS, MICRO BUSINESS AND RURAL COMMUNITIES IMPACT

Megan Tamez, Director of the Veterans Entrepreneur Program of the Texas Veterans Commission, has determined that the proposed rule repeal will not have an adverse economic effect on small businesses, micro businesses or rural communities as defined in Texas Government Code §2006.001. As a result, an Economic Impact Statement and Regulatory Flexibility Analysis is not required.

PUBLIC BENEFIT

Shawn Deabay, Deputy Executive Director of the Texas Veterans Commission, has determined that for each year of the first five years the proposed rule repeal is in effect, the public benefit anticipated as a result of administering the repealed rule will reduce the need for formal disputes and settle disputes at the lowest level possible.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Deabay has also determined that for each year of the first five years that the proposed rule repeals are in effect, the following statements will apply:

- (1) The proposed rule repeal will not create or eliminate a government program.
- (2) Implementation of the proposed rule repeal will not require creation of new employee positions, or elimination of existing employee positions.
- (3) Implementation of the proposed rule repeal will not require an increase or decrease in future legislative appropriations to the agency.
- (4) No fees will be created by the proposed rule repeal.
- (5) The proposed rule repeal will not require new regulations.

(6) The proposed rule repeal has no effect on existing regulations.

(7) The proposed rule repeal has no effect on the number of individuals subject to the rule's applicability.

(8) The proposed rule repeal has no effect on this state's economy.

COMMENTS

Comments on the proposed rule repeal may be submitted to Texas Veterans Commission, Attention: General Counsel, P.O. Box 12277, Austin, Texas 78711; faxed to (512) 475-2395; or emailed to rulemaking@tvc.texas.gov. For comments submitted electronically, please include "Chapter 455 Rules" in the subject line. The Commission must receive comments postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.

STATUTORY AUTHORITY

The rule repeal is proposed under Texas Government Code §434.010 which authorizes the Commission to establish rules it considers necessary for its administration.

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

§455.1. *Purpose.*

§455.2. *Application.*

§455.3. *Definitions.*

§455.4. *Process.*

§455.5. *Adoption of Standard Form.*

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 February 15, 2024.

TRD-202400653

Kathleen Cordova

General Counsel

Texas Veterans Commission

Earliest possible date of adoption: March 31, 2024

For further information, please call: (737) 320-4167



CHAPTER 456. CONTRACT NEGOTIATION AND MEDIATION

40 TAC §456.8, §456.13

The Texas Veterans Commission (Commission) proposes amendments to Chapter 456, Contract Negotiation and Mediation, Sections 456.8, and 456.13.

PART I. PURPOSE AND BACKGROUND

The proposed amendments are made to reflect the change of the title of this position from "Chief Administrative Officer" to "Director of Resource Management."

PART II. EXPLANATION OF SECTIONS

Section 456.8 Negotiation Timetable

In Subsection (a): Deletes the title "Chief Administrative Officer" and adds "Director of Resource Management."

Section 456.13

In Subsection (b): Deletes the title "Chief Administrative Officer" and adds "Director of Resource Management."

PART III. IMPACT STATEMENTS

FISCAL NOTE

Kenneth Biddle, Chief Financial Officer, Texas Veterans Commission, has determined for each year of the first five years the proposed rule amendment will be in effect, there will not be an increase in expenditures or revenue for state and local government as a result of administering the proposed rule.

COSTS TO REGULATED PERSONS

Kenneth Biddle, Chief Financial Officer, has also determined there will not be anticipated economic costs to persons required to comply with the proposed rule.

LOCAL EMPLOYMENT IMPACT

Anna Baker, Director, Veterans Employment Services, Texas Veterans Commission, has determined that there will not be a significant impact upon employment conditions in the state as a result of the proposed rule.

SMALL BUSINESS, MICRO BUSINESS AND RURAL COMMUNITIES IMPACT

Megan Tamez, Director, Veterans Entrepreneur Program, Texas Veterans Commission, has determined that the proposed rule will not have an adverse economic effect on small businesses, micro businesses or rural communities as defined in Texas Government Code §2006.001. As a result, an Economic Impact Statement and Regulatory Flexibility Analysis is not required.

PUBLIC BENEFIT

Shawn Deabay, Deputy Executive Director, Texas Veterans Commission, has determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated as a result of administering the amended rule will reduce the need for formal disputes and settle disputes at the lowest level possible.

GOVERNMENT GROWTH IMPACT STATEMENT

Mr. Deabay has also determined that for each year of the first five years that the proposed rule amendments are in effect, the following statements will apply:

- (1) The proposed rule amendments will not create or eliminate a government program.
- (2) Implementation of the proposed rule amendments will not require creation of new employee positions, or elimination of existing employee positions.
- (3) Implementation of the proposed rule amendments will not require an increase or decrease in future legislative appropriations to the agency.
- (4) No fees will be created by the proposed rule amendments.
- (5) The proposed rule amendments will not require new regulations.
- (6) The proposed rule amendments have no effect on existing regulations.
- (7) The proposed rule amendments have no effect on the number of individuals subject to the rule's applicability.

(8) The proposed rule amendments have no effect on this state's economy.

PART IV. COMMENTS

Comments on the proposed amended rules may be submitted to Texas Veterans Commission, Attention: General Counsel, P.O. Box 12277, Austin, Texas 78711; faxed to (512) 475-2395; or emailed to rulemaking@tvc.texas.gov. For comments submitted electronically, please include "Chapter 456 Rules" in the subject line. The Commission must receive comments postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.

PART V. STATUTORY AUTHORITY

The rule amendment is proposed under Texas Government Code §434.010 which authorizes the commission to establish rules it considers necessary for its administration.

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

§456.8. *Negotiation Timetable.*

(a) Following receipt of a contractor's notice of claim, the agency's Director of Resource Management [~~chief administrative officer~~] or [~~his~~] designee, shall review the contractor's claim and the agency's counterclaim, if any, and initiate negotiations with the contractor to attempt to resolve the claim and counterclaim.

(b) Subject to subsection (c) of this section, the parties shall begin negotiations within a reasonable period of time, not to exceed 60 calendar days following the later of:

- (1) the date of termination of the contract;
- (2) the completion date in the original contract; or
- (3) the date the agency receives the contractor's notice of claim.

(c) The agency may delay negotiations until after the 180th day from the date of the event giving rise to the claim of breach of contract by delivering written notice to the contractor that the commencement of negotiations will be delayed and notice of when the agency will be ready to begin negotiations.

(d) The parties may conduct negotiations according to an agreed schedule as long as they complete the negotiations no later than 270 days after the agency receives the contractor's notice of claim.

(e) The parties may agree in writing on or before the 270th day after the agency receives the contractor's notice of claim to extend the time for negotiations. The agreement shall be signed by representatives of the parties with authority to bind each respective party and shall provide for the extension of the statutory negotiation period until a date certain. The parties may enter into a series of written extension agreements that comply with the requirements of this section.

(f) The contractor may request a contested case hearing before the State Office of Administrative Hearings on or before the 270th day after the agency receives the contractor's notice of claim, or the expiration of any extension agreed to by the parties.

(g) The parties may agree to mediate the dispute at any time before the 270th day after the agency receives the contractor's notice of claim or before the expiration of any extension agreed to by the parties pursuant to subsection (e) of this section.

§456.13. *Request for Contested Case Hearing.*

(a) If a claim for breach of contract is not resolved in its entirety on or before the 270th day after the agency receives the notice

of claim, or after the expiration of any extension, the contractor may file a request with the agency for a contested case hearing before State Office of Administrative Hearings (SOAH).

(b) A request for a contested case hearing shall state the legal and factual basis for the claim and shall be delivered to the agency's Director of Resource Management [~~chief administrative officer, his designee,~~] or the person designated in the contract to receive notice, within 30 days after the 270th day or the expiration of any agreed extensions.

(c) The agency shall forward the contractor's request for a contested case hearing to SOAH within thirty days after receipt of the request.

(d) The parties may agree to submit the case to SOAH before the 270th day after the notice of claim is received by the agency if they have achieved a partial resolution of the claim or if an impasse has been reached in the negotiations and proceeding to a contested case hearing would serve the interests of justice.

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 February 15, 2024.

TRD-202400654

Kathleen Cordova

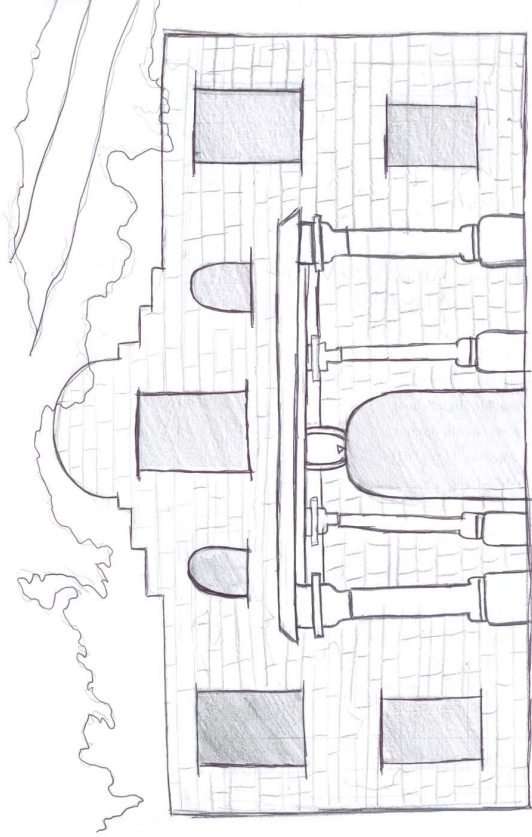
General Counsel

Texas Veterans Commission

Earliest possible date of adoption: March 31, 2024

For further information, please call: (737) 320-4167





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 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 553. LICENSING STANDARDS FOR ASSISTED LIVING FACILITIES

SUBCHAPTER A. INTRODUCTION

26 TAC §§553.3, 553.5, 553.7, 553.9

The Health and Human Services Commission withdraws proposed amended §§553.3, 553.5, 553.7, and 553.9 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400579

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



SUBCHAPTER B. LICENSING

26 TAC §§553.17, 553.21, 553.23, 553.25, 553.27, 553.29, 553.31, 553.33, 553.37, 553.39, 553.45, 553.47

The Health and Human Services Commission withdraws proposed amended §§553.17, 553.21, 553.23, 553.25, 553.27, 553.29, 553.31, 553.33, 553.37, 553.39 and 553.47 and proposed new §553.45 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400580

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



26 TAC §553.43

The Health and Human Services Commission withdraws the proposed repeal of §553.43 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400581

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



SUBCHAPTER D. FACILITY CONSTRUCTION DIVISION 1. GENERAL PROVISIONS

26 TAC §§553.100, §553.101

The Health and Human Services Commission withdraws proposed amended §553.100 and §553.101, which appeared in the December 22, 2024, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400582

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



DIVISION 2. PROVISIONS APPLICABLE TO ALL FACILITIES

26 TAC §§553.103, §553.104

The Health and Human Services Commission withdraws proposed amended §553.103 and §553.104 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400583

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 3. BUILDING REHABILITATION

26 TAC §553.107

The Health and Human Services Commission withdraws proposed amended §553.107, which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400584

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 4. EXISTING SMALL TYPE A ASSISTED LIVING FACILITIES

26 TAC §§553.111 - 553.113, 553.115

The Health and Human Services Commission withdraws proposed amended §§553.111 - 553.113, and 553.115 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400585

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 5. EXISTING SMALL TYPE B ASSISTED LIVING FACILITIES

26 TAC §§553.122, §553.125

The Health and Human Services Commission withdraws proposed amended §553.122 and §553.125, which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400586

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 6. EXISTING LARGE TYPE A ASSISTED LIVING FACILITIES

26 TAC §§553.131, 553.132, 553.135

The Health and Human Services Commission withdraws proposed amended §§553.131, 553.132, and 553.135, which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400587

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 7. EXISTING LARGE TYPE B ASSISTED LIVING FACILITIES

26 TAC §553.142

The Health and Human Services Commission withdraws proposed amended §553.142, which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400589

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 8. NEW SMALL TYPE A ASSISTED LIVING FACILITIES

26 TAC §§553.211, 553.212, 553.215

The Health and Human Services Commission withdraws proposed amended §§553.211, 553.212, and 553.215, which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400590

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 9. NEW SMALL TYPE B ASSISTED LIVING FACILITIES

26 TAC §§553.222, §553.225

The Health and Human Services Commission withdraws proposed amended §§553.222 and §553.225, which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400591
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 10. NEW LARGE TYPE A ASSISTED LIVING FACILITIES

26 TAC §§553.231, 553.232, 553.235

The Health and Human Services Commission withdraws proposed amended §§553.231, 553.232, and 553.235, which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400592
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 11. NEW LARGE TYPE B ASSISTED LIVING FACILITIES

26 TAC §§553.241, 553.242, 553.245, 553.246

The Health and Human Services Commission withdraws proposed amended §§553.241, 553.242, 553.245, and 553.246 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400593

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 12. SPECIALIZED ASSISTED LIVING FACILITIES

26 TAC §553.250

The Health and Human Services Commission withdraws proposed new §553.250, which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400594
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



SUBCHAPTER E. STANDARDS FOR LICENSURE

26 TAC §§553.253, 553.255, 553.257, 553.259, 553.261, 553.263, 553.265, 553.267, 553.269, 553.271, 553.273, 553.275, 553.277, 553.279, 553.281, 553.283, 553.285, 553.287, 553.289, 553.291 - 553.293, 553.295

The Health and Human Services Commission withdraws proposed amended and new §§553.253, 553.255, 553.257, 553.259, 553.261, 553.263, 553.265, 553.267, 553.269, 553.271, 553.273, 553.275, 553.277, 553.279, 553.281, 553.283, 553.285, 553.287, 553.289, 553.291 - 553.293, and 553.295 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400595
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



26 TAC §§553.261, 553.263, 553.265, 553.267, 553.269, 553.271, 553.272, 553.273, 553.275

The Health and Human Services Commission withdraws the proposed repeal of §§553.261, 553.263, 553.265, 553.267, 553.269, 553.271, 553.272, 553.273 and 553.275 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400596

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



SUBCHAPTER F. ADDITIONAL LICENSING STANDARDS FOR CERTIFIED ALZHEIMER'S ASSISTED LIVING FACILITIES

26 TAC §§553.301, 553.303, 553.305, 553.307, 553.309

The Health and Human Services Commission withdraws proposed amended §§553.301, 553.303, 553.305, 553.307, and 553.309 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400597

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



26 TAC §553.311

The Health and Human Services Commission withdraws the proposed repeal of §553.311 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400598

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



SUBCHAPTER G. INSPECTIONS, INVESTIGATIONS, AND INFORMAL DISPUTE RESOLUTION

26 TAC §§553.327, 553.328, 553.331

The Health and Human Services Commission withdraws proposed amended §§553.327, 553.328, and 553.331 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400599

Karen Ray

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Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



SUBCHAPTER H. ENFORCEMENT DIVISION 1. GENERAL INFORMATION

26 TAC §§553.351, §553.353

The Health and Human Services Commission withdraws the proposed repeal of §553.351 and §553.353 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400600

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



26 TAC §553.351

The Health and Human Services Commission withdraws proposed new §553.351 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400601

Karen Ray

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Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



DIVISION 2. ACTIONS AGAINST A LICENSE: SUSPENSION

26 TAC §§553.401, 553.403, 553.405, 553.407, 553.409, 553.411, 553.413, 553.415, 553.417, 553.419, 553.421, 553.423, 553.425, 553.427, 553.429, 553.431, 553.433, 553.435, 553.437, 553.439

The Health and Human Services Commission withdraws the proposed repeal of §§553.401, 553.403, 553.405, 553.407, 553.409, 553.411, 553.413, 553.415, 553.417, 553.419, 553.421, 553.423, 553.425, 553.427, 553.429, 553.431, 553.433, 553.435, 553.437, and 553.439 which appeared in the

December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400602
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



26 TAC §553.401

The Health and Human Services Commission withdraws proposed new §553.401 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400603
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 3. ACTIONS AGAINST A LICENSE: REVOCATION

26 TAC §§553.451, 553.453, 553.455, 553.457, 553.459, 553.461, 553.463, 553.465, 553.467, 553.469, 553.471, 553.473, 553.475, 553.477, 553.479, 553.481, 553.483

The Health and Human Services Commission withdraws the proposed repeal of §§553.451, 553.453, 553.455, 553.457, 553.459, 553.461, 553.463, 553.465, 553.467, 553.469, 553.471, 553.473, 553.475, 553.477, 553.479, 553.481, and 553.483 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400604
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



26 TAC §553.451

The Health and Human Services Commission withdraws proposed new §553.451 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400605
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 4. ACTIONS AGAINST A LICENSE: TEMPORARY RESTRAINING ORDERS AND INJUNCTIONS

26 TAC §553.501, §553.503

The Health and Human Services Commission withdraws the proposed repeal of §553.501 and § 553.503 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400606
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



26 TAC §553.501

The Health and Human Services Commission withdraws proposed new §553.501 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400608
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 5. ACTIONS AGAINST A LICENSE: EMERGENCY LICENSE SUSPENSION AND CLOSING ORDER

26 TAC §§553.551, 553.553, 553.555, 553.557, 553.559, 553.561, 553.563, 553.565, 553.567, 553.569, 553.571, 553.573, 553.575, 553.577, 553.579, 553.581, 553.583, 553.585, 553.587, 553.589, 553.591, 553.593, 553.595, 553.597

The Health and Human Services Commission withdraws the proposed repeal of §§553.551, 553.553, 553.555, 553.557,

553.559, 553.561, 553.563, 553.565, 553.567, 553.569, 553.571, 553.573, 553.575, 553.577, 553.579, 553.581, 553.583, 553.585, 553.587, 553.589, 553.591, 553.593, 553.595, and 553.597 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400609

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



26 TAC §553.551

The Health and Human Services Commission withdraws proposed new section §553.551 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7857).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400610

Karen Ray

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Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



DIVISION 6. ACTIONS AGAINST A LICENSE: CIVIL PENALTIES

26 TAC §553.601, §553.603

The Health and Human Services Commission withdraws the proposed repeal of §553.601 and §553.603 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400611

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



26 TAC §553.601

The Health and Human Services Commission withdraws proposed new §553.601 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400612

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



DIVISION 7. TRUSTEES: INVOLUNTARY APPOINTMENT OF A TRUSTEE

26 TAC §§553.651, 553.653, 553.655, 553.657, 553.659, 553.661

The Health and Human Services Commission withdraws the proposed repeal of §§553.651, 553.653, 553.655, 553.657, 553.659, and 553.661 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400613

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



26 TAC §553.651

The Health and Human Services Commission withdraws proposed new §553.651 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400614

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: February 14, 2024

For further information, please call: (512) 438-3161



DIVISION 8. TRUSTEES: APPOINTMENT OF A TRUSTEE BY AGREEMENT

26 TAC §§553.701, 553.703, 553.705, 553.707, 553.709, 553.711

The Health and Human Services Commission withdraws the proposed repeal of §§553.701, 553.703, 553.705, 553.707, 553.709, and 553.711 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400615

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



26 TAC §553.701

The Health and Human Services Commission withdraws proposed new §553.701 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400617

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161



DIVISION 9. ADMINISTRATIVE PENALTIES

26 TAC §553.751

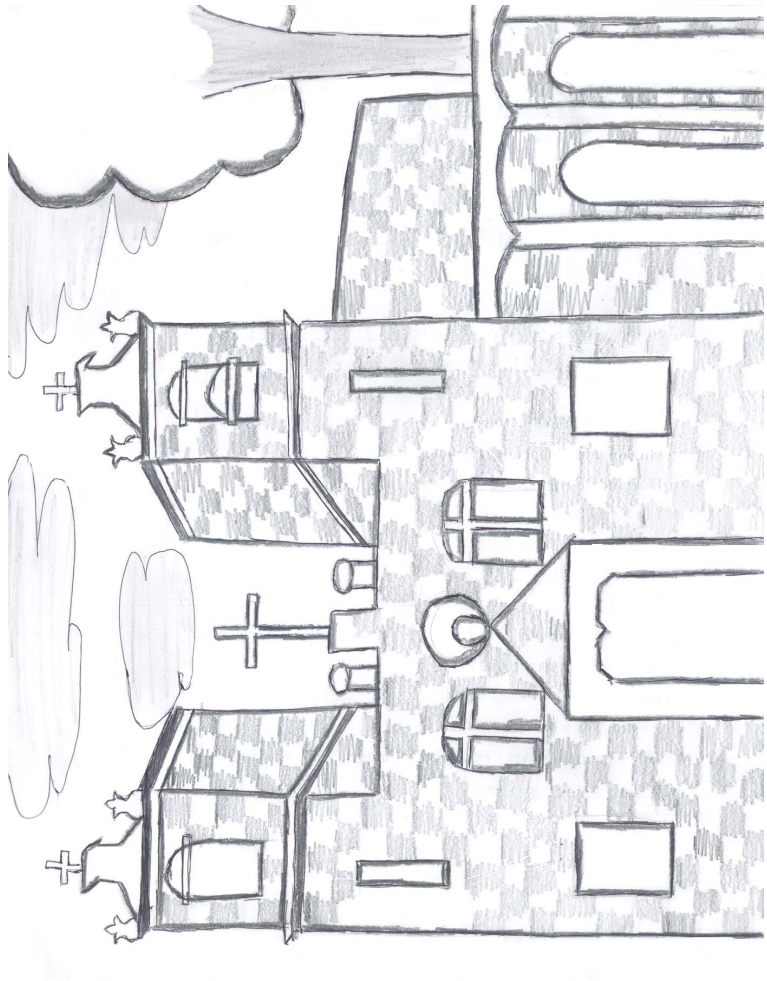
The Health and Human Services Commission withdraws proposed amended §553.751 which appeared in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7759).

Filed with the Office of the Secretary of State on February 14, 2024.

TRD-202400618

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: February 14, 2024
For further information, please call: (512) 438-3161





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 7. BANKING AND SECURITIES

PART 5. OFFICE OF CONSUMER CREDIT COMMISSIONER

CHAPTER 83. REGULATED LENDERS AND CREDIT ACCESS BUSINESSES

SUBCHAPTER B. RULES FOR CREDIT ACCESS BUSINESSES

The Finance Commission of Texas (commission) adopts amendments to §83.3002 (relating to Filing of New Application), §83.3007 (relating to Processing of Application), §83.4003 (relating to Denial, Suspension, or Revocation Based on Criminal History), and §83.6007 (relating to Consumer Disclosures) in 7 TAC Chapter 83, Subchapter B, concerning Rules for Credit Access Businesses.

The commission adopts the amendments to §83.3002, §83.3007, and §83.4003 without changes to the proposed text as published in the November 10, 2023, issue of the *Texas Register* (48 TexReg 6516). The rules will not be republished.

The commission adopts the amendments to §83.6007 with changes to the proposed figures as published in the November 10, 2023, issue of the *Texas Register* (48 TexReg 6516) and the corrected figures published in the November 24, 2023, issue of the *Texas Register* (48 TexReg 6927). The rule will be republished.

The commission received no official comments on the proposed amendments.

The rules in 7 TAC Chapter 83, Subchapter B govern credit access businesses (CABs). In general, the purpose of the rule changes to 7 TAC Chapter 83, Subchapter B is to implement changes resulting from the commission's review of the subchapter under Texas Government Code, §2001.039. Notice of the review of 7 TAC Chapter 83, Subchapter B was published in the *Texas Register* on August 4, 2023 (48 TexReg 4283). The commission received no official comments in response to that notice.

The OCCC distributed an early precomment draft of proposed changes to interested stakeholders for review, and then held a stakeholder meeting and webinar regarding the rule changes. The OCCC did not receive any informal precomments on the rule text draft.

Amendments to §83.3002 update requirements for filing a new CAB license application. Currently, §83.3002(1)(A)(ii) requires a CAB license application to identify a "responsible person" with substantial management responsibility for each proposed office. The adoption replaces the "responsible person" requirement in §83.3002(1)(A)(ii) with a requirement to list a "compliance offi-

cer," who must be an individual responsible for overseeing compliance, and must be authorized to receive and respond to communications from the OCCC. The amendment will enable CABs to identify an individual who can be contacted on a company-wide basis. The amendment is intended to ensure that each CAB lists an individual who can be contacted about compliance issues. In addition, an amendment to §83.3002(2)(A)(v) removes language suggesting that CAB license applicants send fingerprints directly to the OCCC. Currently, license applicants submit fingerprints through a party approved by the Texas Department of Public Safety.

Amendments to §83.3007 revise provisions governing the OCCC's denial of a CAB license application. Under Texas Finance Code, §393.603(b), if the OCCC finds that a CAB license applicant has not met the eligibility requirements for a CAB license, then the OCCC will notify the applicant. Under Texas Finance Code, §393.603(c), an applicant has 30 days after the date of the notification to request a hearing on the denial. Amendments at §83.3007(d) specify that if the eligibility requirements for a license have not been met, the OCCC will send a notice of intent to deny the license application, as described by Texas Finance Code, §393.603(b). Amendments at §83.3007(e) revise current language to specify that an affected applicant has 30 days from the date of the notice of intent to deny to request a hearing, as provided by Texas Finance Code, §393.603(c). These amendments will ensure consistency with the license application denial process in Texas Finance Code, §393.603. The amendments are consistent with the OCCC's current practice for notifying an applicant of the intent to deny a license application.

Amendments to §83.4003 relate to the OCCC's review of the criminal history of a CAB applicant or licensee. The OCCC is authorized to review criminal history of CAB applicants and licensees under Texas Occupations Code, Chapter 53; Texas Finance Code, §14.151; and Texas Government Code, §411.095. The amendments to §83.4003 ensure consistency with HB 1342, which the Texas Legislature enacted in 2019. HB 1342 included a change to Texas Occupations Code, §53.022 relating to factors considered in determining whether an offense relates to the duties and responsibilities of the licensed occupation. Amendments to §83.4003(c)(2) implement this statutory change from HB 1342. An amendment to §83.4003(d) corrects an internal cross-reference in the rule.

Amendments to the figures accompanying §83.6007 revise the model forms for the consumer cost disclosure used by CABs. The amendments implement Texas Finance Code, §393.223(a), which authorizes the commission to adopt rules including the disclosure. The amendments include updated information regarding the cost of comparable forms of consumer credit, as well as updated information on patterns of repayment based on 2022 quarterly and annual reports provided by CABs to the OCCC.

Since the proposal, additional changes have been made to the figures to improve formatting and ensure that the figures can be effectively used as fillable forms on the OCCC's website.

The commission and the OCCC will allow a delayed implementation date of September 1, 2024, for all licensees to provide the amended versions of the disclosures under §83.6007. From the rule's effective date through August 31, 2024, licensees may provide consumers with either the previous versions of the disclosures or the amended versions. Starting on September 1, 2024, licensees must provide the amended versions. Regardless of which version of the forms they use, licensees must ensure that their disclosures comply with all requirements in Texas Finance Code, §393.223 and the rule text of §83.6007 and §83.6008 (relating to Permissible Changes). In particular, licensees must ensure that they: (1) use the disclosure corresponding to the correct product (e.g., multiple payment payday loan), (2) provide the disclosure at a time that is both before a credit application is provided and before a financial evaluation occurs, and (3) ensure that the disclosure is completed with all required information.

DIVISION 3. APPLICATION PROCEDURES

7 TAC §83.3002, §83.3007

The rule changes are adopted under Texas Finance Code, §393.622, which authorizes the commission to adopt rules necessary to enforce and administer Texas Finance Code, Chapter 393, Subchapter G (governing CABs). In addition, Texas Finance Code, §393.223 authorizes the commission to adopt rules regarding the cost disclosure used by CABs.

The statutory provisions affected by the adoption are contained in Texas Finance Code, Chapter 393.

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 February 16, 2024.

TRD-202400683

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Effective date: March 7, 2024

Proposal publication date: November 10, 2023

For further information, please call: (512) 936-7660



DIVISION 4. LICENSE

7 TAC §83.4003

The rule changes are adopted under Texas Finance Code, §393.622, which authorizes the commission to adopt rules necessary to enforce and administer Texas Finance Code, Chapter 393, Subchapter G (governing CABs). In addition, Texas Finance Code, §393.223 authorizes the commission to adopt rules regarding the cost disclosure used by CABs.

The statutory provisions affected by the adoption are contained in Texas Finance Code, Chapter 393.

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 February 16, 2024.

TRD-202400684

Matthew Nance

General Counsel

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Effective date: March 7, 2024

Proposal publication date: November 10, 2023

For further information, please call: (512) 936-7660



DIVISION 6. CONSUMER DISCLOSURES AND NOTICES

7 TAC §83.6007

The rule changes are adopted under Texas Finance Code, §393.622, which authorizes the commission to adopt rules necessary to enforce and administer Texas Finance Code, Chapter 393, Subchapter G (governing CABs). In addition, Texas Finance Code, §393.223 authorizes the commission to adopt rules regarding the cost disclosure used by CABs.

The statutory provisions affected by the adoption are contained in Texas Finance Code, Chapter 393.

§83.6007. *Consumer Disclosures.*

(a) Consumer disclosure for single payment payday loan. The required disclosure under Texas Finance Code, §393.223 to be provided to a consumer before a credit application is provided and before a financial evaluation occurs in conjunction with a single payment payday loan is presented in the following figure.

Figure: 7 TAC §83.6007(a)

(b) Consumer disclosure for multiple payment payday loan. The required disclosure under Texas Finance Code, §393.223 to be provided to a consumer before a credit application is provided and before a financial evaluation occurs in conjunction with a multiple payment payday loan is presented in the following figure.

Figure: 7 TAC §83.6007(b)

(c) Consumer disclosure for single payment auto title loan. The required disclosure under Texas Finance Code, §393.223 to be provided to a consumer before a credit application is provided and before a financial evaluation occurs in conjunction with a single payment auto title loan is presented in the following figure.

Figure: 7 TAC §83.6007(c)

(d) Consumer disclosure for multiple payment auto title loan. The required disclosure under Texas Finance Code, §393.223 to be provided to a consumer before a credit application is provided and before a financial evaluation occurs in conjunction with a multiple payment auto title loan is presented in the following figure.

Figure: 7 TAC §83.6007(d)

(e) Consumer disclosures required for three to five common examples. For the three to five examples of the most common loans transacted by a credit access business as utilized under §83.6004 of this title (relating to Fee Schedule Content), the business must develop a consumer disclosure for those loan amounts, including appropriate fee information. Three to five examples must be developed for each payday or auto title product sold by the business (e.g., three single payment payday examples of \$300, \$500, and \$700; three multiple payment auto title examples of \$1,000, \$1,500, and \$2,500). The credit access business should provide the consumer with the example form

for the product and amount that most closely relates to the consumer's loan request.

(f) Internet sales. A credit access business must provide the required disclosure to a consumer immediately upon the consumer's arrival at the credit access business's website that includes information about a payday or auto title loan as defined by Texas Finance Code, §393.221. Access to the required disclosure must be clearly visible upon the consumer's arrival at the website. If a consumer is directed to a credit access business's website by another commercial entity that is not required to be licensed as a credit access business, then the credit access business's website to which the consumer is first directed must contain a direct link to the appropriate consumer disclosure as outlined in subsections (a) - (d) of this section. The direct link to the consumer disclosure must be provided before the consumer is required to verify previously provided information, and before the consumer is required to provide additional information.

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 February 16, 2024.

TRD-202400685
Matthew Nance
General Counsel
Office of Consumer Credit Commissioner
Effective date: March 7, 2024
Proposal publication date: November 10, 2023
For further information, please call: (512) 936-7660



TITLE 13. CULTURAL RESOURCES

PART 1. TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

CHAPTER 7. LOCAL RECORDS

SUBCHAPTER D. RECORDS RETENTION SCHEDULES

13 TAC §7.123

The Texas State Library and Archives Commission (commission) adopts amendments to §7.123, General. The amendments are adopted without changes to the proposed text as published in the November 24, 2023, issue of the *Texas Register* (48 TexReg 6844). The rule will not be republished.

The amendments are necessary to correct a reference to another commission rule and to update the commission's rule regarding records destruction by local governments and elected county officers based on a recent legislative change.

SUMMARY OF COMMENTS. The commission did not receive any comments on the proposed amendments.

STATUTORY AUTHORITY. The amendments are adopted under Government Code, §441.158, which directs the commission to adopt records retention schedules for each type of local government by rule.

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

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 February 15, 2024.

TRD-202400644
Sarah Swanson
General Counsel
Texas State Library and Archives Commission
Effective date: March 4, 2024
Proposal publication date: November 24, 2023
For further information, please call: (512) 463-5460



CHAPTER 10. ARCHIVES AND HISTORICAL RESOURCES

13 TAC §10.4

The Texas State Library and Archives Commission (commission) adopts an amendment to §10.4, Reappraisal and Deaccessioning of Items. The amendment is adopted without changes to the proposed text as published in the November 24, 2023, issue of the *Texas Register* (48 TexReg 6846). The rule will not be republished.

The amendment is necessary to enable commission staff to weed out duplicates of items in the State Archives when they are located within a single records series or collection, enabling staff to manage and process the collection more efficiently. The amendment to §10.4 adds a clause to subsection (b)(3) to clarify that deaccession may be an appropriate option for items that are duplicates of other items in the State Archives if the duplicates are found within records of a separate state agency or a separate non-state agency collection.

SUMMARY OF COMMENTS. The commission did not receive any comments on the proposed amendment.

STATUTORY AUTHORITY. The amendment is adopted under Government Code, §441.190; which authorizes the commission to adopt rules establishing standards and procedures for the protection, maintenance, and storage of state records, paying particular attention to the maintenance, storage, and protection of archival and vital state records; Government Code, §441.193, which authorizes the commission to adopt rules regarding public access to the archival state records and other historical resources in the possession of the commission; and Government Code, §441.186, which authorizes the state archivist to remove the designation of a state record as an archival state record and permit destruction of the record under rules adopted under Chapter 441, Subchapter L.

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 February 15, 2024.

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TITLE 16. ECONOMIC REGULATION

**PART 2. PUBLIC UTILITY
COMMISSION OF TEXAS**

**CHAPTER 25. SUBSTANTIVE RULES
APPLICABLE TO ELECTRIC SERVICE
PROVIDERS**

**SUBCHAPTER I. TRANSMISSION AND
DISTRIBUTION**

**DIVISION 1. OPEN-ACCESS COMPARABLE
TRANSMISSION SERVICE FOR ELECTRIC
UTILITIES IN THE ELECTRIC RELIABILITY
COUNCIL OF TEXAS**

16 TAC §25.195

The Public Utility Commission of Texas (commission) adopts amended 16 Texas Administrative Code (TAC) §25.195, relating to Terms and Conditions for Transmission Service. The commission adopts this rule with changes to the proposed text as published in the December 15, 2023 issue of the *Texas Register* (48 TexReg 7264). The rule will be republished. The adopted rule implements Public Utility Regulatory Act (PURA) §35.004, enacted as House Bill 1500, §9, which requires the commission to develop a reasonable allowance applicable to generation resources interconnecting directly with the ERCOT transmission system at transmission voltage after December 31, 2025.

Under the adopted rule, interconnections at or below 138 kilovolts (kV) will initially have an allowance of \$14,000,000. Interconnections above 138 kV will initially have an allowance of \$20,00,000. The initial allowance amounts were determined based on the historical costs of each interconnection that became energized on or after September 1, 2019, through October 11, 2023, as disclosed by the 12 transmission service providers (TSPs) with the highest transmission cost of service for the 2022 calendar year. Each allowance tier amount will be adjusted annually on a year-over-year basis for inflation based on the national Consumer Price Index published by the United States Bureau of Economic Analysis.

The commission received comments on the proposed rule from: the Advanced Power Alliance and the American Clean Power Association (APA and ACP); AEP Texas Inc. and Electric Transmission Texas, LLC (collectively, AEP); Apex Clean Energy and Cypress Creek Renewables (ACE and CCR); CenterPoint Energy Houston Electric (CenterPoint); the City of Houston; the City of San Antonio City Public Service Board (CPS Energy); Hunt Energy Network, LLC (HEN); the Lower Colorado River Authority Transmission Services Corporation (LCRA); the Office

of Public Utility Counsel (OPUC); Oncor Electric Delivery Company, LLC (Oncor); Sharyland Utilities, LLC (Sharyland); the Lone Star Chapter of the Sierra Club (Sierra Club); the Solar Energy Industries Association (SEIA); the Texas Advanced Energy Business Alliance (TAEBBA); Texas Competitive Power Advocates (TCPA); Texas Electric Cooperatives, Inc. (TEC); Texas Industrial Energy Consumers (TIEC); Texas Public Policy Foundation (TPPF); Texas Public Power Association (TPPA); Texas Solar Power Association (TSPA); Texas-New Mexico Power Company (TNMP); WattBridge Texas, LLC (WattBridge); and Wind Energy Transmission Texas, LLC (WETT).

Generation Interconnection Allowance Methodology

Historical generation interconnection costs

To accomplish the directives of PURA §35.004, the commission studied historical generation interconnection costs including which elements of a generation project most significantly contributed toward interconnection costs. Specifically, commission staff issued a request for information to the 12 transmission service providers (TSPs) with the highest approved transmission cost of service amounts as of early 2023. The requested data related to generation interconnection projects energized on or after September 1, 2019, through October 11, 2023, the date the request was filed in project number 55566.

In the interest of transparency, the interconnection cost data received from the TSPs was compiled by commission staff and filed in project number 55566 on November 2, 2023. The following information was provided by the TSPs and reviewed by commission staff for each generation interconnection project: generator resource type (i.e., solar, wind, battery, natural gas) and capacity in megawatts (MW), the resource type and capacity in MW of any co-located generation, the interconnection voltage level, the cost uplifted to transmission cost of service (TCOS), transmission line buildout in miles, the cost of transmission line buildout, site type (whether the interconnection site was new ("greenfield") or pre-existing ("brownfield")), the county the generator was interconnected in, and energization date.

Voltage-based allowance

After compiling the data provided by the TSPs, commission staff conducted an omnibus test regression analysis to identify factors with a statistically significant impact on the total cost uplifted to TCOS. This test analyzed the following variables: interconnection voltage level, generator resource type, site type, total capacity, and miles of transmission line buildout. Three significant variables were identified: interconnection voltage level, site type, and miles of transmission line buildout. Specifically, interconnecting at a higher voltage level, constructing greenfield sites, and building out transmission lines have a statistically significant correlation with cost.

After considering each of the three significant factors in further detail, the commission determines that voltage is the only appropriate variable - other than cost - that should be considered when setting the level of the allowance. Creating an allowance based on transmission line length or site type could lead to perverse incentives to incur more cost on lengthier transmission lines or on greenfield sites, driving up costs for consumers. Conversely, an allowance based on the interconnection's voltage creates appropriate economic incentives, if set at adequate amounts, and would have other benefits, such as promoting line loss reduction and fully utilizing the state's transmission grid.

Two-tiered allowance

To incorporate voltage into the allowance, the commission sets a two-tiered allowance. The first tier is for interconnections at or below 138 kVs. The second tier is for interconnections above 138 kVs. A single allowance, depending on the amount, could artificially distort incentives to interconnect at a higher or lower voltage, or cover too great a proportion of costs for all generation interconnections, and therefore not accomplish the statute's intent. For example, the data from TSPs revealed that, on average, high-voltage interconnections are significantly more costly than low-voltage interconnections. Therefore, using a single allowance amount for all projects risks only high-voltage interconnections incurring out-of-pocket costs, thereby disincentivizing these types of projects and not incentivizing siting discipline for low voltage interconnection.

Allowance Level

As previously noted, prior to the commission's formal publication of its proposed rule, commission staff published questions for stakeholder feedback on what the commission should consider when setting the allowance. Commission staff further posted a discussion draft and hosted a workshop on November 7, 2023, to receive further public input on the design of the allowance, commission staff's discussion draft, and the TSP-provided data.

Many commenters highlighted the benefits of interconnecting within the ERCOT region compared to other independent system operators. Specifically, the efficiency and speed of ERCOT interconnection queues, incentives to participate in the energy market, and the historical precedent of ratepayers paying for interconnection costs beyond a generator's step-up transformer make a compelling business case for a generator to locate in the ERCOT region. Especially in light of the commission's current focus on resource adequacy, the commission agrees that preserving these benefits, as practicable, is important. Accordingly, the commission sets the initial allowance such that most generator interconnections should be fully covered by the allowance.

In the proposed rule, the commission set the allowance at roughly the 85th percentile of total cost for each voltage level. This corresponds approximately to a \$12,000,000 allowance for interconnections at or below 138kV and a \$22,500,000 allowance for interconnections above 138kV. As discussed in further detail below, some commenters expressed a concern that the large difference between the two tiers of the allowance would create an incentive for all generators to locate on high voltage lines. However, in the data provided by the TSPs, high-voltage interconnections have historically cost an average of approximately \$4,500,000 more than low voltage interconnections. There are also other cost differences associated with connecting at different voltage levels that are borne entirely by the generator (e.g., step-up transformer costs), further increasing the total difference in costs between low and high voltage interconnections.

However, in consideration of the comments filed in response to the proposed rule, and upon further review of updated data provided by the TSPs, the commission determines that raising the proposed allowance for interconnections at or below 138kV to \$14,000,000 and lowering the proposed allowance for interconnections above 138kV from \$22,500,000 to \$20,000,000 will achieve a more desirable outcome. Maintaining a two-tier allowance structure and raising the low voltage allowance amount will ensure that most projects are fully covered by the allowance and will adequately mitigate adverse incentives to interconnect at a higher voltage. Similarly, lowering the high voltage allowance amount to \$20,000,000 appropriately balances the

cost differential between interconnecting at the different voltage tiers with the objective of HB 1500, §9 to recognize the potential to reduce costs to consumers. Overall, this approach will achieve cost savings for customers by incentivizing economic site of generation projects, without impeding the state's pressing resource adequacy goals.

§25.195(a) - Applicability

Proposed §25.195(a) states that the section applies to transmission service providers (TSPs) in the Electric Reliability Council of Texas (ERCOT) region providing transmission service to transmission service customers.

AEP, LCRA, and TNMP recommended revising proposed §25.195(a) to be applicable to generation resources and other transmission service customers because the subject matter of the amended rule expands to the rule's application to generation resources and other transmission service customers. Similarly, TPPA recommended that §25.195(a) should reflect that the rule also applies to ERCOT because §25.195(i) imposes obligations on ERCOT. TPPA alternatively recommended the Commission either direct ERCOT to fulfill the obligations listed under §25.195(i) or open a separate rulemaking. Oncor agreed with other commenters that the applicability section should be more expansive, but alternatively recommended the rule apply to the provision of transmission service as opposed to the entities to which the rule applies.

Commission response

The commission agrees with commenters and adopts Oncor's recommendation to revise the rule such that it applies to transmission service. For clarity, adoption subsection (a) also explicitly references transmission service providers, transmission service customers, and ERCOT.

HEN recommended proposed §25.195 be amended to apply "to all generation resources seeking to participate in the ERCOT wholesale market through SCED dispatch and provision of ancillary services, not just those interconnecting at transmission voltage," namely distributed generation resources. HEN commented that "transmission service" as defined by PURA, expressly includes interconnections at distribution voltage and therefore generators interconnected in this manner should be eligible for an allowance.

Sierra Club, Oncor, TNMP, AEP, TEC and CPS Energy opposed HEN's recommendation on the basis that it is out of scope and stated that PURA §35.004(d-1)-(d-3) only applies to transmission voltage facilities interconnected to the ERCOT transmission system, which excludes distributed energy resources.

Commission response

The commission agrees with Sierra Club, Oncor, TNMP, AEP, TEC, and CPS Energy that HEN's proposal does not align with statute and declines to implement HEN's recommendation. PURA §35.004(d-1) provides that the allowance is only for "transmission-owning utility costs incurred to interconnect generation resources directly with the ERCOT transmission system at transmission voltage" (emphasis added). Distributed energy resources are interconnected at distribution voltage and PURA §35.004(d-1) through (d-3) does not apply to resources connecting at distribution voltage.

§25.195(b)(1) - Definition of "generation resource"

Proposed §25.195(b)(1) defines "generation resource" as a transmission service customer that sells generation at whole-

sale, is interconnected to a TSP's system at a voltage above 60 kV, and is required to execute a standard generation interconnection agreement under this section.

TPPA, TIEC, CPS Energy, LCRA, TCPA, CenterPoint, and OPUC objected to the proposed definition of "generation resource." TPPA, TIEC, and CPS Energy recommended that the commission use a term other than "generation resource" because the proposed term is ambiguous. Specifically, "generation resource" is identical to a term used in the ERCOT Protocols with a different definition. TPPA recommended that the commission replace "generation resource" with the term "electric generating facility" as defined under §25.5(36), relating to Definitions, or the term "generation service" under §25.5(56). TPPA alternatively recommended amending the term "generation resource" to incorporate or refer to either the defined term "electric generating facility" or "generation service." LCRA recommended, and CPS Energy supported, not defining the term "generation resource" and deleting §25.195(b)(1) from the rule for the same reasons as TPPA.

Commission response

The commission agrees with TPPA, TIEC, and CPS Energy regarding the potential for confusion surrounding usage of "generation resource" and changes the defined term to "transmission-level generator" which is not a defined term under §25.5 or the ERCOT Protocols. The commission disagrees with TPPA's recommendations to replace the definition with "electric generating facility" or "generation service" because those terms are overbroad. Specifically, those definitions involve activities beyond the scope of transmission-level generation interconnections such as distributed generation or the retail sale of electricity.

However, the commission agrees with TPPA's alternative recommendation that the defined term should refer to "electric generating facility" as defined under §25.5 in conjunction with other substantive criteria to ensure the definition is limited to entities to which the generation connection allowance applies. The commission defines "transmission-level generator" as a transmission service customer that is an electric generating facility under §25.5, is interconnected to a TSP's system at or above 60 kilovolts (kV), and is located behind one or more unique points of interconnection.

The commission declines to delete the definition as recommended by LCRA and CPS Energy because it is essential to use a defined term to specify applicability.

CenterPoint and OPUC recommended removing the requirement to execute an SGIA from the definition of "generation resource" because it is redundant to the same requirement under proposed §25.195(c). TCPA advocated for replacing the term "generation" in the proposed definition with "electricity" for consistency with PURA and commission rules. TCPA provided redlines consistent with its recommendation.

Commission response

The commission agrees with CenterPoint and OPUC and removes the condition requiring the execution of a SGIA from the definition because it is redundant with the requirement in §25.195(c). The commission accordingly declines to implement TCPA's recommendation regarding replacing "generation" with "electricity" as is unnecessary given the adopted definition.

CenterPoint requested confirmation that it is interpreting the definition of "generation resource" correctly. Specifically, CenterPoint asked whether the definition means a generator with a ca-

capacity rating of greater than one megawatt (MW) interconnecting at transmission and "intends to sell in the ERCOT wholesale market as a generation resource or settlement only generator." Oncor also requested clarification as to whether the rule applies to settlement only generators.

Commission response

The adopted definition is specific to generator interconnections to the ERCOT transmission system at transmission voltage. Therefore, the amount of energy exported in MW and the intention to sell at wholesale is irrelevant. Similarly, whether an entity meets the criteria of one of ERCOT's settlement only generator subcategories is not relevant because the definition omits the requirement to execute an SGIA.

§25.195(b)(2) - Definition of "transmission system upgrade"

Proposed §25.195(b)(2) defines "transmission system upgrade" as any additional transmission facilities or modifications beyond what is required to interconnect a transmission service customer to the transmission system, and which provide benefits to other customers that are independent of the benefit provided by interconnecting the transmission service customer alone.

LCRA, OPUC, APA and ACP, ACE and CCR, and CenterPoint objected to the proposed definition, of "transmission system upgrade." LCRA and OPUC recommended deleting the definition of "transmission system upgrade." LCRA commented that defining "transmission system upgrades" as proposed "opens the door to cost disputes about the nature or classification of benefits that a given transmission system improvement provides" and is neither necessary nor useful for applying the allowance. OPUC stated that the language regarding "provide benefits to other customers that are independent of the benefit provided by the interconnecting transmission customer alone" is ambiguous. Specifically, OPUC explained that it is unclear whether such benefits are related to the interconnecting transmission service customer, or if those benefits are distinguishable from the upgrades a generation resource is responsible for under proposed §25.195(f)(3)(E).

LCRA alternatively recommended, which APA and ACP and CenterPoint supported, abbreviating the definition in a manner that does not "quantify or segregate the benefits to specific types of customers." LCRA emphasized that the definition should focus on the objective qualities relevant to the defined term to avoid contentions over the meaning of "benefit." TIEC specifically opposed LCRA's alternative recommendation because it is appropriate and necessary for implementing the allowance that any definition of "transmission system upgrade" distinguish between benefits to a transmission customer and benefits that accrue to the entire transmission system.

Commission response

The commission declines to delete the definition of "transmission system upgrade" from the proposed rule because it is essential to the application of the allowance. The adopted definition differentiates between baseline facilities or modifications that are strictly necessary for transmission-level generation interconnections within ERCOT and any other facilities or modifications that are not essential for interconnection. For example, changes to power flows on existing transmission lines or those associated with broader transmission grid topology issues may be indirectly caused by the operations of the interconnecting generator but are not strictly necessary for interconnecting the generator. Direct costs will be the responsibility of the interconnecting generator if they exceed the allowance, but indirectly associated costs,

such as congestion-related or reliability-related upgrades, are not the responsibility of the interconnecting generator.

However, in recognition of the inherent ambiguity and difficulties involved with determining "benefit," the commission revises the definition consistent with LCRA's recommendation. The commission defines "transmission system upgrade" as any additional transmission facilities or modifications beyond what is required to interconnect a transmission service customer to the transmission system. The construction of a new substation or modifications to an existing substation is not a transmission-system upgrade under the adopted rule if necessary to interconnect a transmission-level generator.

ACE and CCR recommended, and CenterPoint supported, replacing the phrase "that are independent of" with "in addition to" because any modifications that are not strictly necessary for interconnection can be expected to benefit all transmission service customers, including the interconnecting generation resource. Therefore, such benefits cannot be "independent of" such modifications. ACE and CCR also recommended expanding the definition of "transmission system upgrade" to include modifications to the generation resource's interconnection facilities, provided that such modifications meet the criteria of the rest of the definition.

Commission response

The commission declines to implement ACE and CCR's recommendation regarding "benefits" because that portion of the definition has been removed. The commission disagrees with ACE and CCR that "transmission system upgrade" should be expanded to include the generator's interconnection facilities because this recommendation is inconsistent with the intent of a definition meant to address transmission system upgrades, which are distinct from interconnection facilities. This revision would contradict the statute's intent to limit ratepayer responsibility for excessive interconnection costs.

WETT and TIEC disagreed with other commenters and opposed changing the proposed definition of transmission system upgrade. WETT stated that, under its reading of the proposed definition, "interconnection costs will exclude any station costs that are not required to interconnect the developer, and which provide benefits to other customers independent of the benefit provided by the interconnecting developer" and therefore addresses the sharing of station costs between the initial interconnecting generator and any subsequently interconnecting generators. WETT commented that the allowance should exclude substation costs, or alternatively, account for the cost of one station bay to adequately incentivize new generation and reduce interconnection delays. CenterPoint agreed with WETT that a new substation, except for the part of the substation dedicated solely to the interconnection generation resource (such as a station bay), necessary for interconnection of a generation resource should be a "transmission system upgrade" for purposes of the rule.

TIEC specifically opposed WETT's interpretation of the definition as excluding station costs from the allowance. TIEC emphasized that any definition of "transmission system upgrade" should be narrowly and specifically defined to avoid socializing costs that benefit a single transmission service customer, otherwise the rule would neither incentivize more economic siting by generators nor reduce costs to ERCOT ratepayers.

TIEC opposed WETT's proposal and stated that substation upgrades and associated costs represent the majority of the costs

associated with interconnecting new generation facilities. TIEC noted that the exclusion of these costs from the allowance would fundamentally undermine the effectiveness of the allowance and decrease customer cost savings. TIEC recommended the commission clarify that all interconnection costs that are directly attributable to the new generation interconnection are subject to the allowance.

Commission response

The commission agrees with TIEC that the definition "transmission system upgrade" should be narrowly tailored. The adopted definition appropriately differentiates between new facilities - or modifications to existing facilities - that are not strictly necessary for interconnections within ERCOT and therefore "benefit" the broader transmission system, and those that are more appropriately considered interconnection costs. In this manner the costs of any facilities that qualify as "transmission system upgrades" will not be the responsibility of the interconnecting generator. In response to WETT and CenterPoint, interconnection-related costs exceeding the allowance and associated with a new substation, or modifications to an existing substation, will be the generator's responsibility. For any given transmission-level generation interconnection within ERCOT, the construction of a new substation or modifications to an existing substation are universally necessary to interconnect to the transmission system. Moreover, based on the historical cost data provided by the twelve TSPs with the highest transmission cost of service for the 2022 calendar year, substation costs represent the largest proportion of interconnection costs. Exclusion of such costs from the allowance would require socialization of those costs to all ERCOT ratepayers and undermine the goal of reducing interconnection costs.

§25.195(c) - Interconnection agreement

Proposed §25.195(c) requires a transmission service customer that owns electrical facilities in the ERCOT region to execute a commission-approved SGIA with the TSP to which it is physically interconnected.

AEP, Oncor, TNMP, TEC, Sierra Club, CPS Energy, CenterPoint, TIEC and LCRA recommended revising §25.195(c) to apply only to generation resources because neither the SGIA nor the allowance applies to non-generation transmission service customers such as interconnected load. TEC, Sierra Club, and CPS Energy also opposed the use of the term "transmission service customer" on the basis that it would impermissibly expand the requirement to use the SGIA to include a municipally owned utility (MOU) or electric cooperative which own both generation and transmission. TEC, Sierra Club, TIEC, and CPS Energy noted that this would lead to "absurd results" such as an MOU or electric cooperative executing an SGIA with itself. AEP and Oncor recommended replacing the term "transmission service customer" as used in the sentence requiring the usage of the SGIA in §25.195(c) with "generation resource or TSP" or "power generation companies, exempt wholesale generators, and TSPs." AEP and Oncor noted that, the defined term "transmission service customer" under §25.5(140) includes entities other than generation resources such as distribution service providers, river authorities, municipalities, and electric cooperatives. TNMP made the same recommendation as AEP and Oncor but recommended replacing "transmission service customer" with "generation resource." Similarly, TEC recommended appending "that is a generation resource" after "transmission service customer."

Commission response

The commission revises §25.195(c) as recommended by AEP and TEC. However, given the change in terminology from "generation resource" to "transmission-level generator" as described previously, the latter term is used instead.

City of Houston requested clarification regarding whether the SGIA can be modified to account for increased interconnection costs associated with "resilience criteria" and land costs that the allowance amounts in the proposal would not cover. City of Houston cited the language in proposed §25.195(c) that authorizes modifications to the SGIA upon mutual agreement of the parties to address specific facts presented by a particular interconnection request. TIEC commented that allowing modifications to the SGIA in the manner City of Houston recommends is tantamount to a good cause exception that would be unnecessarily complex to administer and is otherwise accounted for by market forces.

Commission response

The commission agrees with TIEC that allowing modifications to the SGIA to account for increased interconnection costs associated with certain interconnections would be tantamount to a good cause exception - without commission approval. Accordingly, the commission revises the rule to clarify that such modifications to the SGIA are prohibited.

§25.195(e) - Construction of new facilities

Proposed §25.195(e) requires a TSP, in response to a request for transmission service, to construct or acquire transmission facilities necessary to provide such service, if new transmission facilities or interconnections between TSPs are needed to provide transmission service unless ERCOT identifies an alternative means of providing the transmission service that is less costly, is operationally sound, and is as effective as the new transmission facilities would be at providing the requested transmission service.

Oncor recommended that proposed §25.195(e) should retain the two references to transmission constraints in the existing version of §25.195(c) to ensure the commission's authority to identify system constraints and order new facilities under §§39.157(f), 39.166(b)(1) & 39.203(e) are preserved and clearly stated.

Commission Response

The commission acknowledges its statutory authority to identify transmission constraints and require the construction of new facilities under the PURA provisions cited by Oncor, but declines to implement the recommended changes as they are unnecessary. Transmission constraints are not resolved through the generator interconnection process, but through the ERCOT Regional Planning Group as a Tier 1, Tier 2, or Tier 3 project. Section 25.195 concerns the interconnection of transmission service customers, which does not involve upgrades to the entire ERCOT transmission system, including upgrades to address constraints. Section 25.101, relating to Certification Criteria, more comprehensively enumerates the commission's authority concerning transmission constraints, particularly §25.101(b)(3)(A)(ii) regarding reliability projects.

§25.195(e)(1)(A) and (B) - Deposit or security

Proposed §25.195(e)(1)(A) and (B) specify the procedure for a TSP to return or retain a deposit or security provided by a transmission service customer to cover the costs of planning, licensing, and constructing any new transmission facilities that

will be required to provide the requested service. Proposed §25.195(e)(1)(B) requires any repayment of a cash deposit to include interest at a commercially reasonable rate based on that portion of the deposit being returned.

Oncor and LCRA recommended retaining the language from existing §25.195(c)(1)(B) concerning return of the deposit or security because the amended requirement is ambiguous on that point. Specifically, Oncor and LCRA requested the return of the deposit or security in proposed §25.195(e)(1)(A) be contingent upon the taking of transmission service rather than the completion of the project. Oncor noted that such a requirement has been historical practice and a functional standard for decades without issue. LCRA also recommended striking "new" from "new transmission service customer's" to account for modifications by an existing transmission service customer. If the commission does not re-insert the language, LCRA requested clarification on what "completed" means in the preamble of the rule. LCRA provided redlines for §25.195(e)(1)(A) consistent with its recommendation.

Commission response

The commission agrees with Oncor and LCRA and modifies the proposed rule to include existing §25.195(c)(1)(B) concerning return of the deposit or security.

Oncor and LCRA commented that the separation of proposed §25.195(e)(1)(A) and (B) makes the requirement for the TSP to pay interest on deposits ambiguous because the requirement for the TSP to refund a deposit or security with interest from the existing rule is only included in subsection (e)(1)(B) and not (e)(1)(A). Oncor recommended several alternative revisions such as merging the provisions, duplicating the requirement in proposed (e)(1)(A), or clarifying in proposed (e)(1)(B) that the requirement applies to both subparagraphs.

Commission response

The commission agrees with Oncor and modifies the rule so that the requirement for the TSP to pay interest on deposits applies to both subparagraphs §25.195(e)(1)(A) and (B).

§25.195(e)(3) - TSP cost responsibility for non-generation transmission service customers

Proposed §25.195(e)(3) provides that a TSP is responsible for the cost of installing any new transmission facilities for a transmission service customer that is not a generation resource, other than the costs specified by proposed §25.195(e)(2).

LCRA, Oncor, and AEP recommended modifying §25.195(e)(3) to reflect that TSPs bear cost responsibility for the facilities of a non-generation transmission service customer unless tariff or contractual provisions provide otherwise. LCRA and AEP noted that the TSP is not responsible for such costs due to provisions in a TSPs tariff and transmission service agreements requiring the payment of a CIAC. LCRA remarked that the addition of §25.195(e)(3) would effectively require a TSP to bear the cost of all new transmission facilities for non-generation transmission service customers, which is a significant change in policy and not required by PURA §35.004. LCRA provided redlines for §25.195(e)(3) consistent with its recommendation.

Commission response

The commission agrees with commenters that a TSP bears cost responsibility for certain facilities required to interconnect a non-generation transmission service customer to the extent those costs exceed the allowance provided for in the TSP's transmis-

sion service tariffs, and implements LCRA's recommended language with minor modifications.

§25.195(f)(2) and (3) - TSP cost responsibility prior to and after December 31, 2025

Proposed §25.195(f)(2) provides that a TSP is responsible for the cost of installing any new transmission facilities if the SGIA between the generation resource and the TSP is executed on or before December 31, 2025. Proposed §25.195(f)(3) identifies the cost responsibility of interconnection facilities between the generation resource and TSP after December 31, 2025.

CenterPoint requested confirmation regarding whether, under proposed §25.195(f)(2) and (3), a TSP is responsible for all costs for "transmission system upgrades" as defined under §25.195(b). CenterPoint also requested confirmation that, beginning with SGIAs executed after December 31, 2025, the TSP would be responsible for all transmission facility interconnection costs up to the interconnection allowance amount. Further, CenterPoint requested confirmation that the interconnecting generation resource would be responsible for all transmission facility interconnection costs above the interconnection allowance amount.

Commission response

Consistent with the previous discussion regarding the adopted definition of "transmission system upgrade," CenterPoint's understanding of §25.195(f)(2) and (3) is correct.

TSPA recommended that the rule be clarified to indicate that each point of interconnection a generator connects to is eligible for a separate allowance to "ensure that facilities that have two or more interconnection points will receive a separate allowance for each." TIEC opposed TSPA's recommendation, arguing that each electric generating facility should receive only one allowance, regardless of the number of interconnection points. TIEC continued that if developers could receive allowances for each point of interconnection, it would encourage generators to seek multiple interconnections only for the purposes of the interconnection allowance.

Commission response

The commission declines to provide a separate allowance for each point of interconnection. PURA §35.004 directs the commission to develop an allowance for "costs incurred to interconnect generation resources directly with the ERCOT transmission system." The commission agrees with TIEC, that the allowance should apply to costs associated with the interconnection of each generation resource, rather than each interconnection point.

Oncor and LCRA commented that ERCOT's review of transmission projects does not align with the requirement in §25.195(f)(3) for ERCOT to "deem [transmission system upgrades as] necessary." Accordingly, Oncor and LCRA recommended, and ACE and CCR supported, revising the provision to omit reference to ERCOT deeming transmission system upgrades that occur concurrently with the interconnection as necessary. Oncor and LCRA further recommended incorporating ERCOT's existing review process to prevent ambiguity and unnecessary work by ERCOT. Oncor and LCRA noted that in most cases ERCOT neither reviews nor approves generation interconnections because such projects are the responsibility of the interconnecting TSP. Oncor accordingly noted that the provision as proposed may "impose additional burdens on ERCOT beyond what is necessary to distinguish and review transmission system upgrades separately

from generation interconnection facilities." Oncor provided redlines for §25.195(f)(3) consistent with its recommendation.

Commission response

The commission agrees with commenters and implements Oncor's proposed deletions with minor modifications. The commission declines to refer to ERCOT's specific interconnection process as such processes may change over time and omitting ERCOT from the provision makes such revisions unnecessary.

Sierra Club recommended including language in proposed §25.195(f)(3) that would impose cost obligations on non-generation transmission customers, such as self-generators or loads with emergency backup power. Sierra Club commented that such entities should be responsible for the cost of system-wide transmission upgrades like step-up transformers and protective devices. Specifically, Sierra Club explained that such customers who have "behind-the-meter generation" and provide emergency power to the ERCOT grid should be responsible for the transmission upgrades necessary to interconnect them.

Commission response

As described above, the adopted rule contains a new defined term, "transmission-level generator." This new definition limits the application of the allowance to each "electric generation facility," as defined under §25.5, related to definitions. This approach properly identifies the entities relevant to capture "costs incurred to interconnect generation resources directly with the ERCOT transmission system," as directed by PURA §35.004. To the extent the entities referred to by Sierra Club qualify as electric generation facilities under commission rules, the allowance applies to interconnecting those entities. Entities that are not electric generation facilities are beyond the statutory mandate of PURA §35.004.

OPUC recommended, and ACE and CCR supported, revising the term "transmission system upgrade" used in proposed §25.195(f)(3) to "clarify the responsibility of the TSP for costs of transmission system upgrades that occur contemporaneously with, but are not necessary for, the installation of interconnecting facilities."

Commission response

Per the adopted definition, any facilities or modifications to the transmission system beyond what is required to interconnect a transmission service customer is a "transmission system upgrade." Accordingly, for purposes of §25.195(f)(3), the TSP is responsible for all necessary transmission upgrades, regardless of contemporaneity with the construction or modification of the interconnection.

SGIA amendments

TSPA, ACE and CCR, TCPA, SEIA, and CenterPoint recommended extending the TSP's cost responsibility for installing or modifying transmission facilities subject to an SGIA to amendments of SGIAs that were executed on or before December 31, 2025, regardless of whether the SGIA is subsequently amended after December 31, 2025. Specifically, commenters recommended that if an SGIA was executed on or before December 31, 2025, all cost responsibility for the interconnection should remain with ratepayers, regardless of whether the SGIA is subsequently amended. CenterPoint and Oncor requested clarification regarding whether the period applies to interconnections governed by SGIAs executed on or before December 31, 2025, or after December 31, 2025. TSPA explained that

because planning and financing arrangements are secured far in advance of the completion date of projects, developers should have flexibility to address necessary project changes attributable to current or future conditions. Similarly, TCPA noted that proposed §25.195(f)(3) is unclear whether "executed" includes amendments to existing SGAs. TCPA recommended the provision be clarified to explicitly exclude amendments from being covered by an allowance and only apply an allowance to new SGAs executed after December 31, 2025. TSPA, ACE and CCR, and TCPA provided redlines for §25.195(f)(2) and (3) consistent with their recommendations.

Commission response

The commission agrees with commenters and amends the provision consistent with ACE and CCR's specific recommendation, with minor modifications. Imposing potential interconnection cost responsibility on transmission-level generators for interconnections occurring after December 31, 2025, is consistent with statute. Specifically, HB 1500, §49 requires PURA §35.004, as amended by HB 1500 §9, "apply only to an electric generation facility that executes [an SGIA] with a transmission-owning utility after December 31, 2025."

While amendments to an SGIA are also "executed," the objective of PURA §35.004 in imposing an allowance is primarily to reduce costs to consumers by imposing generator siting discipline on interconnection costs (including considering whether any upgrades in the next ten years might create additional interconnection costs). A generation facility that has executed an SGIA prior to 2026 would, at the time of any amendment, already be interconnected. Therefore, for SGAs executed prior to 2026, the commission does not impose an allowance on amendments executed after December 31, 2026.

ERCOT Full Interconnection Study (FIS) Process

ACE and CCR recommended basing the costs of interconnection facilities for purposes of the allowance on the ERCOT Full Interconnection Study (FIS) process upon completion. ACE and CCR expressed concern that costs of interconnection risk being based on regional studies or analytics that concern more than just the interconnection covered by an executed SGIA. ACE and CCR provided redlines for §25.195(f)(3) consistent with its recommendation.

Commission response

The commission declines to implement ACE and CCR's request. The facilities necessary to interconnect a generator are generally determined by the TSP through the Facilities Study, which is a part of the ERCOT FIS. However, some costs in the Facilities Study may only be estimated or only identified after subsequent studies which may drive additional upgrades. It would therefore be imprudent to limit the scope of costs that may be associated with any given interconnection in this manner. Moreover, some subsequent studies such as the Quarterly Stability Analysis are a necessary part of the FIS process, but concern interconnections beyond the one identified by an executed SGIA. Accordingly, it is not appropriate to restrict such costs purely on the ERCOT FIS. In any case, restricting costs to those identified in the ERCOT FIS is an unnecessary and artificial constraint that risks excluding costs that otherwise should be included.

§25.195(f)(3)(A)(i) - Generation interconnection allowance

Proposed §25.195(f)(3)(A)(i) establishes two allowance tiers based on voltage. For interconnections of 138kV or less, the proposed allowance was \$12,000,000 and for interconnections

greater than 138kV, the proposed allowance amount was \$22,500,000.

Single allowance tier and amounts

WattBridge, SEIA, TPPF, TCPA, TSPA, CenterPoint, TIEC, ACE and CCR, Sharyland, and APA and ACP recommended changing the allowance from the proposed two-tiered allowance to a single allowance amount that does not consider voltage or any other characteristic of the interconnection. APA and ACP recommended setting the allowance to "at least" \$22.5 million; WattBridge, CenterPoint, ACE and CCR, and Sharyland recommended setting the allowance at \$22.5 million; Sierra Club recommended setting the allowance at \$20 million; TCPA recommended setting the allowance at \$18 million; TIEC recommended setting the allowance at \$17.5 million; and TPPF recommended setting the allowance at \$16 million. SEIA recommended the allowance be set at \$25 million based on Lone Star's comments in response to commission staff's issued questions.

Sharyland, TSPA, and ACE and CCR also expressed that a two-tier allowance based on voltage would be a reasonable alternative. TPPA, Sierra Club, Oncor, LCRA, and AEP expressed no preference regarding whether the allowance should be a single amount regardless of voltage, or two tiers based on voltage. WETT, OPUC, and CPS Energy opposed reducing the allowance to a single amount. TPPA recommended that, if the rule utilizes two allowance tiers based on voltage, the allowance amount for interconnections of 138kV or less should be increased to offset the perverse incentive of a generator interconnecting at a higher voltage for a larger allowance. Commenters expressed varying concerns with two allowances based on voltage and generally agreed that a single allowance would be easier to apply and factor into business planning than a two-tiered allowance based on voltage. WattBridge, WETT, CenterPoint, and APA and ACP cited individual projects that would only partially be covered under the proposed allowance amounts.

Commission response

Based on the data provided by TSPs, voltage is a highly statistically significant indicator of cost that is universal to all interconnections. A single allowance amount that disregards voltage would be inadequate to effectuate the legislative intent of HB 1500, §9 for the allowance to account for "the potential to reduce the costs to consumers of generation interconnection [and] historical generation interconnection costs [emphasis added]." A single allowance at any of the recommended amounts would virtually ensure all generation interconnection costs at 138kV would be covered by the allowance, removing any incentive to economize on the costs of such interconnections. Moreover, a single allowance amount that is too low would excessively disincentivize new generation interconnections at a voltage greater than 138kV. High voltage lines are located throughout the state, including near load pockets such as Houston, and may potentially be utilized even more in the future as the electricity needs of this state grow. Conversely, a single allowance that is too high would cover most, if not all, of a generator's interconnection costs and therefore inadequately serve the goal of delivering cost savings to consumers as the statute requires, and not impose any siting discipline on interconnections to low voltage lines. Accordingly, the commission declines to adopt a single-tiered allowance.

Two-tiered voltage-based allowance amounts

In addition to its \$25 million recommendation for a single allowance, SEIA also recommended increasing the allowance

from the 85th percentile to the 95th percentile, regardless of whether the allowance is a single amount or two tiered. SEIA explained that the allowance should be increased because consumers would benefit from the addition of new generation resources. SEIA further remarked that the allowance should only cover extreme outliers to reduce costs to consumers, and inflation and supply chain issues may materially undermine the value of the allowance to generators. ACE and CCR recommended the amount of the allowance for interconnections at 138 kV or below be increased to the 90th, 95th, or 99th percentile.

SEIA, Sierra Club, TSPA, and ACE and CCR recommended that, if the commission retains a two-tier allowance structure based on voltage, the allowance amount for interconnections of 138kV or less should be increased to \$14 million from the proposed \$12 million to ensure such interconnections are adequately incentivized. CenterPoint recommended raising the 138kV allowance from \$12 million to \$17 million because, for the period covered by the TSP's historical data, that amount is approximately the 95th percentile of CenterPoint's project costs at that voltage. TPPF similarly noted that the proposed allowance amount for interconnections of 138kV or less would disadvantage natural gas generator interconnections. WattBridge, TPPF, TCPA, TSPA, and TIEC generally expressed concern that two allowance tiers could artificially bias siting decisions towards higher voltage interconnections and discussed the need for the allowance to impose siting discipline on generators while maintaining incentives for new generation. TIEC remarked that interconnections of 138kV or less have minimal impact relative to higher voltage interconnections as the primary drivers of interconnection costs per the historical TSP data, and concluded a single allowance would therefore be sufficient.

Commission response

The commission disagrees with SEIA, and ACE and CCR recommendation to increase the proposed allowance tier percentages to the 95th percentile or higher. Raising the allowance tier amounts to those thresholds would cover virtually all interconnections at those voltage tiers and therefore inadequately effectuate the purpose of PURA §35.004. The commission agrees with WattBridge, TPPF, TCPA, TSPA, and TIEC that the proposed allowance risks prejudicing lower voltage interconnections. Accordingly, the commission implements SEIA, Sierra Club, TSPA, and ACE and CCR's recommendation to increase the interconnection allowance amount for interconnections at a voltage of 138kV or less from \$12,000,000 to \$14,000,000. The commission also reduces the interconnection allowance amount for interconnections greater than 138kV from \$22,500,000 to \$20,000,000. Based on data provided by TSPs, the low voltage allowance represents approximately the 89th percentile of all interconnections at that voltage level and the high voltage allowance represents approximately the 80th percentile of all interconnections at that voltage level. As adopted, the dollar difference between the allowances better matches the actual average cost difference between the interconnections at the different voltages based upon the historical cost data received from the TSPs. More closely matching the average interconnection cost difference between the voltage levels by increasing the allowance amount for low voltage interconnections and lowering the allowance for high voltage interconnections mitigates the potential for the allowance to introduce uneconomic incentives regarding choice of interconnection voltage. This will also preserve the consumer cost savings goal of this rule because, as TIEC noted, the historical cost data from TSPs indicates

that the greatest proportion of savings will be recognized at interconnections greater than 138kV.

Statutory interpretation and policy concerns

SEIA, TPPF, ACE and CCR commented that the legislative intent and statutory language of HB 1500, §9 requires a single allowance. SEIA and ACE and CCR did not elaborate on this point. TPPF stated that the allowance should incentivize dispatchable generation and advocated for heightened cost scrutiny of intermittent generation sources.

Commission response

The commission disagrees that statutory language requires a single allowance. PURA §35.004 states that "[t]he commission by rule shall establish a reasonable allowance..." Insofar as commenters recommend a single allowance based on the singular usage of the term 'allowance,' under §311.012(b) of the Texas Code Construction Act, "[t]he singular includes the plural and the plural includes the singular." Following this rule of construction in this context and allowing a two-tiered allowance is particularly relevant considering PURA §35.004's directives that the allowance must consider "historical generation interconnection costs" and "any other factor that the commission considers reasonable to accomplish the goal of this subsection." As previously discussed, historical data shows that voltage is a statistically significant cost driver, and that it would be infeasible to design a single allowance that is meaningful for both high voltage and low voltage lines. Disincentivizing generation from interconnecting at particular voltage levels, as previously noted, would be an unintended consequence of a single-tiered allowance.

Conversely, generation resource type did not correspond with cost in a statistically significant manner. Accordingly, historical generation interconnection costs do not support increased scrutiny of the interconnection costs of intermittent renewable resources, as recommended by TPPF.

Alternative allowance proposals and methodologies

OPUC recommended replacing the proposed two allowance tier amounts with a formula using a cost sharing ratio, which would require a generator to bear 25% of the costs of an interconnection while the TSP bears the remaining 75%. As part of this formula, OPUC recommended retaining the proposed \$12 and \$22.5 million voltage tier amounts, where all costs at or below each amount would be subject to the 25/75 cost sharing formula and any costs exceeding those amounts would be the responsibility of the generator. TEC, TCPA, Oncor, LCRA, TNMP, AEP, and CPS Energy opposed OPUC's recommendation.

Commission response

The commission declines to implement OPUC's proposal as the recommendation would be administratively complex to implement and does not comport with the language of the statute. PURA §35.004(d-1) requires the commission by rule to establish "a reasonable allowance." The term "allowance" and the context in which it is used is unambiguous. Per Merriam-Webster, an "allowance" is "a sum granted as a reimbursement or bounty or for expenses...especially: a sum regularly provided for personal or household expenses" or as "a fixed or available amount."

Similarly, Black's Law Dictionary defines "allowance" as "A deduction, an average payment, a portion assigned or allowed: the act of allowing" (emphasis added). Requiring generators to assume a percentage of costs within the allowance is not consistent with the safe harbor such an allowance is intended to pro-

vide. Moreover, using a pre-determined, predictable allowance strikes an appropriate balance between protecting ratepayers from costs of the most expensive projects, while preserving the current generation-friendly interconnection process for generators that practice good siting discipline. This is especially important to avoid undermining the commission's resource adequacy goals by imposing interconnection costs and associated inconveniences on all new generation.

OPUC alternatively recommended that any given allowance be limited or "capped" by either the interconnecting TSPs "actual cost to design, procure, and construct the interconnection, or on a dollar-per-Megawatt basis." TEC, TCPA, Oncor, LCRA, TNMP, AEP, and CPS Energy opposed both of OPUC's alternative recommendations. TCPA recommended that, if an allowance methodology based on dollar per MW is adopted, the commission should consider the effective load carrying capability (ELCC) of a generator when determining the capacity that would be included in calculating the allowance. TCPA stated that using nameplate capacity could result in a generator qualifying for a higher allowance based on "having a relatively high nameplate capacity even if most of that capacity will never be delivered to load." TCPA commented that such an outcome would neither benefit Texas energy consumers nor effectuate the legislative intent of PURA §35.004. TPPF also argued that an allowance based on ELCC, generation output during peak demand, or fixing the allowance as a percentage of interconnection costs would be inferior to a single allowance amount in reining in high cost outliers.

Commission response

The commission declines to cap the allowance at a TSP's actual costs, because it is unnecessary. The allowance only applies to costs incurred to interconnect a transmission-level generator, and the rule makes it clear that other costs such as those associated with transmission system upgrades are not covered by the allowance, and those associated with generator-side step up transformers remain the responsibility of the generator in all cases.

The commission also declines to implement OPUC's dollar per MW proposal. While the motivating instinct supporting this proposal - that ratepayers should be willing to pay more to get more - is reasonable, it does not align with the statutory intent of PURA §35.004. This provision is focused on reducing costs by incentivizing generators to properly site their units, not incentivizing the interconnection of large units and disincentivizing the interconnection of small units, regardless of location.

Because, as the TSP data demonstrates, capacity of a facility is not a statistically significant cost driver for interconnecting that facility, the primary function behind a per MW allowance would be to impose higher costs on smaller units while effectively exempting large units from the requirements all together - not improve the siting decisions of all units. This is problematic because a unit's size has no relationship to its siting decisions. Furthermore, this could create a significant unintended consequence of disincentivizing new generation in dense load pockets where the construction of larger units may not be plausible.

Furthermore, evidence of the statutory intent behind PURA §35.004 can also be gleaned from the inclusion of a per MW allowance in SB 1287, the predecessor bill to HB 1500, §9. Because this per MW approach was removed from this language before it was added to HB 1500, it is evident that the Legislature considered requiring this approach and elected not to do so.

§25.195(f)(3)(A)(ii) - Generation interconnection allowance adjustment

Proposed §25.195(f)(3)(A)(ii) provides that the allowance amounts under §25.195(f)(3)(A)(i) will, beginning on January 1, 2025, be adjusted annually on or before January 1 for each calendar year. The provision also specifies that, no later than September 1, 2024, the commission will publish the new values of the allowance to be used in the subsequent calendar year.

Allowance adjustment process and public comment

TPPA and Sierra Club requested clarification on the process for adjusting the allowance and recommended allowing public comment on the allowance adjustment, even if a rulemaking is not required. Similarly, CenterPoint requested clarification regarding whether the annual adjustment will be a purely administrative action with no opportunity for comments, evidence, or hearings. CenterPoint requested the location where the adjusted allowance amount will be published, such as in the *Texas Register*, and the form the adjustment will take, such as through a commission order. CenterPoint also recommended deleting "2024" from the publication date in §25.195(f)(3)(A)(ii) and instead stating that "the annual adjustment should be published no later than September 1 of each year, beginning in 2025."

Commission response

The adjustments will be performed administratively, via commission order. Each adjustment will be initiated by a memo filed by commission staff. No hearing will be held, and the adjustment will not require any interested person to submit written statements or evidence. However, any member of the public is permitted to provide comments at the open meetings on any project being taken up at that open meeting. The adjusted allowance amounts will not be published in the *Texas Register* but will be filed by commission staff in a dedicated commission project for that purpose.

Additionally, in recognition of commenter concerns and the statutory requirement for the commission to review the adjustment every five years under PURA §35.004(d-3), the commission adds new §25.195(f)(3)(F), which describes the procedure for that review, including public comment.

Economic index for adjustment

TPPA and TIEC opposed using the NIPA index and recommended an alternative index or no index. TPPA and TIEC noted that since the NIPA index is not a state-specific index, it may not accurately reflect changing costs in Texas, and there may be further Texas-specific concerns that justify the use of a different index or method to update the allowance. TSPA, Sharyland, LCRA, AEP, and CenterPoint recommended using a recognized economic index as a benchmark for allowance adjustments. TPPA recommended using the Handy Whitman Index, which encompasses Texas, Oklahoma, Arkansas, and Louisiana, if the commission determined that a regional index is more appropriate. TIEC also opposed using the NIPA index because it only accounts for transmission structures and does not include land, labor, or equipment. Because of these omissions, TIEC asserted, the NIPA index would be inaccurate for purposes of overall interconnection costs, which involve all four factors. If the commission retains an index to adjust the allowance, TIEC alternatively recommended that the commission use the Consumer Price Index (CPI) or Gross Domestic Price Deflator Index. TIEC proposed basing any adjustment on the selected

index exceeding a certain threshold, such as 20% over a two-year period.

Commission response

The commission agrees with TIEC's alternative recommendation to adopt CPI to adjust the allowance and revises the provision accordingly. CPI is a national index that is frequently used across industries as a key financial benchmark, is free and easily available to the public, and is already referenced in commission rules. As TIEC intimated, CPI includes land, labor, and equipment, and is accordingly more appropriate to use as an index. Regarding a regional index, the commission declines to utilize the Southwest Region CPI in favor of the national CPI. The nationwide index is appropriate given the breadth and complexities involved in utilities' sourcing materials and equipment.

Timeline for adjustment

OPUC recommended adjusting that the allowance every four years to align with the four-year rule-review process under the Texas Administrative Procedure Act (Texas Government Code §2001.039). OPUC recommended adjusting the allowance every five years, per the requirement of PURA §35.004(d-3) for the commission to review the allowance every five years. OPUC stated that an annual adjustment is not needed because most generation resources interconnect at a cost below the proposed allowance amounts. TIEC similarly recommended adjusting the allowance on a three-year basis to avoid unnecessary administrative complexity. TIEC also remarked that inflation would have only a slight impact on the allowance's value and therefore not meaningfully impact interconnection costs that exceed the allowance threshold. TIEC emphasized that predictability and simplicity would help generation developers evaluate financial investments and assist TSPs implement and administer the allowance. TIEC expressed that certain significant market changes, such as hyperinflation, may justify an earlier, interim adjustment, provided that those changes are pre-defined, and interim adjustments are limited. Sierra Club, TSPA, WETT, Oncor, Sharyland, AEP, and CenterPoint opposed OPUC's and TIEC's proposals. These commenters cited concerns regarding inflation and supply chain issues, stating that such issues justify an annual adjustment, and recommended retaining the proposed annual adjustment timeframe in the final rule.

Commission response

The commission agrees with Sierra Club, TSPA, WETT, Oncor, Sharyland, AEP, and CenterPoint and declines to implement OPUC's or TIEC's proposals. The commission also disagrees with TIEC's rationale regarding inflation and declines to implement its proposals for interim updates to the adjustment for extenuating circumstances and for a three-year adjustment period. Since 2020, inflation volatility has been an issue of global concern and could drastically reduce the value of the adjustment if such volatility continues. Per the CPI Inflation Calculator published by the U.S. Bureau of Labor Statistics, a fixed allowance established in January 2019, 2020, or 2021 would have lost at least 15% of its value by December 2023. It is therefore appropriate for the adjustment to occur annually, independent of the review, to efficiently account for uncertain future circumstances that may impact the value of the allowance.

Furthermore, an annual adjustment will prevent unintended consequences that could be associated with a five-year adjustment. As noted, a minor adjustment each year is unlikely to make a material difference in the amount of the adjustment each year. However, an adjustment that is delayed for five years could merit

a 15 percent or more increase at the end of the five-year period. This difference could create an unreasonable incentive to delay construction of new facilities - especially smaller facilities - in years four or five of the review cycle in hopes of benefiting from a larger allowance.

§25.195(f)(3)(A)(ii)(I) - Mechanism for generation interconnection allowance adjustments

Proposed §25.195(f)(3)(A)(ii)(I) specifies that the allowance adjustments will be based on the proportional change from the corresponding 2023 value reflected in the National Income and Product Accounts (NIPA) Seasonally Adjusted Price Index for Private Fixed Investment-Nonresidential Structures for Power and Communication published by the United States Department of Commerce, Bureau of Economic Analysis.

TSPA, AEP, TNMP, SEIA, and CenterPoint commented that the mechanism for revising the allowance using the selected economic index under proposed §25.195(f)(3)(A)(ii)(I) is ambiguous. Specifically, TSPA, AEP, and TNMP noted that the provision is unclear as to whether the change is cumulative year-over-year or if the allowance resets to the 2023-dollar value every calendar year. TSPA also recommended revising proposed §25.195(f)(3)(A)(ii)(I) to clarify that the allowance will be adjusted separately for each year, beginning in 2024, because it is uncertain whether the rule language accounts for the initial 2023-2024 and 2024-2025 adjustments.

Commission response

The commission revises §25.195(f)(3)(A)(ii) to indicate that the adjustment is a cumulative year-over-year change and does not reset to the 2023 dollar value every year, and to account for the pre-2026 adjustments.

§25.195(f)(3)(C) - Application of allowance and CIAC

Proposed §25.195(f)(3)(C) specifies that the allowance amount is the amount that was in effect on the date that the generation resource issued the notice to proceed to the TSP, in accordance with the executed SGIA. Proposed §25.195(f)(3)(C) also requires a generator to be responsible for all costs that exceed the allowance and authorizes a TSP to collect such costs as a CIAC.

CenterPoint recommended replacing "upgrade" with "procuring" in §25.195(f)(3)(C), to be consistent with the last sentence of the provision that references "procuring," and to align with the defined term "transmission system upgrade."

Commission response

The commission agrees with CenterPoint and implements the recommended change by inserting "procure." The commission also rephrases both sentences to refer to construction "or" upgrades, in the alternative, to ensure both circumstances are identified.

§25.195(f)(3)(E) - Cost responsibility for subsequent modifications

Under proposed §25.195(f)(3)(E), a transmission-level generator is responsible costs incurred by a TSP for new or upgraded interconnection facilities required because of modifications made by the generator. However, the generator may use any of its remaining allowance for that site to cover these costs for a period of 10 years.

Sierra Club, CenterPoint, ACE and CCR, APA and ACP, TSPA, and OPUC recommended removing proposed §25.195(f)(3)(E)

because the provision is ambiguous, "resembles a delay-inducing cost-sharing model," and is unsupported by statute. Sierra Club recommended taking up the provision in a separate rule-making or reducing from a ten-year to five-year window. CenterPoint recommended the ten-year period be reduced to three years to account for TSP record retention periods. CenterPoint questioned the ten-year period and commented the provisions are unclear as to whether a generation resource modification is entitled to a new allowance or is limited to any remainder of the original allowance. CenterPoint and SEIA recommended the original allowance apply to "any interconnection facility modifications caused by any post-energization generation modification, regardless of when it occurs," for which the TSP and generation resource execute a new SGIA. Whereas if the generation resource modification does not require a new SGIA to be executed, the TSP is responsible for the cost of any new or upgraded facilities.

ACE and CCR interpreted PURA §35.004(d-1) as only contemplating an allowance applying to the "initial" generator interconnection. Specifically, ACE and CCR stated the allowance does not apply to "new or upgraded interconnection facilities due to modifications made by a generation resource" after the initial interconnection and energization as proposed §25.195(f)(3)(E) provides. ACE and CCR concluded the allowance is limited only to the construction of new facilities and the modification of existing facilities at the time of initial interconnection and energization. Oncor commented that §25.195(f)(3)(E)(ii) is ambiguous because it could be read to allow a generation resource to have all costs for new or upgraded TSP facilities be paid for by the TSP and, therefore, be socialized to the grid through TOCS. Oncor recommended amending the provision to specifically authorize a generation resource's eligibility for a new allowance after the end of the ten-year period. TSPA, ACE and CCR, and Oncor provided redlines consistent with their recommendations.

Commission response

The commission declines to omit §25.195(f)(3)(E) as recommended by Sierra Club, CenterPoint, and ACE and CCR. The provision mitigates the risk of a generator not fully building out the site at the time of the initial interconnection to ensure costs are below the allowance, and then significantly expanding the project knowing its additional costs would be paid for by the TSP and end-use consumers. Even in the absence of such strategic behavior, this provision ensures a generator fully considers the potential costs associated with its siting decision, regardless of whether those costs are immediately incurred. However, commission agrees with Oncor that this provision should be clarified and revises the rule to provide a generator with a new allowance at the end of the ten-year period. Providing a new allowance every ten years encourages economic generator siting by promoting the build-out of an existing project rather than building elsewhere solely to access the full allowance. For this reason, the commission also declines to apply the initial allowance to modifications that require an amended SGIA, regardless of when the modifications are made.

The commission disagrees with ACE and CCR that the allowance is limited only to the initial interconnection and energization due to statutory language. PURA §35.004 applies to "cost required to interconnect generation resources." The statute is silent on whether this includes costs required to keep a generation resource interconnected when the generator's own actions - potentially foreseeable at the time of the initial interconnection - require the TSP to incur additional costs

directly related to the interconnection. PURA §35.004 requires that the allowance take into account "any other factor that the commission considers reasonable to accomplish the goal of this subsection." In order to accomplish the explicit statutory goal of consumer cost savings, the commission considers it reasonable to take into account subsequent modifications made by the interconnecting generator that require TSPs to incur additional costs.

The commission revises the provision to ensure the remainder is cumulatively adjusted year-over-year in the same manner as the allowance would be adjusted under §25.195(f)(3)(A)(ii). This revision will ensure generators receive the maximum benefit of the remainder and avoids penalizing generators for delays in an inflationary environment.

Cost-sharing

TSPA, Sierra Club, SEIA, APA and ACP, ACE and CCR, and CenterPoint recommended addressing cost-sharing between an initial interconnecting generator and subsequent interconnecting generators in the rule and endorsed proposed language provided by TSPA. Oncor neither opposed nor supported the inclusion of a cost-sharing provision, while AEP and TCPA opposed the inclusion of a cost-sharing provision on the basis that it is not required by statute and presents complex and litigious issues. Oncor, AEP, and TSPA recommended that, if the rule includes such a cost-sharing provision, TSPs not be required to be involved as a party between any agreement made between generators.

TSPA recommended adding new §25.195(f), which would, if costs of the initial interconnection exceed 10% of the allowance, authorize an initial interconnecting generator to share costs and receive payments from any subsequent interconnections within a two-year period from the date of energization of the initial project. TSPA recommended establishing shared payments on a pro-rata basis, determined at the end of the two-year period between the two generators with no involvement by the TSP.

Sierra Club recommended a three-to-five-year formula that requires pro-rata contributions from subsequent generators to the initial generator, or to take up the issue in a separate rulemaking alongside proposed §25.195(f)(3)(E). ACE and CCR supported requiring contributions from interconnecting generators for the cost of a new substation or for the cost of a station bay because those costs can be determined on a pro-rata basis. TSPA remarked that requiring cost-sharing among generators is "consistent with commission precedent regarding cost sharing of contributions in aid of construction (CIAC) funded facilities." TSPA provided redlines consistent with its recommendation. WETT commented that "excluding the costs beyond those needed for an individual interconnection from the allowance will greatly assist in avoiding the problem of inequitable investment among developers and alleviate the need for burdensome and potentially contentious cost-sharing arrangements."

Commission response

The commission agrees with AEP and TCPA that a cost sharing mechanism is not required by statute and would introduce added complexity and potentially litigious issues to the interconnection process. Certain costs, such as for a new substation or substation bay, may be suitable for a pro-rata distribution between generators. However, the historical data provided by the TSPs does not provide clear insight into these circumstances. Other aspects of the cost-sharing process, such as the procedure for dispute resolution, are unclear and may create resource-inten-

sive contested cases for little benefit. Accordingly, the commission declines to implement a cost-sharing mechanism for interconnecting generators. If multiple generators seeking to interconnect at the same location are experiencing delays caused by each attempting to avoid incurring a significant interconnection cost, such as the initial construction of a substation, these parties may elect to share the costs by private agreement without the involvement of the commission or the TSP.

LCRA commented that §25.195(f)(3)(E) and its sub-provisions could be interpreted to require the initially-interconnected generator to bear the costs of subsequent interconnections by other generators due to the ambiguity of applying cost responsibility to the "current owner of the interconnected resource." LCRA recommended basing the trigger for determining "new or upgraded interconnection facilities" on whether the ERCOT Planning Guide §5.2.1(1)(c) criteria for a "Generator Interconnection or Modification (GIM) is met." LCRA explained that the cited provision of the ERCOT Planning Guide "defines the requirements and processes used to facilitate new or modified generation interconnections" within ERCOT and therefore should be referenced in this context. LCRA provided redlines consistent with its recommendation.

Commission response

Section 25.195(f)(3)(E) does not contemplate cost-sharing between separate generators. Accordingly, the commission makes clarifying edits to the rule. The commission declines to base "new or upgraded interconnection facilities" on the ERCOT Planning Guide, as requested by LCRA, because the commission has not comprehensively scrutinized the provisions of this guide to ensure it fully captures the intent of this requirement.

TCPA recommended removing §25.195(f)(3)(E) because it is not required by statute and alternatively recommended if it is retained, the allowance not include costs associated with transmission upgrades required to satisfy the obligations under ERCOT Planning Guide 4.1.1.7 relating to Minimum Deliverability Criteria because those upgrades are required by ERCOT, rather than becoming necessary due to modifications by the generation resource.

Commission response

The commission declines to omit §25.195(f)(3)(E) for the reasons stated previously and declines to amend the provision as TCPA recommends because it is unnecessary. This language specifically applies to upgrades required by generator modifications, not upgrades that are required by ERCOT.

§25.195(h) - Filing of contracts

Section 25.195(h) requires TSP to file new interconnection agreements with the commission within 30 days from the date the agreement is executed.

TPPA, TEC, Sierra Club, and CPS Energy recommended exempting municipally-owned utilities (MOUs) and electric cooperatives from the requirement to file the SGIA with the commission under §25.195(h) because the existing filing requirement only applies to "electric utilities" as defined under PURA, which does not include MOUs or electric cooperatives. Commenters noted that, for MOUs and electric cooperatives that own both transmission and generation, no SGIA will be executed because the MOU or electric cooperative is interconnecting within itself using its own system. TPPA also noted that under PURA §40.004(7) and 41.004(5), the commission has limited authority to require reports from MOUs and electric cooperatives, respectively. TPPA

also notes that implementation of PURA §35.004 does not appear to require MOUs and electric cooperatives to submit SGIAs to the commission.

Commission response

The commission agrees with TPPA that the implementation of PURA §35.004 does not require MOUs and electric cooperatives to submit SGIAs to the commission. Accordingly, the commission modifies the rule to require "electric utilities" rather than "TSPs" to file SGIAs with the commission. However, the commission encourages all TSPs to file their SGIAs with the commission, as is common practice for many that are not currently required to do so. The commission does not address the commenter's jurisdictional arguments at this time because it is unnecessary.

§25.195(i) - Generation interconnection costs report

Proposed §25.195(i) requires ERCOT, in consultation with commission staff, to regularly publish a report that includes the generation interconnection costs for each generator interconnection.

Oncor, LCRA, TNMP, AEP, and CPS Energy recommended that proposed §25.195(i) direct TSPs to provide, and ERCOT to publish, the total cost - including the total amount of CIAC paid by the generation resource - for each generator interconnection that begins taking service under an SGIA. Commenters explained it is not necessary for the interconnection cost report to be enacted via an ERCOT Nodal Protocol Revision Request, and that the report could be established more expeditiously through amending the provision. Oncor, TNMP, AEP, and CPS Energy recommended publishing the report annually, beginning in 2027, the calendar year after the allowance goes into effect in 2026. Sierra Club recommended publishing the report quarterly and including aggregated costs by resource type to identify cost differences. WETT opposed changing the report to an annual basis and stated that no additional reporting is required outside of what is provided under the pre-existing GIS report. TPPA proposed the commission direct ERCOT to develop the report at an open meeting or, alternatively, amend the rule to provide for the specifics of ERCOT's obligations surrounding the report. TSPA recommended including interconnection cost information in ERCOT's pre-existing GIS report and suggested that the SGIA should account for and indicate whether any above-allowance costs were incurred for the interconnection. Oncor and TSPA provided redlines consistent with their recommendations.

Commission response

The commission agrees with WETT and declines to change the reporting period under §25.195(i) to an annual basis as recommended by Oncor, TNMP, AEP, and CPS Energy. The pre-existing GIS report is sufficient to account for the costs relevant to the allowance. However, the commission revises the provision to require ERCOT to, on an annual basis, republish the monthly data included in the GIS report from the previous 12 calendar months in a separate report. The commission also agrees that further specificity is required for the monthly data to be included in the GIS report and revises the provision accordingly.

Good cause exception

Oncor, SEIA, ACE and CCR, TCPA, WETT, and CenterPoint recommended a good cause exception, to exceed the allowance, be included in the rule. Oncor, SEIA, and ACE and CCR noted that a good cause exception would be useful when atypically high costs of interconnection are justifiable and are not a function of uneconomic siting by the generation resource, or when unique

circumstances arise that are beyond the control of the generator or TSP. Specifically, Oncor recommended a good cause exception require a joint application between the generator and interconnecting TSP, along with a determination from the commission that extenuating circumstances justify an increased allowance for a particular interconnection project. Oncor explained such a provision is necessary to ensure incentives for certain projects that are priorities of the commission and State of Texas, such as nuclear, are preserved. Oncor provided redlines consistent with its recommendation. TCPA stated that a good cause exception would benefit interconnections that would bear higher costs in high-load service territories. WETT commented that a good cause exception for exceeding the allowance would be consistent with the intent of HB 1500, §9 to reduce interconnection costs to ratepayers and benefit reliability.

Commission response

The commission declines to add a good cause exception to the rule because such a provision would be administratively burdensome to implement, incentivize strategic behavior, and undermine the effectiveness of the allowance. Any interconnection may possess unique features that could be argued to exceed the allowance amounts, and it is unclear what criteria the commission would use to evaluate such requests. Moreover, under PURA §35.004(d-2) "(c)osts in excess of the...allowance...must be directly assigned to and collected from the generation resource...". This statutory language does not contemplate granting exceptions to the standard allowance.

The amended rule is adopted under the following provisions of PURA: §14.001, which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; PURA §14.002, which provides the commission with the authority to make adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §35.004(d) and (d-1)-(d-3) which requires the commission to develop a reasonable allowance applicable to generation resources interconnecting directly with the ERCOT transmission system at transmission voltage.

Cross reference to statutes: Public Utility Regulatory Act §14.001, §14.002, PURA §35.004(d) and (d-1)-(d-3).

§25.195. *Terms and Conditions for Transmission Service.*

(a) **Applicability.** This section applies to the provision of transmission service in the Electric Reliability Council of Texas (ERCOT) region by transmission service providers (TSPs) to transmission service customers. This section also applies to ERCOT.

(b) **Definitions.** The following terms have the following meanings unless context indicates otherwise.

(1) **Transmission-level generator--**a transmission service customer that is an electric generating facility under §25.5 of this title (relating to Definitions), is interconnected to a TSP's system at or above 60 kilovolts (kV), and is located behind one or more unique points of interconnection.

(2) **Transmission system upgrade--**any additional transmission facilities or modifications beyond what is required to interconnect a transmission-level generator to the transmission system. The construction of a new substation or modifications to an existing substation is not a transmission-system upgrade if necessary to interconnect a transmission-level generator.

(c) **Interconnection agreement.** As a condition of obtaining transmission service, a transmission service customer that owns electrical facilities in the ERCOT region must execute an interconnection agreement with the TSP to which it is physically interconnected. The commission-approved standard generation interconnection agreement (SGIA) must be used for the interconnection of a new transmission service customer that is a transmission-level generator. The SGIA may be modified by mutual agreement of the parties to address specific facts presented by a particular interconnection request provided that the modifications do not frustrate the goal of expeditious, nondiscriminatory interconnection and are not otherwise inconsistent with the principles underlying the commission-approved SGIA. The SGIA must not be modified to relieve a transmission-level generator's responsibility for all costs of installing interconnection facilities that are incurred by the TSP that exceed the allowance under subsection (f) of this section.

(d) **Transmission service provider responsibilities.** The TSP must plan, construct, operate, and maintain its transmission system in accordance with good utility practice to provide transmission service customers with transmission service over its transmission system in accordance with Division 1 of this subchapter (relating to Open-Access Comparable Transmission Service for Electric Utilities in the Electric Reliability Council of Texas). The TSP must, consistent with good utility practice, endeavor to construct and place into service sufficient transmission capacity to ensure adequacy and reliability of the network to deliver power to transmission service customer loads. The TSP must plan, construct, operate, and maintain facilities that are needed to relieve transmission constraints, as recommended by ERCOT and approved by the commission, in accordance with Division 1 of this subchapter. The construction of facilities requiring commission issuance of a certificate of convenience and necessity is subject to such commission approval.

(e) **Construction of new facilities.** If new transmission facilities or interconnections between TSPs are needed to provide transmission service in response to a request for such service, the TSPs must construct or acquire transmission facilities necessary to provide the transmission service in accordance with good utility practice, unless ERCOT identifies an alternative means of providing the transmission service that is less costly, is operationally sound, and is as effective as the new transmission facilities would be at providing the requested transmission service.

(1) An affected TSP may require the transmission service customer to pay a reasonable deposit or provide another means of security, to cover the costs of planning, licensing, and constructing any new transmission facilities that will be required in order to provide the requested service. Any repayment of a cash deposit under subparagraph (A) or (B) of this paragraph must include interest at a commercially reasonable rate based on that portion of the deposit being returned.

(A) If the new transmission service customer's interconnection is completed and the transmission service customer begins to take the requested transmission service, the TSP must return the deposit or security to the transmission service customer.

(B) If the new transmission service customer's interconnection is not completed and the new transmission facilities are not required, the TSP may retain as much of the deposit or security as is required to cover the costs the TSP incurred in planning, licensing, and construction activities related to the planned new transmission facilities.

(2) If the TSP's acquisition or construction of the new transmission facilities would impair the tax-exempt status of obligations issued by the TSP then the TSP may require a contribution in aid of construction (CIAC) from the transmission service customer to cover all

or part of the cost of acquiring and constructing the new transmission facilities.

(3) For a transmission service customer that is not a transmission-level generator, the TSP is responsible for the cost of installing any new transmission facilities, other than those provided for in paragraph (2) of this subsection, in a contractual agreement between the TSP and the customer, or in a commission-approved transmission service tariff.

(4) For a transmission-level generator, the costs of installing new transmission facilities must be borne in accordance with subsection (f) of this section.

(f) Cost responsibilities to interconnect transmission-level generators at transmission voltage.

(1) A new transmission-level generator seeking interconnection to a TSP's transmission network is responsible for the cost of installing step-up transformers and protective devices at the point of interconnection capable of electrically isolating the transmission-level generator.

(2) If the SGIA between the transmission-level generator and the TSP is executed on or before December 31, 2025, then the TSP is responsible for the cost of installing any new transmission facilities.

(3) If the SGIA between a transmission-level generator and TSP is executed after December 31, 2025, then the interconnecting transmission-level generator is responsible for all costs of installing interconnection facilities that are incurred by the TSP that exceed the allowance established in accordance with this paragraph. The TSP is responsible for the costs of installing any transmission system upgrades deemed necessary by the TSP.

(A) The allowance will be calculated by the commission as follows:

(i) For a transmission-level generator interconnecting at a transmission voltage of 138 kV or less, the allowance beginning on January 1, 2026, is based on the 2024 amount of \$14,000,000 adjusted for subsequent years consistent with clause (ii) of this subparagraph. For a transmission-level generator interconnecting at a transmission voltage higher than 138kV, the allowance beginning on January 1, 2026, is based on the 2024 amount of \$20,000,000 adjusted for subsequent years consistent with clause (ii) of this subparagraph.

(ii) The commission will increase or decrease the allowance on or before January 1 of each calendar year in accordance with this clause. The commission will publish the new values of the allowance to be used in the subsequent calendar year on or around November 1 of each calendar year.

(I) The annual adjustment will be proportional to the third quarter to third quarter percentage change in the national Consumer Price Index (CPI) published by the United States Department of Labor, Bureau of Labor Statistics.

(II) The executive director must designate a substitute index to be used as a reference for adjustments under this clause if the index referenced by subclause (I) of this clause becomes unavailable.

(B) A transmission-level generator that seeks to interconnect an energy storage resource is only eligible to receive the allowance described under this subsection and not additional allowances provided to interconnect load, such as may be provided under a tariff.

(C) The amount of the allowance that a transmission-level generator is provided to complete the interconnection is the amount that was in effect on the date the notice to proceed with

the interconnection was issued by the transmission-level generator to the TSP in accordance with the executed SGIA. A TSP's costs to procure, design, and construct or upgrade interconnection facilities that exceed the allowance must be directly billed to and collected from the transmission-level generator that caused the costs to be incurred by the TSP. The TSP may collect such costs as a contribution in aid to construction prior to procuring, designing, and constructing or upgrading the interconnection facilities.

(D) Notwithstanding any payments made by a transmission-level generator under this section, an interconnecting TSP retains ownership and control of its transmission facilities.

(E) After the completion and energization of the initial interconnection, the responsibility for costs incurred by a TSP for new or upgraded interconnection facilities due to modifications or expansions made by the interconnected transmission-level generator will be borne in accordance with this subparagraph.

(i) For the ten calendar years following the date of energization for the initial interconnection of the transmission-level generator, and to the extent that the costs of the new or upgraded interconnection facilities needed due to modifications made by the transmission-level generator exceed the remainder of the allowance calculated under paragraph (3) of this subsection, the current owner of the transmission-level generator that is listed in the new or amended SGIA is responsible for the interconnection costs incurred by the TSP, where:

(I) the allowance is the amount that was in effect on the date the notice to proceed with the initial interconnection was issued in accordance with paragraph (3) of this subsection and the executed SGIA; and

(II) the remainder is the difference between the allowance described under subclause (I) of this clause and the actual costs that a TSP incurred to construct, design, and upgrade interconnection facilities to initially interconnect the transmission-level generator. The remainder will be adjusted by the TSP in accordance with the methodology in subparagraph (A)(ii) of this paragraph.

(ii) After ten calendar years from the date of energization for the initial interconnection, the transmission-level generator is eligible for a new allowance determined in accordance with paragraph (3)(A) of this subsection for the costs of new or upgraded interconnection facilities necessary to accommodate modifications made by the transmission-level generator at the same point of interconnection.

(F) Beginning on or around May 1, 2029, and at least every five calendar years thereafter, the commission will open a project and request comments on whether the allowance or annual allowance adjustment methodology described in paragraph (3)(A) of this subsection should be modified. If the commission determines the allowance or the annual allowance adjustment methodology should be adjusted, the commission will initiate a rulemaking proceeding.

(g) Curtailment of service. In an emergency situation, as determined by ERCOT and at its direction, a TSP may interrupt transmission service on a non-discriminatory basis, if necessary, to preserve the stability of the transmission network and service to customers. Such curtailments must be carried out in accordance with §25.200 of this title (relating to Load Shedding, Curtailments, and Redispatch) and in accordance with ERCOT protocols.

(h) Filing of contracts. An electric utility must file with the commission each new, and all amendments to, interconnection agreements within 30 days of execution, including a cover letter explaining any deviations from the commission-approved SGIA. An interconnection agreement is subject to commission review and approval upon request by any party to the agreement. Appropriate portions of the filings

may be filed confidentially and be subject to provisions of confidentiality to protect competitively sensitive commercial or financial information.

(i) Transmission-level generator interconnection costs report. ERCOT must, in consultation with commission staff, include as part of the ERCOT Generation Interconnection Status report or any successor report the generation interconnection costs for each new transmission-level generator interconnected in each calendar month based on date of energization, including the total cost of the interconnection, any CIAC paid by the transmission-level generator, and any above-allowance costs incurred by the transmission-level generator.

(1) Beginning in January 2026, within 90 calendar days from the end of each calendar month the TSP must provide to ERCOT the information described in this subsection for each new transmission-level generator interconnection to the TSP's system in that calendar month.

(2) Beginning in April 2027 and every calendar year thereafter, ERCOT will publish the information described in this subsection in a separate report for each new transmission-level generator interconnection to the ERCOT transmission system in the prior calendar year. ERCOT will, at a minimum, provide the information described in this subsection and total amounts for the prior calendar year.

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 February 15, 2024.

TRD-202400655

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Effective date: March 6, 2024

Proposal publication date: December 15, 2023

For further information, please call: (512) 936-7322



TITLE 19. EDUCATION

PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 232. GENERAL CERTIFICATION PROVISIONS

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §232.7 and §232.11, concerning general certification provisions. The amendments are adopted without changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6322) and will not be republished. The adopted amendments provide minor technical edits to clarify the existing hardship exemption processes established in rule, implement the statutory requirements of House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023, and update the continuing professional education (CPE) training requirements to remove the limit on certain professional development hours that can be completed by classroom teachers and school counselors every five years for the purposes of standard certificate renewal.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 232, Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, provide for rules that establish the requirements relating to types and classes of certificates issued, certificate renewal, and CPE.

As a result of the 88th Texas Legislature, Regular Session, 2023, HB 2929 amended Texas Education Code (TEC), §21.054(d) and (f), and added subsection (d-2), removing limits on the number of hours in certain specific topics that classroom teachers and school counselors can obtain in CPE every five years for purposes of certificate renewal.

Following is a description of the adopted amendments to 19 TAC Chapter 232, Subchapter A.

§232.7. *Requirements for Certificate Renewal.*

The adopted amendment to 19 TAC §232.7(b) makes a minor technical edit in the cross reference to paragraphs (1)-(4) to separate criteria in paragraphs (1)-(3) specific to hardship exemption requests due to catastrophic illnesses of the educator or family member and military service from criteria in paragraph (4) specific to a hardship exemption request made by a local education agency on behalf of an educator with an inactive standard certificate due to non-compliance with completion of CPE hours to meet certificate renewal requirements.

The adopted amendment to §232.7(b)(5) adds a cross reference to subsection (b)(4) to confirm that a fee is required only for hardship exemption requests specified in paragraph (4).

§232.11. *Number and Content of Required Continuing Professional Education Hours.*

The adopted amendment to 19 TAC §232.11(d)(3) removes the limit on CPE hours that can be completed by classroom teachers renewing certificates on or after September 1, 2023. The section was updated to align with provisions of HB 2929 that allow classroom teachers to complete at least 25 percent of training hours, including e-instruction, in specified topics and to confirm that hours completed beyond the 25 percent minimum can also be utilized for certificate renewal purposes.

The adopted new §232.11(d)(4) adds that CPE training hours on topics described in §232.11(d)(3) in excess of 25 percent will be counted toward a teacher's overall training requirements.

The adopted amendment to §232.11(f)(2) strikes the September 1, 2024 certificate renewal reference and related requirements on CPE hours for school counselors and updates language to specify that school counselors renewing on or after September 1, 2023, must complete at least 25 percent of CPE hours in specified topics, in alignment with provisions of HB 2929.

The adopted amendment to §232.11(f)(3) strikes paragraph (3), which limits the total number of CPE hours that a school counselor can complete in specific topics if renewing on or after September 1, 2024. The information is no longer applicable and/or needed based on clarifications about CPE training hours provided in HB 2929.

The adopted amendment to §232.11 preserves the discretion for educators in choosing CPE hours while still reminding educators of the significance of these topic areas.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began October 27, 2023, and ended November 27, 2023. The SBEC also provided an opportunity for registered oral and written comments on the proposal

at the December 8, 2023 meeting's public comment period in accordance with the SBEC board operating policies and procedures. No public comments were received on the proposal.

The State Board of Education (SBOE) took no action on the review of amendments to §232.7 and §232.11 at the February 2, 2024 SBOE meeting.

SUBCHAPTER A. CERTIFICATE RENEWAL AND CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

19 TAC §232.7

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.003(a), which states a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.0031(f), which clarifies and places certain limits on provisions authorizing termination of an educator's contract for failure to maintain a valid certificate; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1)-(4), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(b)(7)-(8), which requires the SBEC to propose rules that provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Texas Government Code (TGC), Chapter 2001, and provide for the adoption, amendment, and enforcement of an educator's code of ethics; TEC, §21.041(b)(9), which requires the SBEC to propose rules that provide for continuing education requirements; TEC, §21.054, which requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements; TEC, §21.0541, which requires the SBEC to propose rules that allow an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator (AED); and TEC, §21.0543, which requires the SBEC to propose rules that provide for CPE credit related to digital technology instruction; and Texas Occupations Code (TOC), §55.002, which states a state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty for failing to renew the license in a timely manner if the individual establishes that the individual failed to renew the license in a timely manner because the individual was serving as a military service member; and TOC, §55.003, which states a military service member who holds a license is entitled to two years of additional time to complete any continuing education requirements and any other requirement related to the renewal of the military service member's license.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.003(a); 21.0031(f);

21.031; 21.041(b)(1)-(4) and (7)-(9); 21.054; 21.0541; and 21.0543; and Texas Occupations Code, §55.002 and §55.003.

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 February 16, 2024.

TRD-202400672

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Effective date: March 7, 2024

Proposal publication date: October 27, 2023

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



19 TAC §232.11

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §21.003(a), which states a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.0031(f), which clarifies and places certain limits on provisions authorizing termination of an educator's contract for failure to maintain a valid certificate; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1)-(4), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; and requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(b)(7)-(8), which requires the SBEC to propose rules that provide for disciplinary proceedings, including the suspension or revocation of an educator certificate, as provided by Texas Government Code (TGC), Chapter 2001, and provide for the adoption, amendment, and enforcement of an educator's code of ethics; TEC, §21.041(b)(9), which requires the SBEC to propose rules that provide for continuing education requirements; TEC, §21.054, which requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements; TEC, §21.054(d), as amended by House Bill (HB) 2929, 88th Texas Legislature, Regular Session, 2023, which specifies that subject to subsection (d-2), continuing education requirements for a classroom teacher may not require that more than 25 percent of the training required every five years include instruction in specified topics; TEC, §21.054(d-2), as added by HB 2929, 88th Texas Legislature, Regular Session, 2023, which specifies that training in a topic of instruction described by subsection (d) attended by a classroom teacher in excess of an amount of hours equal to 25 percent of the training required of the teacher every five years shall be counted towards the teacher's overall training requirements; TEC, §21.054(f), as amended by HB 2929, 88th

Texas Legislature, Regular Session, 2023, which specifies that continuing education requirements for a counselor must provide that at least 25 percent of training required every five years include instruction in specified topics; TEC, §21.0541, which requires the SBEC to propose rules that allow an educator to receive credit towards the educator's continuing education requirements for completion of an instructional course on the use of an automated external defibrillator (AED); TEC, §21.0543, which requires the SBEC to propose rules that provide for CPE credit related to digital technology instruction; and TEC, §22.0831(f), which states SBEC may propose rules regarding the deadline for the national criminal history check and implement sanctions for persons failing to comply with the requirements; and Texas Occupations Code (TOC), §55.002, which states a state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty for failing to renew the license in a timely manner if the individual establishes that the individual failed to renew the license in a timely manner because the individual was serving as a military service member; and TOC, §55.003, which states a military service member who holds a license is entitled to two years of additional time to complete any continuing education requirements and any other requirement related to the renewal of the military service member's license.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.003(a); 21.0031(f); 21.031; 21.041(b)(1)-(4) and (7)-(9); 21.054; 21.054(d), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(d-2), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.054(f), as amended by HB 2929, 88th Texas Legislature, Regular Session, 2023; 21.0541; 21.0543; and 22.0831(f); and Texas Occupations Code, §55.002 and §55.003.

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 February 16, 2024.

TRD-202400673

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Effective date: March 7, 2024

Proposal publication date: October 27, 2023

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



CHAPTER 234. MILITARY SERVICE MEMBERS, MILITARY SPOUSES, AND MILITARY VETERANS

19 TAC §§234.1, 234.3, 234.5, 234.6, 234.9, 234.11

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§234.1, 234.3, 234.5, and 234.6 and new §234.9 and §234.11, concerning military service members, military spouses, and military veterans. The amendments and new rules are adopted without changes to the proposed text as published in the October 27, 2023 issue of the *Texas Register* (48 TexReg 6327) and will

not be republished. The adopted revisions implement Senate Bills (SBs) 422 and 544 and House Bill (HB) 621, 88th Texas Legislature, Regular Session, 2023. The adopted revisions add military service members as being eligible to receive several of the provisions in place for military spouses; add provisions to issue a three-year temporary certificate to eligible military veterans, peace officers, fire protection personnel, and emergency medical services personnel; and also add provisions for the issuance of a one-year temporary certificate to certain instructors for the Community College of the Air Force.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 234 consolidate all military-related provisions into one chapter for all members of the military community (i.e., military service members, military spouses, and military veterans).

The adopted revisions to 19 TAC Chapter 234 implement SBs 422 and 544 and HB 621, 88th Texas Legislature, Regular Session, 2023. Following is a description of the adopted revisions.

§234.1. *Purpose.*

The adopted amendment to 19 TAC §234.1 creates a new subsection (b) that adds peace officers, fire protection personnel, emergency medical services personnel, and qualified instructors for the Community College of the Air Force to these provisions usually dedicated to members of the military community (i.e., military service members, military spouses, and military veterans). The adopted change implements legislation passed during the 88th Texas Legislature, Regular Session, 2023, in a more streamlined manner by placing all the statutory provisions into one SBEC rule chapter. Adopted new subsection (c) was relettered accordingly.

§234.3. *Definitions.*

The adopted amendment to 19 TAC §234.3 expands the section by adding the definitions of the following additional eight terms: permanent change of station order, review of credentials, peace officer, fire protection personnel, emergency medical services personnel, Texas Education Agency (TEA) staff, license, and state agency. These definitions were added to align with provisions in legislation and to offer further clarity in the review and processing of requests from members of the military community and additional groups identified in the most recent legislation passed (e.g., peace officer, fire protection personnel, emergency medical services personnel).

§234.5. *Certification of Military Service Members, Military Spouses, and Military Veterans.*

The adopted amendment to 19 TAC §234.5(a) strikes the language "as soon as practicable" to replace it with "within 30 days of receipt of a complete application" to align with specifications in SB 422 that emphasize the importance of timely review and processing of certification applications submitted by members of the military community.

The adopted amendment to §234.5(b) adds military service members and military veterans to the three-year certificate issuance provisions referenced in this section that are already in place for military spouses following completion of a successful review of out-of-state credentials.

Adopted new §234.5(f) implements provisions from SB 422 to allow a military service member to be issued a three-year temporary certificate upon successful completion of a credentials review or to declare his or her intent to teach in Texas up to three years maximum on a license issued by another state department

of education following TEA's review of his or her credentials and written confirmation of approval. These adopted changes mirror provisions reflected in §234.5(d) and §234.5(e) and established for military spouses in previous legislative sessions.

Adopted relettered §234.5(g) adds military spouses to the provisions already in rule, and the subsequent subsections were relettered, with no additional changes to the rule text.

Adopted new §234.5(m) was added to reference applicability of the permanent change of station order as an acceptable document that can be submitted by members of the military community to establish residency requirements as applicable for certificate issuance and to serve as an acceptable form of identification to approve the military-related fee exemptions and other established provisions for members of the military community.

§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans.

The adopted amendment to 19 TAC §234.6(b)(1) adds clarification that a military service member is eligible for issuance of the Texas standard certificate following approval of an exemption from required examinations or after the required state certification examinations have been passed. The adopted amendment also confirms that completion of a criminal background check is also required prior to certificate issuance.

The adopted amendment to §234.6(b)(2)(C) adds clarification that military spouses are eligible for issuance of the Texas standard certificate following approval of an exemption from required examinations or after the required state certification examinations have been passed.

The adopted amendment to §234.6(b)(3) adds clarification that military veterans are eligible for issuance of the Texas standard certificate following approval of an exemption from required examinations or after the required state certification examinations have been passed. The adopted amendment also confirms that completion of a criminal background check is also required prior to certificate issuance.

Adopted new §234.6(c) implements a provision in SB 422 to clarify that a change in the marital status of a military spouse would not impact his or her right to utilize provisions specified in §234.6(b)(2)(A) and (B).

§234.9. Certification of Military Veterans, Peace Officers, Fire Protection Personnel, and Emergency Medical Services Personnel.

Adopted new 19 TAC §234.9(a) - (c) implements provisions of HB 621, 88th Texas Legislature, Regular Session, 2023, to identify military veterans, peace officers, fire protection personnel, and emergency medical services personnel as the population of individuals eligible to receive the three-year temporary certificate and establishes the requirements for certificate issuance.

Adopted new §234.9(d) provides guidance on the process to obtain a Texas standard certificate following expiration of the three-year temporary certificate.

§234.11. Certification of Full-Time Instructors for the Community College of the Air Force.

Adopted new 19 TAC §234.11(a) and (b) implements provisions of SB 544, 88th Texas Legislature, Regular Session, 2023, to identify full-time instructors of the Community College of the Air Force as the population of individuals eligible to receive the one-year temporary certificate and establishes the requirements for

certificate issuance. Adopted new §234.11(c) provides guidance on the process to obtain a Texas standard certificate following expiration of the one-year temporary certificate.

Technical edits were made where applicable to align the singularity of the terms *military service member*, *military spouse*, and *military veteran*.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began October 27, 2023, and ended November 27, 2023. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the December 8, 2023 meeting's public comment period in accordance with the SBEC board operating policies and procedures. The following public comment was received on the proposal.

Comment: An individual commented in favor of the proposed revisions to 19 TAC Chapter 234 and recommended that the rule should be extended to all full-time instructors who teach at Texas community colleges, regardless of military service, to provide an opportunity for community college faculty to earn a Texas teaching certificate.

Response: The SBEC disagrees. The comment is outside the scope of the proposed rulemaking as 19 TAC Chapter 234 only relates to the licensing of military service members, military spouses, and military veterans.

The State Board of Education (SBOE) took no action on the review of amendments to §§234.1, 234.3, 234.5, and 234.6 and new §234.9 and §234.11 at the February 2, 2024 SBOE meeting.

STATUTORY AUTHORITY. The amendments and new sections are adopted under Texas Education Code (TEC), §21.041(b)(2), which requires the State Board for Educator Certification (SBEC) to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; TEC, §21.041(b)(4), which requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.0444, as added by House Bill (HB) 621, 88th Texas Legislature, Regular Session, 2023, which creates a temporary certification to teach career and technology education for certain military service members and first responders and requires the SBEC to propose rules for certificate issuance; TEC, §21.052(b-1), which requires the SBEC to propose rules to establish procedures to establish residency and expedite processing of certification applications submitted by a military veteran or military spouse; TEC, §21.052(c), which states the SBEC can specify the term of a temporary certificate issued under this subsection; TEC, §21.052(d-1), which requires the SBEC to issue a three-year temporary certificate to eligible military spouses of active-duty service members; TEC, §21.052(f), which requires the SBEC to maintain an Internet website that outlines the procedures for military community members to obtain certification in Texas; TEC, §21.052(i), which defines active-duty service, lists the branches of the United States armed forces, and confirms the members of the military community eligible for processes established to certify educators from outside the state; TEC, §21.0525, as added by Senate Bill (SB) 544, 88th Texas Legislature, Regular Session, 2023, which creates a temporary teaching certificate for certain persons with experience as instructors for the Community Col-

lege of the Air Force and requires the SBEC to propose rules for certificate issuance; TEC, §21.054, which requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements; and TEC, §21.458(a-2), as added by HB 621, 88th Texas Legislature, Regular Session, 2023, which specifies that a school district shall assign a mentor teacher to a classroom teacher who has been issued a temporary certificate to teach career and technology education under TEC, §21.0444, for at least two years; and Texas Occupations Code (TOC), §55.001, which defines key terms and identifies the individuals relevant to the processing and support of members of the military community; TOC, §55.002, which provides clarification and guidelines for implementing fee exemptions for members of the military community; TOC, §55.003, which states military service members are eligible to receive a two-year extension of time to complete requirements for license renewal; TOC, §55.004, which requires state agencies to adopt rules for issuance of licensure to members of the military community and provides alternatives to become eligible for licensure; TOC, §55.004(d), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, which requires state agencies to adopt rules to allow military service members to use the same options as military spouses to meet the residency and other state-specific requirements for licensure; TOC, §55.0041, as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, which updates the section title to add military service members and include them in all related provisions addressed by this section; TOC, §55.005(a), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, which specifies that a state agency that issues a license must do so no later than 30 days following the date that a military service member, military veteran, or military spouse applies for licensure; TOC, §55.005, which requires state agencies to establish a process to expedite applications for licensure submitted by members of the military community; TOC, §55.006, which requires state agencies to determine renewal requirements for expedited licenses issued to members of the military community; TOC, §55.007, which provides state agencies authority to credit verified military service, training, or education toward licensing requirements; TOC, §55.008, which authorizes state agencies to credit verified relevant military service, training, or education relevant to the occupation toward the apprenticeship requirements for licensure; TOC, §55.009, which confirms state agencies that issue licensure shall waive license application and examination fees paid to the state for applicable members of the military community; and TOC, §55.010, which requires state agencies to prominently post notification of licensure provisions for military service members, military veterans, and military spouses on the home page of the agency's website.

CROSS REFERENCE TO STATUTE. The amendments and new sections implement Texas Education Code, §§21.041(b)(2) and (4); 21.044(a); 21.0444, as added by HB 621, 88th Texas Legislature, Regular Session, 2023; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525, as added by SB 544, 88th Texas Legislature, Regular Session, 2023; 21.054; and 21.458(a-2), as added by HB 621, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code, §§55.001; 55.002; 55.003; 55.004(a)-(c); 55.004(d), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.0041, as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(a), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(b); 55.006; 55.007; 55.008; 55.009; and 55.010.

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 February 16, 2024.

TRD-202400674

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Effective date: March 7, 2024

Proposal publication date: October 27, 2023

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



TITLE 22. EXAMINING BOARDS

PART 23. TEXAS REAL ESTATE COMMISSION

CHAPTER 537. PROFESSIONAL AGREEMENTS AND STANDARD CONTRACTS

22 TAC §537.66

The Texas Real Estate Commission (TREC) adopts new 22 TAC §537.66, Standard Contract Form TREC No. 59-0, Notice to Purchaser of Special Taxing or Assessment District, in Chapter 537, Professional Agreements and Standard Contracts, without changes to the rule text, but with non-substantive changes to the form adopted by reference, as published in the November 24, 2023, issue of the *Texas Register* (48 TexReg 6870). The rule text will not be republished. The revised form adopted by reference is available through the Commission's website at www.trec.texas.gov.

Texas real estate license holders are generally required to use forms promulgated by TREC when negotiating contracts for the sale of real property, although some forms are adopted by the Commission for voluntary use by license holders. Contract forms are drafted and recommended for proposal by the Texas Real Estate Broker-Lawyer Committee, an advisory body consisting of six attorneys appointed by the President of the State Bar of Texas, six brokers appointed by TREC, and one public member appointed by the governor. The Texas Real Estate Broker-Lawyer Committee recommended the new rule, and the form adopted by reference, in Chapter 537 as a result of statutory changes enacted by the 88th Legislature in HB 2815 and HB 2816.

HB 2815 and 2816 replace the several different disclosure notices related to tax assessments made by water districts with a single notice and provides the language required for the notice. The bills also require the water districts to make their own notice publicly available.

37 comments were received, including from one real estate trade association. Three commenters desired a specific change to the language on the notice itself. Because the contents of the notice are dictated by statute, the committee did not believe such changes could be made and declined to do so.

25 commenters felt the notice was confusing, could be simplified, and/or had general questions or concerns about how the form

would be completed, including concerns about license holders completing the form. The committee agreed that this was a confusing area, but that this is a statutory requirement. The committee also reiterated that water districts are required to make the information in this form available to the public. However, if the district has not made the notice available, this form can be used as a backup, so that a seller can obtain the information from the district and then could use that information to complete the form. Additionally, the committee stated that this form is a seller's disclosure and agents themselves should not be completing the form on behalf of their clients.

Two commenters felt that water districts needed to make the notice available online. The committee noted that many districts are already required to post the notice online.

One commenter suggested the information be added to the Commission's Seller's Disclosure Notice, but was appreciative of the form. The committee noted that this language comes from a different statute than the Seller's Disclosure Notice, but appointed a working group to review the various disclosures offered by the Commission to see if improvements should be made.

Two comments were related to whether this form would apply to public improvement districts or PIDs. The form does not, however, in light of these comments, the committee did decide to add a notice to the top of the form that states it is not to be used for a public improvement district. Similarly, one commenter requested a list of the type of districts this form applied to. The committee agreed that this is a confusing area, but ultimately declined to include such a list because the definition of "district" itself in the statute was complicated and would likely cause more, rather than less, confusion.

Two commenters were generally in favor of the form.

Finally, the MetroTex Association of Realtors had general concerns about the form and the difficulty of obtaining such information. The Association also recommended that the committee add a URL to the Texas Commission on Environmental Quality's website (the agency that regulates water districts in the state) at the top of the form to provide more information regarding water districts. The committee agreed that the process is confusing. The committee discussed adding the link as requested, but had concerns that the information on TCEQ's website might be incomplete or outdated, and ultimately, not helpful and as a result declined to make such a change.

In addition to the changes described above, the committee made the following additional non-substantive changes:

- Reworded the paragraph below the title of the form to further emphasize the seller should use the district's form, if available;
- Added a checkbox to Paragraph 7 and note to complete only if applicable; and
- Revised the form's standard disclaimer.

The committee recommended the Commission adopt the form as modified.

The new rule is adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The new rule is also adopted under Texas Occupations Code

§1101.155, which allows the Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Broker-Lawyer Committee and adopted by the Commission.

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 February 13, 2024.

TRD-202400577

Vanessa E. Burgess

General Counsel

Texas Real Estate Commission

Effective date: March 4, 2024

Proposal publication date: November 24, 2023

For further information, please call: (512) 936-3284

TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 3. TAX ADMINISTRATION

SUBCHAPTER JJ. CIGARETTE, E-CIGARETTE, AND TOBACCO PRODUCTS REGULATION

34 TAC §3.1203

The Comptroller of Public Accounts adopts amendments to §3.1203, concerning approved seller training programs, without changes to the proposed text as published in the January 12, 2024, issue of the *Texas Register* (49 TexReg 129). The rule will not be republished.

The amendments implement the portion of Senate Bill 248, 87th Legislature, 2021, that requires vendors providing comptroller approved training programs to include training on e-cigarette sales. The comptroller also adopts amendments to require the recertification of approved training programs and to make other minor updates and improve readability.

The comptroller amends the definitions in subsection (a). In paragraph (1), the comptroller removes the definition of "application," which has a plain meaning, and replaces it with the definition of "cigar" from Tax Code, Chapter 155 (Cigar and Tobacco Products Tax). In paragraph (2), the comptroller replaces a reference to the definition of "cigarette" with the actual definition from Tax Code, Chapter 154 (Cigarette Tax). The comptroller adds the definition of "e-cigarette" in paragraph (3) and the definition of "minor" in paragraph (4), both from Health and Safety Code, Chapter 161 (Public Health Provisions), Subchapter H (Distribution of Cigarettes, E-cigarettes, or Tobacco Products) and renumbers the subsequent definitions. The comptroller amends the definition of "second party sales" in renumbered paragraph (5) to prohibit the sale of cigarettes and e-cigarettes that result in the provision of such products to a minor. The comptroller updates renumbered paragraph (6) by replacing the term "this state" with the term "Texas" and to add e-cigarettes to the list of products sold by a "seller." In new paragraph (7),

the comptroller replaces a reference to the definition of "tobacco product" with the actual definition from Tax Code, Chapter 155.

The comptroller amends subsection (b) to include e-cigarette sellers in the list of sellers to whom the training curriculum must be focused.

The comptroller amends subsection (d) to clarify that the sale of cigarettes, e-cigarettes, and tobacco products must be included in the required course curriculum.

The comptroller amends subsection (g) to add that a certification expires if not recertified under new subsection (h).

The comptroller adds subsection (h) to establish recertification requirements for a comptroller approved seller course curriculum. The recertification must be renewed every two years to ensure the training includes any changes made during a legislative session. Subsequent subsections are relettered.

The comptroller amends relettered subsection (o) to remove the telephone contact numbers for class cancellations. The comptroller's webpage on Seller Training Programs is the best resource for current information of this sort.

The comptroller did not receive any comments regarding adoption of the amendment.

The comptroller adopts the amendments under Tax Code, §111.002 (Comptroller's Rules; Compliance; Forfeiture) and §111.0022 (Application to Other Laws Administered by Comptroller) which provide the comptroller with authority to prescribe, adopt, and enforce rules relating to the administration and enforcement provisions of Tax Code, Title 2, and taxes, fees, or other charges which the comptroller administers under other law.

The amendments to this section implement Health & Safety Code, §§161.081 (Definitions), 161.0901 (Disciplinary Action against Cigarette, E-cigarette, and Tobacco Product Retailers), and Tax Code, §155.001 (Definitions).

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 February 15, 2024.

TRD-202400648

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Effective date: March 6, 2024

Proposal publication date: January 12, 2024

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



34 TAC §3.1204

The Comptroller of Public Accounts adopts amendments to §3.1204, concerning administrative remedies for violations of Health and Safety Code, Chapter 161, Subchapter H or K, without changes to the proposed text as published in the January 12, 2024, issue of the *Texas Register* (49 TexReg 129). The rule will not be republished.

The comptroller adopts amendments to implement the portions of Senate Bill 248, 87th Legislature, 2021, that relate to viola-

tions and to provide guidance on the process for a permit suspension or revocation that conforms with applicable laws and current agency practice.

The comptroller amends the name of this section to remove the reference to Subchapter K as this section addresses only Subchapter H violations.

The comptroller adds titles to statutory references and makes minor grammatical revisions throughout the section.

The comptroller amends subsection (a) to add definitions of cigar, cigarette, e-cigarette, e-cigarette retailer, and tobacco products from Health and Safety Code, §161.081 and Tax Code, §154.001 and §155.001. The comptroller amends the existing definitions of place of business and permit holder by replacing the statutory references with definitions, based on similar terms from Tax Code, §154.001, Tax Code, §155.001 and Health and Safety Code §161.001 with the actual statutory definitions. The comptroller amends the definition of retailer to include the concepts in Health and Safety Code, §147.001(3) and §161.081(4) and Tax Code, §154.001(17) and §155.001(14). The comptroller alphabetizes and renumbers the definitions accordingly.

The comptroller adds, as subsection (b), a non-exclusive list of violations that result in disciplinary action. The comptroller reletters subsequent subsections.

The comptroller amends the title and content of relettered subsection (c) to clarify that a violation is *reported* to the comptroller and that the list of people that may report a violation is non-exclusive.

The comptroller amends relettered subsection (d) to implement Senate Bill 248 which repealed the violation provisions in Tax Code, Chapters 154 (Cigarette Tax) and 155 (Cigars and Tobacco Product Tax) and added the updated violation provisions to Health and Safety Code, Chapter 161. The updated provisions extend the look-back violation period from 12 months to 24 months and increase the amount of the fine for each violation that occurs within a specific timeframe.

The comptroller amends relettered subsection (e) to memorialize agency practice regarding the comptroller's notification to a permit holder of a violation of Health and Safety Code, Subchapter H. The comptroller amends the subsection to reflect that the comptroller no longer sends a written notice of a violation by certified mail. The comptroller also amends the subsection to require a permit holder to respond to the written notice of violation within 20 calendar days, rather than 15 calendar days, consistent with current agency practice.

The comptroller amends relettered subsection (f) to provide information on a permit holder's procedures for requesting a hearing. The comptroller also amends the subsection to remove information related to a permit holder's failure to respond to the violation notice which is now in new subsection (g).

The comptroller deletes original subsection (f) as the information is obsolete.

The comptroller removes original subsection (g) regarding the burden of proof in an administrative hearing in its entirety. The burden of proof is addressed in §1.21 of this title (Practice and Procedures).

The comptroller did not receive any comments regarding adoption of the amendment.

The amendments are adopted under Health and Safety Code, §161.0901 (Disciplinary Action Against Cigarette, E-Cigarette, and Tobacco Product Retailers), and Tax Code, §111.002, (Rulemaking Authority), which provides the comptroller with the authority to prescribe, adopt, and enforce procedural and due process rules relating to the administration and enforcement of the provisions of regulation of the tobacco statutes.

The amendments implement Government Code, Chapter 2001 (Administrative Procedures Act); Health and Safety Code, Chapter 161, Subchapter H (Distribution of Cigarettes, E-Cigarettes, Or Tobacco Products); and conforms this section to the relevant portions of 34 TAC §§1.1-1.35 (relating to Rules of Practice and Procedure).

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 February 15, 2024.

TRD-202400650

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Effective date: March 6, 2024

Proposal publication date: January 12, 2024

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



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 15. DRIVER LICENSE RULES SUBCHAPTER B. APPLICATION REQUIREMENTS--ORIGINAL, RENEWAL, DUPLICATE, IDENTIFICATION CERTIFICATES 37 TAC §15.29

The Texas Department of Public Safety (the department) adopts amendments to §15.29, concerning Alternative Methods for Driver License Transactions. This rule is adopted without changes to the proposed text as published in the November 10, 2023, issue of the *Texas Register* (48 TexReg 6570) and will not be republished.

The proposed amendment adds applicants convicted of an offense under Penal Code, Chapter 20A, Trafficking of Persons, to those not eligible to renew or apply for a duplicate driver license or identification certificate using an alternative method and must do so in person consistent with Senate Bill 1527, 88th Leg., R.S. (2023).

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §521.005,

which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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

Filed with the Office of the Secretary of State on February 16, 2024.

TRD-202400657

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: March 7, 2024

Proposal publication date: November 10, 2023

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



CHAPTER 25. SAFETY RESPONSIBILITY REGULATIONS

37 TAC §25.8

The Texas Department of Public Safety (the department) adopts amendments to §25.8, concerning Reinstatement. This rule is adopted without changes to the proposed text as published in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7877) and will not be republished.

The proposed amendment implements House Bill 3224, 88th Leg., R.S. (2023), by removing the reference to reinstating a suspended motor vehicle registration because the bill removed the ability to suspend a motor vehicle registration for a second conviction of failure to establish financial responsibility, and only a driver license may be suspended under that circumstance.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code and Texas Transportation Code §601.021, which authorizes the department to administer and enforce Chapter 601 of the Texas Transportation Code.

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

Filed with the Office of the Secretary of State on February 16, 2024.

TRD-202400658

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: March 7, 2024

Proposal publication date: December 22, 2023

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



CHAPTER 35. PRIVATE SECURITY SUBCHAPTER A. GENERAL PROVISIONS

37 TAC §35.7

The Texas Department of Public Safety (the department) adopts amendments to §35.7, concerning Firearm Standards. This rule is adopted without changes to the proposed text as published in the November 10, 2023, issue of the *Texas Register* (48 TexReg 6571) and will not be republished.

The proposed amendments authorize the carrying of certain rifles by commissioned security officers and personal protection officers who are licensed Texas peace officers or honorably retired Texas peace officers and make various clarifying changes to other firearm related provisions.

The department accepted comments on the proposed amendments through December 11, 2023. The substantive comments received and the department's responses are summarized below.

COMMENT: The first commenter asks that rifles be allowed for all security officers who provide proof of valid firearm proficiency and knowledge.

COMMENT: The second commenter asks that the department consider adding training requirements that would enable anyone who is licensed as a commissioned security officer or personal protection officer be able to have access to a rifle when performing security services on the property of an educational institution.

RESPONSE: The department carefully considered this issue prior to submission of this rule and determined the changes should be limited to a licensed Texas peace officer or an honorably retired Texas peace officer. However, the department will continue to evaluate this issue and consider further changes in the future. No changes are being made based on the comments received by the department.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of 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 February 16, 2024.

TRD-202400659

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: March 7, 2024

Proposal publication date: November 10, 2023

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

SUBCHAPTER L. TRAINING

37 TAC §35.143

The Texas Department of Public Safety (the department) adopts amendments to §35.143, concerning Training Instructor Approval. This rule is adopted without changes to the proposed text as published in the November 10, 2023, issue of the *Texas Register* (48 TexReg 6573) and will not be republished.

The proposed amendments implement House Bill 3424, 88th R.S. (2023), which requires applicants for a commissioned security officer license to obtain in-person classroom training in self-defense tactics. The amendments require prospective instructors to have the experience necessary to teach self-defense tactics. Additional changes include an alternative method by which prospective training instructors may qualify for approval to provide instruction and the removal of an outdated requirement relating to required hours of training that is inconsistent with the certifications otherwise required.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1702.061(a), which authorizes the Public Safety Commission to adopt rules to guide the department in its administration of Texas Occupations Code, Chapter 1702 and §1702.1675(f), which authorizes the Commission to adopt rules necessary to administer training requirements.

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 February 16, 2024.

TRD-202400660

D. Phillip Adkins

General Counsel

Texas Department of Public Safety

Effective date: March 7, 2024

Proposal publication date: November 10, 2023

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

CHAPTER 36. METALS RECYCLING ENTITIES

SUBCHAPTER E. DISCIPLINARY PROCEDURES AND ADMINISTRATIVE PROCEDURES

37 TAC §36.60

The Texas Department of Public Safety (the department) adopts amendments to §36.60, concerning Administrative Penalties. This rule is adopted without changes to the proposed text as published in the December 22, 2023, issue of the *Texas Register* (48 TexReg 7878) and will not be republished.

The proposed amendments remove obsolete language and modify the penalty schedule to implement changes made in rule §36.11 and in Senate Bill 224, 88th Leg., R.S. (2023), amending Occupations Code, Chapter 1956, Metal Recycling Entities.

The department accepted comments on the proposed amendments through January 22, 2024. Written comments relating to §36.60 were submitted by Senator Carol Alvarado, Representative Jeff Leach, and Steve Bresnen on behalf of PGM of Texas in support of the new rule. No changes were made to the proposal based on these comments.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Occupations Code, §1956.013, which authorizes the Public Safety Commission to adopt rules to administer Chapter 1956.

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 February 16, 2024.

TRD-202400661
D. Phillip Adkins
General Counsel
Texas Department of Public Safety
Effective date: March 7, 2024
Proposal publication date: December 22, 2023
For further information, please call: (512) 424-5848



PART 6. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

CHAPTER 151. GENERAL PROVISIONS

37 TAC §151.6

The Texas Board of Criminal Justice adopts amendments to §151.6, concerning Petition for the Adoption of a Rule, without changes to the proposed text as published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8184). The rule will not be republished.

The adopted amendments ensure that an economic impact statement will also include the projection of the impact of the rule on rural communities, which mirrors language in Gov't Code §2006.002, *Adoption of Rules with Adverse Economic Effect*.

No comments were received regarding the amendments.

The amendments are adopted under Texas Government Code § 492.013, which authorizes the board to adopt rules; §492.016, which requires the board to develop and implement policies to encourage the use of negotiated rulemaking procedures and appropriate alternative dispute resolution procedures; §2001.021, which requires state agencies to prescribe the form for a petition and the procedure for its submission, consideration, and disposition; and Chapter 2008, which authorizes a state agency to engage in negotiated rulemaking.

Cross Reference to Statutes: None.

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 February 12, 2024.

TRD-202400561
Kristen Worman
General Counsel
Effective date: March 3, 2024
Proposal publication date: December 29, 2023
For further information, please call: (936) 437-6700



37 TAC §151.25

The Texas Board of Criminal Justice adopts amendments to §151.25, concerning Tobacco and Vapor Products, without changes to the proposed text as published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8185). The rule will not be republished.

The adopted amendments are minor word changes.

No comments were received regarding the amendments.

The amendments are adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; and §494.010, which establishes requirements for designated locations for the use of tobacco products by employees.

Cross Reference to Statutes: None.

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 February 12, 2024.

TRD-202400564
Kristen Worman
General Counsel
Texas Department of Criminal Justice
Effective date: March 3, 2024
Proposal publication date: December 29, 2023
For further information, please call: (937) 437-6700



37 TAC §151.71

The Texas Board of Criminal Justice adopts amendments to §151.71, concerning Marking of Texas Department of Criminal Justice Vehicles, without changes to the proposed text as published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8186). The rule will not be republished.

The adopted amendments provide an additional exemption to include vehicles used primarily for administrative purposes and assigned to TDCJ officials holding administrative positions, as determined by the executive director, for which confidentiality is necessary to prevent undue risk of danger or injury to TDCJ officials operating those vehicles or damage to the vehicle, and other minor word changes.

No comments were received regarding the amendments.

The amendments are adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; and Texas Transportation Code §§721.002-.003, which establish

guidelines and provide exemptions for inscription requirements on state-owned motor vehicles.

Cross Reference to Statutes: None.

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 February 12, 2024.

TRD-202400562

Kristen Worman

General Counsel

Texas Department of Criminal Justice

Effective date: March 5, 2024

Proposal publication date: December 29, 2023

For further information, please call: (512) 437-6700



CHAPTER 152. CORRECTIONAL INSTITUTIONS DIVISION

SUBCHAPTER D. OTHER RULES

37 TAC §152.51

The Texas Board of Criminal Justice (board) adopts amendments to §152.51, concerning Authorized Witnesses to the Execution of an Inmate Sentenced to Death, without changes to the proposed text as published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8187). The rule will not be republished.

The adopted amendments remove the requirement for witnesses to be on the approved inmate's visitor list; add a requirement that an inmate submit a request in writing to the death row unit warden to have a TDCJ chaplain or the inmate's spiritual advisor present inside the execution chamber within 30 days of being notified of an execution date and explain in writing what actions the inmate requests the spiritual advisor to perform; added that the spiritual advisor shall have an established ongoing spiritual relationship with the inmate demonstrated by regular communications or in-person visits prior to the inmate's scheduled execution date, or must be currently employed as a TDCJ chaplain; removed language that required the spiritual advisor shall be a bona fide pastor or comparable official, such as a minister, priest, or rabbi, of the condemned inmate's elected religion; and clarify other current practices.

The board received comments on the proposed amendments from one commenter.

General Comments

The commenter asserts that the proposed amendments are not within the TBCJ's authority to adopt.

Section 152.51(b)(4)

Proposed §152.51(b)(4) states that the spiritual advisor shall be a licensed or certified pastor or comparable official, such as a minister, priest, or rabbi, of the victim's or close relatives' religion.

The commenter argues that Texas law does not require any clergy to be licensed or certified, and that the amendment violates the U.S. Constitution.

TBCJ Response

TBCJ declines to modify the proposed rule because the proposed amendment replaces the terminology "bona fide" pastor or comparable official, to use more commonly understood language of "licensed or certified." This generic terminology merely recognizes that some religious organizations grant a license or certificate of their religious officials. There is no change to the intent of the rule as a result of the proposed amendment.

Section 152.51(c)(1)(D)

Proposed §152.51(c)(1)(D) adds new language requiring that the spiritual advisor must be currently employed as a TDCJ chaplain or have an established ongoing spiritual relationship with the inmate as shown by regular communications or in-person visits with the inmate prior to the inmate's scheduled execution date.

The commenter argues that the requirement of an established ongoing spiritual relationship is vague, unenforceable, and violates the Establishment Clause.

TBCJ Response

The TBCJ declines to modify the proposed amendment because this requirement allows an inmate to exercise his religious rights by having the inmate's chosen spiritual advisor attend the inmate's execution. The proposed language also specifies that an inmate may demonstrate an ongoing spiritual relationship with the inmate's spiritual advisor through regular communications or in-person visits. For these reasons, the requirement is not vague or unenforceable, and no Establishment Clause violation occurs.

All comments, including any not specifically referenced herein, were fully considered by TBCJ.

The amendments are adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; and Texas Code of Criminal Procedure Art. 43.20, which establishes persons that may be present at an execution.

Cross Reference to Statutes: None.

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 February 12, 2024.

TRD-202400563

Kristen Worman

General Counsel

Texas Department of Criminal Justice

Effective date: March 3, 2024

Proposal publication date: December 29, 2023

For further information, please call: (936) 437-6700



REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

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

Proposed Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code:

Chapter 373, Medicaid Estate Recovery Program

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

Comments on the review of Chapter 373, Medicaid Estate Recovery Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to IG_Rules_Comments_Inbox@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 373" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202400630

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: February 14, 2024



State Securities Board

Title 7, Part 7

The State Securities Board (Agency), beginning March 2024, will review and consider for re adoption, revision, or repeal Chapter 115, Securities Dealers and Agents, and Chapter 116, Investment Advisers and Investment Adviser Representatives, in accordance with Texas Government Code, §2001.039, which requires rule review every four years. The rules to be reviewed are located in Title 7, Part 7, of the Texas Administrative Code. The text of the rule sections will not be published. The text of these rules may be found in the Texas

Administrative Code, Title 7, Part 7 or through the Board's website at www.ssb.texas.gov/texas-securities-act-board-rules.

The Agency has conducted a preliminary review of these chapters and determined the reasons for initially adopting the chapters continue to exist. The Agency's Board will consider, among other things, whether the initial factual, legal, and policy reasons for adoption of these rules continue to exist, whether these rules should be repealed, and whether any changes are needed. This notice to review has no effect on the chapters as they currently exist. Readopted chapters will be noted in a subsequent issue of the *Texas Register*'s "Review of Agency Rules" section without publication of the text.

Any changes to the rules proposed by the Agency's Board after reviewing the rules and considering the comments received in response to this notice will appear in the "Proposed Rules" section of a subsequent issue of the *Texas Register*. Such changes will be open for public comment prior to the final adoption of any changes to the rule by the Agency in accordance with the requirements of the Administrative Procedure Act, Texas Government Code Annotated, Chapter 2001.

Comments or suggestions on the proposal must be in writing and will be accepted for 30 days following publication of this notice in the *Texas Register*. Written comments should be submitted to Cheryn Netz, Assistant General Counsel, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167 or faxed to (512) 305-8336. Comments may also be submitted electronically to proposal@ssb.texas.gov. In order to be considered by the Board at adoption, comments must be received no later than 30 days following publication. Comments received will be reviewed and discussed in a future Board meeting.

Issued in Austin, Texas on February 21, 2024.

TRD-202400733

Travis J. Iles

Securities Commissioner

State Securities Board

Filed: February 21, 2024



Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) proposes the review of 19 Texas Administrative Code (TAC) Chapter 100, Charters, Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters, pursuant to Texas Government Code (TGC), §2001.039. Subchapter A establishes a provision for an SBOE member to be designated as the liaison for charter selection for charters proposed under Texas Education Code (TEC), Chapter 12, Subchapter

D, charter selection procedures for charters granted under TEC, Chapter 12, Subchapter D, and provisions for a no-contact requirement. Subchapter B sets forth provisions for adverse action on a home-rule school district charter.

As required by TGC, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 100, Subchapters A and B, continue to exist.

The public comment period on the proposed rule review begins March 1, 2024, and ends at 5:00 p.m. on April 1, 2024. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/State_Board_of_Education_Rule_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in April 2024 in accordance with the SBOE board operating policies and procedures.

TRD-202400668
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 16, 2024



Texas Optometry Board

Title 22, Part 14

The Texas Optometry Board (Board) proposes to review and consider for readoption, revision, or repeal 22 Texas Administrative Code Part 14 - Chapter 271 Examinations, in its entirety.

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies to assess every four years whether the initial reasons for adopting a rule continue to exist.

During the review process, the Board may determine whether a specific rule requires amendments to refine the Board's rules that govern the certification and practice of therapeutic optometry; whether the rules reflect current practice interpretations; whether the rules reflect current procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period before final adoption or repeal.

Comments on the review of 22 Texas Administrative Code Part 14 - Chapter 271 Examinations, may be submitted to Texas Optometry Board, Attn: Janice McCoy at 1801 Congress Avenue, Suite 9.300, Austin, Texas 78701 or janice.mccoy@tob.texas.gov. The deadline for comments is thirty days after the date this notice is published in the *Texas Register*.

TRD-202400634
Janice McCoy
Executive Director
Texas Optometry Board
Filed: February 15, 2024



The Texas Optometry Board (Board) proposes to review and consider for readoption, revision, or repeal 22 Texas Administrative Code Part 14 - Chapter 272 Administration, in its entirety.

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies every four years to assess whether the initial reasons for adopting a rule continue to exist.

During the review process, the Board may determine whether a specific rule requires amendments to refine the Board's rules that govern the certification and practice of therapeutic optometry; whether the rules reflect current practice interpretations; whether the rules reflect current procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period before final adoption or repeal.

Comments on the review of 22 Texas Administrative Code Part 14 - Chapter 272 Administration, may be submitted to Texas Optometry Board, Attn: Janice McCoy at 1801 Congress Avenue, Suite 9.300, Austin, Texas 78701 or janice.mccoy@tob.texas.gov. The deadline for comments is thirty days after the date this notice is published in the *Texas Register*.

TRD-202400635
Janice McCoy
Executive Director
Texas Optometry Board
Filed: February 15, 2024



The Texas Optometry Board (Board) proposes to review and consider for readoption, revision, or repeal 22 Texas Administrative Code Part 14 - Chapter 273 General Rules, in its entirety.

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies every four years to assess whether the initial reasons for adopting a rule continue to exist.

During the review process, the Board may determine whether a specific rule requires amendments to refine the Board's rules that govern the certification and practice of therapeutic optometry; whether the rules reflect current practice interpretations; whether the rules reflect current procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period before final adoption or repeal.

Comments on the review of 22 Texas Administrative Code Part 14 - Chapter 273 General Rules, may be submitted to Texas Optometry Board, Attn: Janice McCoy at 1801 Congress Avenue, Suite 9.300, Austin, Texas 78701 or janice.mccoy@tob.texas.gov. The deadline for comments is thirty days after the date this notice is published in the *Texas Register*.

TRD-202400636
Janice McCoy
Executive Director
Texas Optometry Board
Filed: February 15, 2024



The Texas Optometry Board (Board) proposes to review and consider for readoption, revision, or repeal 22 Texas Administrative Code Part 14 - Chapter 275 Continuing Education, in its entirety.

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies every four years to assess whether the initial reasons for adopting a rule continue to exist.

During the review process, the Board may determine whether a specific rule requires amendments to refine the Board's rules that govern the certification and practice of therapeutic optometry; whether the rules reflect current practice interpretations; whether the rules reflect current procedures; that no changes to a rule as currently in effect are necessary; or that a rule is no longer valid or applicable. Rules may also be combined or reduced for simplification and clarity when feasible. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for an additional 30-day public comment period before final adoption or repeal.

Comments on the review of 22 Texas Administrative Code Part 14 - Chapter 275 Continuing Education, may be submitted to Texas Optometry Board, Attn: Janice McCoy at 1801 Congress Avenue, Suite 9.300, Austin, Texas 78701 or janice.mccoy@tob.texas.gov. The deadline for comments is thirty days after the date this notice is published in the *Texas Register*.

TRD-202400637
Janice McCoy
Executive Director
Texas Optometry Board
Filed: February 15, 2024



Health and Human Services Commission

Title 26, Part 1

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

Chapter 364, Primary Health Care Services Program

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

Comments on the review of Chapter 364, Primary Health Care Services Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSCRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 364" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

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

TRD-202400631

Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: February 14, 2024



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

Chapter 904, Continuity of Services--State Facilities

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

Comments on the review of Chapter 904, Continuity of Services--State Facilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSCRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 904" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

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

TRD-202400695
Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: February 20, 2024



Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of Texas Department of Aging and Disability Services (DADS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 40, Part 1, of the Texas Administrative Code:

Chapter 3, Responsibilities of State Facilities

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

Comments on the review of Chapter 3, Responsibilities of State Facilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSCRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 3" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the chapter being reviewed will not be published, but may be found in Title 40, Part 1, of the Texas Administrative Code on the Secretary of State's website at (www.sos.texas.gov).

TRD-202400723

Jessica Miller

Director, Rules Coordination Office

Department of Aging and Disability Services

Filed: February 21, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of Texas Department of Aging and Disability Services (DADS), proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 40, Part 1, of the Texas Administrative Code:

Chapter 5, Provider Clinical Responsibilities--Intellectual Disability Services

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

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

The text of the chapter being reviewed will not be published, but may be found in Title 40, Part 1, of the Texas Administrative Code on the Secretary of State's website at (www.sos.texas.gov).

TRD-202400696

Jessica Miller

Director, Rules Coordination Office

Department of Aging and Disability Services

Filed: February 20, 2024



Texas Veterans Commission

Title 40, Part 15

Pursuant to Texas Government Code §2001.039, the Texas Veterans Commission (Commission) will review Title 40, Part 15, Texas Administrative Code (TAC) Chapters 455 and 456. The Commission will consider whether the reasons for initially adopting these rules continue to exist and determine whether these rules should be repealed, readopted, or readopted with amendments.

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four (4) years, to consider whether the initial reason for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

The Commission will accept comments for 30 days following the publication of this notice in the *Texas Register*. Comments pertaining to this rule review may be submitted in writing to Kathleen Cordova, General Counsel, Texas Veterans Commission, P.O. Box 12277, Austin,

Texas 78711-2277, or faxed to (512) 475-2395, or emailed to rulemaking@tvc.texas.gov.

The text of the chapters being reviewed will not be published but may be found in Title 40, Part 15, of the Texas Administrative Code on the Secretary of State's website or through the Commission's website at www.tvc.texas.gov.

TRD-202400652

Kathleen Cordova

General Counsel

Texas Veterans Commission

Filed: February 15, 2024



Texas Workforce Investment Council

Title 40, Part 22

Pursuant to Texas Government Code §2001.039, Agency Review of Existing Rules, the Texas Workforce Investment Council (Council) proposes the review of 40 Texas Administrative Code (TAC), Part 22, Chapter 901, Designation and Redesignation of Local Workforce Development Areas; Rule §901.1, Procedures for Considering Redesignation of Workforce Development Areas; and Rule §901.2, Appeal of Decision on Designation or Redesignation.

An assessment will be made by the Council as to whether the reasons for initially adopting the rules continue to exist. This assessment will be conducted during the review process. Each rule will be reviewed, at a minimum, to determine whether the rule is obsolete and whether the rule reflects current procedures of the Council.

Written comments on this review may be sent to twic.mail@gov.texas.gov. The deadline for comments is 30 days after publication of this notice in the *Texas Register*.

TRD-202400719

Kaki Leyens

Executive Director

Texas Workforce Investment Council

Filed: February 20, 2024



Adopted Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 376, Refugee Social Services

Notice of the review of this chapter was published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8391). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 376 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 376. Any amendments or repeals to Chapter 376 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 1 TAC Chapter 376 as required by the Texas Government Code §2001.039.

TRD-202400697
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: February 20, 2024



Finance Commission of Texas

Title 7, Part 1

The Finance Commission of Texas (commission) has completed the rule review of Texas Administrative Code, Title 7, Part 1, Chapter 1, concerning Consumer Credit Regulation, in its entirety. The rule review was conducted under Texas Government Code, §2001.039.

Notice of the review of 7 TAC Chapter 1 was published in the December 8, 2023, issue of the *Texas Register* (48 TexReg 7179). The commission received no comments in response to that notice. The commission believes that the reasons for initially adopting the rules contained in this chapter continue to exist.

As a result of the rule review, the commission finds that the reasons for initially adopting the rules in 7 TAC Chapter 1 continue to exist, and readopts this chapter in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202400681
Matthew Nance
General Counsel, Office of Consumer Credit Commissioner
Finance Commission of Texas
Filed: February 16, 2024



Office of Consumer Credit Commissioner

Title 7, Part 5

The Finance Commission of Texas (commission) has completed the rule review of Texas Administrative Code, Title 7, Part 5, Chapter 82, concerning Administration, in its entirety. The rule review was conducted under Texas Government Code, §2001.039.

Notice of the review of 7 TAC Chapter 82 was published in the December 8, 2023, issue of the *Texas Register* (48 TexReg 7179). The commission received no comments in response to that notice. The commission believes that the reasons for initially adopting the rules contained in this chapter continue to exist.

As a result of the rule review, the commission finds that the reasons for initially adopting the rules in 7 TAC Chapter 82 continue to exist, and readopts this chapter in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202400682
Matthew Nance
General Counsel
Office of Consumer Credit Commissioner
Filed: February 16, 2024



Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) adopts the review of 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials, Subchapter A, General Provisions; Subchapter B, State Adoption

of Instructional Materials; and Subchapter C, Local Operations, pursuant to Texas Government Code, §2001.039. The SBOE proposed the review of 19 TAC Chapter 66, Subchapters A-C, in the December 29, 2023 issue of the *Texas Register* (48 TexReg 8391).

Relating to the review of 19 TAC Chapter 66, Subchapters A-C, the SBOE finds that the reasons for adopting these subchapters continue to exist and readopts the rules. House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, implemented significant changes to the instructional materials review and adoption process. Existing rules in Chapter 66, Subchapters A-C, will continue to apply to instructional materials adopted under Proclamation 2024 and before. At its February 2, 2024 meeting, the SBOE approved for second reading and final adoption new rules to begin implementing the changes made by HB 1605, and the new rules would apply to all future calls for instructional materials. The SBOE received no comments related to the review of Subchapters A-C.

This concludes the review of 19 TAC Chapter 66.

TRD-202400669
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 16, 2024



Texas State Board of Dental Examiners

Title 22, Part 5

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

Rule Chapters Under Review

The Board reviewed the following rule chapters:

Chapter 103, Dental Hygiene Licensure

Chapter 104, Dental Licensure

Public Comments

A combined Notice of Intent to Review for all of the chapters listed above was published in the November 17, 2023, issue of the *Texas Register* (48 TexReg 6752). The public comment period closed on December 18, 2023. The Board did not receive any public comments.

Board Action

At its meeting on February 16, 2024 the Board readopted the following rule chapters, in their entirety and in their current form: 22 TAC, Chapter 103, Dental Hygiene Licensure; and Chapter 104, Dental Licensure. This concludes the review of these rule chapters in accordance with Texas Government Code §2001.039.

TRD-202400706
Lauren Studdard
General Counsel
State Board of Dental Examiners
Filed: February 20, 2024



Texas State Board of Pharmacy

Title 22, Part 15

The Texas State Board of Pharmacy adopts the review of Chapter 283, (§§283.1 - 283.12), concerning Licensing Requirements for Pharmacists, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the December 15, 2023, issue of the *Texas Register* (48 TexReg 7619).

No comments were received.

The agency finds the reason for adopting the rule continues to exist.

TRD-202400647

Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: February 15, 2024



The Texas State Board of Pharmacy adopts the review of Chapter 291, Subchapter B (§§291.31 - 291.36), concerning Pharmacies (Community Pharmacy (Class A)), pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the December 15, 2023, issue of the *Texas Register* (48 TexReg 7619).

No comments were received.

The agency finds the reason for adopting the rule continues to exist.

TRD-202400649

Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: February 15, 2024



The Texas State Board of Pharmacy adopts the review of Chapter 315, (§§315.1 - 315.16), concerning Controlled Substances, pursuant to the Texas Government Code §2001.039, regarding Agency Review of Existing Rules. The proposed rule review was published in the December 15, 2023, issue of the *Texas Register* (48 TexReg 7619).

No comments were received.

The agency finds the reason for adopting the rule continues to exist.

TRD-202400651

Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Filed: February 15, 2024



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 73, Laboratories

Notice of the review of this chapter was published in the December 22, 2023, issue of the *Texas Register* (48 TexReg 8003). HHSC and DSHS received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 73 in accordance with §2001.039 of the Texas Government Code, which requires state

agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agencies determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 73. Any amendments or repeals to Chapter 73 identified by HHSC and DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's and DSHS' review of 25 TAC Chapter 73 as required by the Texas Government Code §2001.039.

TRD-202400633

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: February 15, 2024



The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State of Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 146, Training and Certification of Promotores or Community Health Workers

Notice of the review of this chapter was published in the December 22, 2023, issue of the *Texas Register* (48 TexReg 8004). HHSC and DSHS received no comments concerning this chapter.

HHSC and DSHS have reviewed Chapter 146 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agencies determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 146. Any amendments or repeals to Chapter 146 identified by HHSC and DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's and DSHS' review of 25 TAC Chapter 146 as required by the Texas Government Code, §2001.039.

TRD-202400646

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: February 15, 2024



Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 361, Guardianship Services

Notice of the review of this chapter was published in the December 29, 2023, issue of the *Texas Register* (48 TexReg 8393). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 361 in accordance with §2001.039 of the Texas Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 361. Any appropriate amendments to Chapter 361 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC 361 as required by the Texas Government Code, §2001.039.



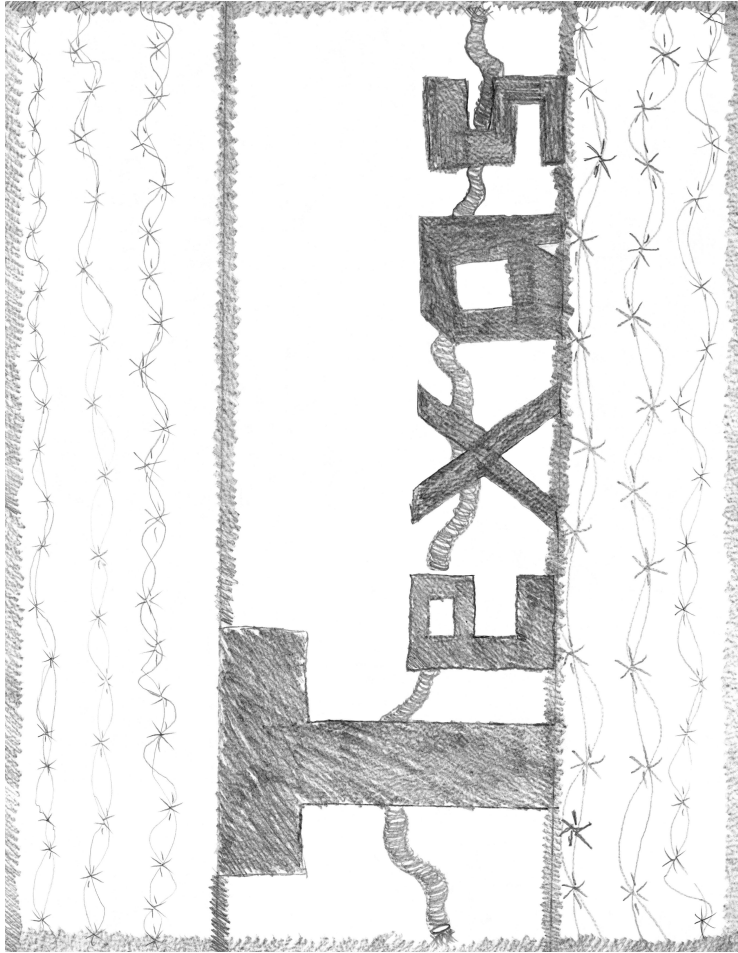
TRD-202400632

Jessica Miller

Director, Rules Coordination Office

Health and Human Services Commission

Filed: February 14, 2024



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: 7 TAC §83.6007(a)

CAB NAME HERE

Payday Loan

\$ _____, One Payment

Cost Disclosure

Cost of this loan:

Borrowed amount (cash advance)	\$ _____
Interest paid to lender (interest rate: _____%)	\$ _____
Fees paid to CAB name here	\$ _____
Total of payments (if I pay on time)	\$ _____

APR	_____ %
Term of loan	_____





If I pay off the loan in:	I will have to pay interest and fees of approximately:	I will have to pay a total of approximately:
2 Weeks	\$ _____	\$ _____
1 Month	\$ _____	\$ _____
2 Months	\$ _____	\$ _____
3 Months	\$ _____	\$ _____

Cost of other types of loans:

Least Expensive	Credit Cards	Secured Loans	Signature Loans	Pawn Loans	Auto Title Loans	Payday Loans	Most Expensive
	↓	↓	↓	↓	↓	↓	
	22%	30%	89%	180%	223%	415%	Average APR
	\$1.82	\$3.55	\$13.38	\$15.00	\$19.45	\$34.14	Average fees & interest per \$100 borrowed over 1 month

Repayment:

Of 10 people who get a new single-payment payday loan:

	5 ¼ will pay the loan on time as scheduled (typically before 30 days)
	1 ¼ will renew 1 time before paying off the loan
	1 ¼ will renew 2 to 4 times before paying off the loan
	1 will renew 5 or more times or will never pay off the loan

This data is from 2022 reports to the OCCC.

Before getting this loan, ask yourself:

- Do I need to borrow this money?
- Can I pay back the loan *in full* when it is due?
- Can I pay my bills and repay this loan?
- Can I afford late charges if I miss a payment?
- Do I have other credit options?

OCCC notice:

- This company is regulated by the Texas Office of Consumer Credit Commissioner (OCCC).
- OCCC Consumer Helpline: (800) 538-1579, consumer.complaints@occc.texas.gov.
- Visit occc.texas.gov for more information.
- This disclosure is provided under Texas Finance Code Section 393.223.

CAB NAME HERE

Payday Loan

\$ _____, _____ Payments

Cost Disclosure

Cost of this loan:

Borrowed amount (cash advance)	\$ _____
Interest paid to lender (interest rate: _____%)	\$ _____
Fees paid to CAB name here	\$ _____
Payment amounts (payments due every _____)	Payments #1 - # _____ \$ _____ Final Payment # _____ \$ _____
Total of payments (if I pay on time)	\$ _____

APR	_____ %
Term of loan	_____




If I pay off the loan in:	I will have to pay interest and fees of approximately:	I will have to pay a total of approximately:
2 Weeks	\$ _____	\$ _____
1 Month	\$ _____	\$ _____
2 Months	\$ _____	\$ _____
3 Months	\$ _____	\$ _____
_____	\$ _____	\$ _____

Cost of other types of loans:

Least Expensive	Credit Cards	Secured Loans	Signature Loans	Pawn Loans	Auto Title Loans	Payday Loans	Most Expensive
	↓	↓	↓	↓	↓	↓	
	22%	30%	89%	180%	223%	415%	Average APR
	\$1.82	\$3.55	\$13.38	\$15.00	\$19.45	\$34.14	Average fees & interest per \$100 borrowed over 1 month

Repayment:

Of 10 people who get a new single-payment payday loan:

	6 ¾ will pay the loan on time as scheduled (typically before 5 months)
	¾ will renew 1 to 4 times before paying off the loan
	2 ½ will renew 5 or more times or will never pay off the loan

This data is from 2022 reports to the OCCC.

Before getting this loan, ask yourself:

- Do I need to borrow this money?
- Can I pay back the loan *in full* when it is due?
- Can I pay my bills and repay this loan?
- Can I afford late charges if I miss a payment?
- Do I have other credit options?

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- This disclosure is provided under Texas Finance Code Section 393.223.

CAB NAME HERE

Auto Title Loan
 \$_____, **One Payment**



You can lose your car.

If you miss a payment or make a late payment, your car can be repossessed.

Cost Disclosure

Cost of this loan:

Borrowed amount (cash advance)	\$ _____
Interest paid to lender (interest rate: _____%)	\$ _____
Fees paid to <u>CAB name here</u> (includes a one-time \$____title fee)	\$ _____
Total of payments (if I pay on time)	\$ _____

APR	_____ %
Term of loan	_____

If I pay off the loan in:	I will have to pay interest and fees of approximately:	I will have to pay a total of approximately:
2 Weeks	\$ _____	\$ _____
1 Month	\$ _____	\$ _____
2 Months	\$ _____	\$ _____
3 Months	\$ _____	\$ _____

Cost of other types of loans:

Least Expensive	Credit Cards	Secured Loans	Signature Loans	Pawn Loans	Auto Title Loans	Payday Loans	Most Expensive
	↓	↓	↓	↓	↓	↓	
	22%	30%	89%	180%	223%	415%	Average APR
	\$1.82	\$3.55	\$13.38	\$15.00	\$19.45	\$34.14	Average fees & interest per \$100 borrowed over 1 month

Repayment:

Of 10 people who get a new single-payment payday loan:

	1 ¼ will pay the loan on time as scheduled (typically before 30 days)
	¼ will renew 1 time before paying off the loan
	¾ will renew 2 to 4 times before paying off the loan
	7 ¾ will renew 5 or more times or will never pay off the loan

This data is from 2022 reports to the OCCC.

Before getting this loan, ask yourself:

- Do I need to borrow this money?
- Can I pay back the loan **in full** when it is due?
- Can I pay my bills and repay this loan?
- Can I afford late charges if I miss a payment?
- Do I have other credit options?

OCCC notice:

- This company is regulated by the Texas Office of Consumer Credit Commissioner (OCCC).
- OCCC Consumer Helpline: (800) 538-1579, consumer.complaints@occc.texas.gov.
- Visit occc.texas.gov for more information.
- This disclosure is provided under Texas Finance Code Section 393.223.

CAB NAME HERE

Auto Title Loan

\$ _____, _____ Payments
Cost Disclosure



You can lose your car.
 If you miss a payment or make a late payment, your car can be repossessed.

Cost of this loan:

Borrowed amount (cash advance)	\$ _____
Interest paid to lender (interest rate: _____%)	\$ _____
Fees paid to <u>CAB name here</u> (includes a one-time \$ _____ title fee)	\$ _____
Payment amounts (payments due every _____)	Payments #1 - # _____ \$ _____ Final Payment # _____ \$ _____
Total of payments (if I pay on time)	\$ _____

APR	_____ %
Term of loan	_____

If I pay off the loan in:	I will have to pay interest and fees of approximately:	I will have to pay a total of approximately:
2 Weeks	\$ _____	\$ _____
1 Month	\$ _____	\$ _____
2 Months	\$ _____	\$ _____
3 Months	\$ _____	\$ _____
	\$ _____	\$ _____

Cost of other types of loans:

Least Expensive	Credit Cards	Secured Loans	Signature Loans	Pawn Loans	Auto Title Loans	Payday Loans	Most Expensive
	↓	↓	↓	↓	↓	↓	
	22%	30%	89%	180%	223%	415%	Average APR
	\$1.82	\$3.55	\$13.38	\$15.00	\$19.45	\$34.14	Average fees & interest per \$100 borrowed over 1 month

Repayment:

Of 10 people who get a new single-payment payday loan:

	4 ¼ will pay the loan on time as scheduled (typically 5 – 6 months)
	¾ will renew 1 time before paying off the loan
	1 will renew 2 to 4 times before paying off the loan
	4 will renew 5 or more times or will never pay off the loan

This data is from 2022 reports to the OCCC.

Before getting this loan, ask yourself:

- Do I need to borrow this money?
- Can I pay back the loan *in full* when it is due?
- Can I pay my bills and repay this loan?
- Can I afford late charges if I miss a payment?
- Do I have other credit options?

OCCC notice:

- This company is regulated by the Texas Office of Consumer Credit Commissioner (OCCC).
- OCCC Consumer Helpline: (800) 538-1579, consumer.complaints@occc.texas.gov.
- Visit occc.texas.gov for more information.
- This disclosure is provided under Texas Finance Code Section 393.223.

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.

Texas State Affordable Housing Corporation

Public Comment needed: 2024 Texas Foundations Fund

The 2024 Texas Foundations Fund Draft Guidelines are now available for public comment. A copy of the 2024 Texas Foundations Fund Draft Guidelines may be found on the Corporation's website at www.tsahc.org. Please submit public comment via email to Anna Orendain at aorendain@tsahc.org with the subject line '2024 Texas Foundations Fund Public Comment'. **Public comment must be submitted for consideration by March 22, 2024, at 5:00 p.m.**

TRD-202400709

David Long

President

Texas State Affordable Housing Corporation

Filed: February 20, 2024

Office of the Attorney General

Texas Water Code and Texas Health and Safety Code
Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Health and Safety Code and the Texas Water Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *Rohm and Haas Co. and The Dow Chemical Co. v. TCEQ v. Rohm and Haas Co. and The Dow Chemical Co., et al.*; Cause No. D-1-GN-19-005136 in the 459th Judicial District Court of Travis County, Texas.

Background: In the late-1950s and 1960s, chemical and petrochemical wastes were disposed on a property located north of the Dickinson city limits in Galveston County. On January 16, 1987, the property was listed on the State Superfund Registry as the Hall Street State Superfund site (the "Site"). In 1993, the TCEQ started the remedial investigation to determine the nature and extent of the contamination at the Site. In 2009, the TCEQ performed a removal action and excavated all waste buried in several waste pits and contaminated soil around the Site. In October 2018, the TCEQ completed the remedial investigation. On July 22, 2019, the TCEQ issued an administrative order Docket No. 2019-0705-SPF (the "Order") naming several responsible parties and seeking reimbursement for response costs incurred by the agency for actions taken at the Site. Third-Party Defendants Jason James Diorio and Melissa Morgan Diorio (the "Diorios") are named as responsible parties in the Order. The Diorios have agreed to reimburse the TCEQ for part of the response costs expended while the litigation against the remaining third-party defendants and counter-defendants continues.

Proposed Agreed Judgment: The parties propose an Agreed Final Judgment which provides for a total monetary contribution of \$39,000 from the Diorios, awarding the TCEQ a total of \$35,000 as reimbursement for its response costs and \$4,000 in attorney's fees.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed settlement, and written comments on the same, should be directed to Logan Harrell, Assistant Attorney General, Office of the Attorney General of Texas, P.O. Box 12548, MC-066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911; email: Logan.Harrell@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202400711

Justin Gordon

General Counsel

Office of the Attorney General

Filed: February 20, 2024

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/26/24 - 03/03/24 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/26/24 - 03/03/24 is 18.00% for commercial² credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 03/01/24 - 03/31/24 is 8.50%.

¹ Credit for personal, family, or household use.

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

TRD-202400736

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: February 21, 2024

Credit Union Department

Application to Expand Field of Membership

Notice is given that the following applications have been filed with the Credit Union Department (Department) and is under consideration.

An application was received from Texas Dow Employees Credit Union, Lake Jackson, Texas, to expand its field of membership. The proposal would permit members of the Cornerstone Credit Union Foundation

(a/k/a Friends of the Foundation, to be eligible for membership in the credit union.

An application was received from Rally Credit Union, Corpus Christi, Texas, to expand its field of membership. The proposal would permit members of the Texas Consumer Council who live, work, worship, or attend school in the State of Texas.

An application was received from Energy Capital Credit Union, Houston, Texas, to expand its field of membership. The proposal would permit members of the Cornerstone Credit Union Foundation, to be eligible for membership in the credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Credit unions that wish to comment on any application must also complete a Notice of Protest form. The form may be obtained by contacting the Department at (512) 837-9236 or downloading the form at <http://www.cud.texas.gov/page/bylaw-charter-applications>. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202400737
Michael S. Riepen
Commissioner
Credit Union Department
Filed: February 21, 2024



Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final actions taken on the following applications:

Merger or Consolidation - Approved

Priority Postal Credit Union (Pasadena) and Essential Credit Union (Baton Rouge, LA) - See *Texas Register* dated on October 27, 2023.

United Savers Trust Credit Union (Houston) and First Community Credit Union (Houston) - See *Texas Register* on September 29, 2023.

Waconized Federal Credit Union (Waco) and 1st University Credit Union (Waco) - See *Texas Register* on January 26, 2024.

Field of Membership - Withdrawn

Union Square Credit Union #1 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #2 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #3 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #4 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #5 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #6 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #7 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

Union Square Credit Union #8 (Wichita Falls) - See *Texas Register* dated on December 25, 2020.

TRD-202400735
Michael S. Riepen
Commissioner
Credit Union Department
Filed: February 21, 2024



Texas Education Agency

Correction of Error

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in this correction is not included in the print version of the Texas Register. The figure is available in the on-line version of the March 1, 2024, issue of the Texas Register.)

The Texas Education Agency (TEA) proposed an amendment to 19 TAC §97.1001, concerning the accountability rating system, in the February 23, 2024 issue of the *Texas Register* (49 TexReg 951). Due to an error by TEA, the figure included in the rule was incorrect.

The proposed amendment would adopt in the rule applicable excerpts of the *2024 Accountability Manual* as Figure: 19 TAC §97.1001(b). Chapter 3 of the *2024 Accountability Manual* should include the table Part A: Academic Growth: Annual Growth Points (STAAR) on page 27. The corrected figure is as follows:

Figure: 19 TAC §97.1001(b)

TRD-202400670
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 16, 2024



Notice of Correction Concerning Public Notice Seeking Public Comment on Texas Education Agency's Perkins V State Plan State Determined Performance Levels

The Texas Education Agency (TEA) published Public Notice Seeking Public Comment on Texas Education Agency's Perkins V State Plan State Determined Performance Levels in the February 9, 2024, issue of the *Texas Register* (49 TexReg 737).

TEA is correcting the due date for submitting public comments. Comments must be received by April 9, 2024.

Issued in Austin, Texas, on February 21, 2024.

TRD-202400728
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 21, 2024



Public Notice Announcing the Availability of the Proposed Texas Individuals with Disabilities Education Improvement Act of 2004 (IDEA) Eligibility Document: State Policies and Procedures

Purpose and Scope of the Part B Federal Fiscal Year (FFY) 2023 State Application and its Relation to Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA Part B). The Texas Education Agency (TEA) is inviting public comment on its Proposed State Application under IDEA Part B. The annual grant application provides assurances that the state's policies and procedures in effect are consistent with the federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school. 34 Code of Federal Regulations §300.165 requires that states conduct public hearings, ensure adequate notice of those hearings, and provide an opportunity for public comment, including comment from individuals with disabilities and parents of children with disabilities, before adopting policies and procedures.

Availability of the State Application. The Proposed State Application is available on the TEA website at <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/annual-state-application-under-idea-part-b-and-idea-eligibility-documentation>. Instructions for submitting public comments are available from the same site. The Proposed State Application will also be available at the 20 regional education service centers and at the TEA Library (Ground Floor, Room G-102), William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Parties interested in reviewing the Proposed State Application at the William B. Travis location should contact the TEA Division of Special Education at (512) 463-9414.

Procedures for Submitting Written Comments. TEA will accept written comments pertaining to the Proposed State Application by mail to TEA, Division of Special Education, 1701 North Congress Avenue, Austin, Texas 78701-1494 or by email to spedrulerule@tea.texas.gov.

Participation in Public Hearings. TEA will provide individuals with opportunities to testify on the Proposed State Application and the state's policies and procedures for implementing IDEA Part B on April 11, 2024, and April 12, 2024, between 9:00 a.m. and 11:30 a.m. remotely via Zoom Meeting at the following link: <https://zoom.us/j/98323781182>. The public is invited to make comments at one or both meetings. Parties interested in testifying are encouraged to also include written testimony. Public hearing information is available on the TEA website at <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/annual-state-application-under-idea-part-b-and-idea-eligibility-documentation>.

Timetable for Submitting the State Application. After review and consideration of all public comments, TEA will make necessary or appropriate modifications and will submit the State Application to the U.S. Department of Education on or before May 22, 2024.

For more information, contact the TEA Division of Special Education by mail at 1701 North Congress Avenue, Austin, Texas 78701; by telephone at (512) 463-9414; by fax at (512) 463-9560; or by email at spedrulerule@tea.texas.gov.

Issued in Austin, Texas, on February 21, 2024.

TRD-202400726

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 21, 2024



Public Notice Seeking Public Comment on Texas Education Agency's Perkins V State Plan

The Texas Education Agency (TEA) is inviting public comment on the Perkins V State Plan developed pursuant to the Strengthening Career and Technical Education for the 21st Century Act signed by the president on July 31, 2018. The Perkins V State Plan, as well as instructions for submitting public comments, are available on the TEA website at <https://tea.texas.gov/cte>.

Parties may also review the Perkins V State Plan at the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, by contacting the TEA Division of College, Career, and Military Preparation at (512) 936-6060.

Procedures for Submitting Written Comments. TEA will accept written comments pertaining to the Perkins V State Plan by mail to the TEA Division of College, Career, and Military Preparation, 1701 North Congress Avenue, Austin, Texas 78701-1494 or by email to ccmp@tea.texas.gov. Comments must be submitted by Monday, March 31, 2024.

Timetable for Finalizing the Perkins V State Plan After review and consideration of all public comments, TEA will make necessary or appropriate modifications and will post the final Perkins V State Plan on the TEA website at <https://tea.texas.gov/cte>.

For more information, contact the TEA Division of College, Career, and Military Preparation by mail at 1701 North Congress Avenue, Austin, Texas 78701; by telephone at (512) 936-6060; or by email at ccmp@tea.texas.gov.

Issued in Austin, Texas, on February 21, 2024.

TRD-202400729

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 21, 2024



Request for Applications Concerning the 2024-2025 Charter School Program Grant (Subchapters C and D)

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-24-111 is authorized by Public Law 114-95, Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, Title IV, Part C, Expanding Opportunity Through Quality Charter Schools; Texas Education Code (TEC), Chapter 12; and 19 Texas Administrative Code, Chapter 100, Subchapter AA.

Eligible Applicants. Texas Education Agency (TEA) is requesting applications under RFA #701-24-111 from eligible applicants, which include open-enrollment charter schools that meet the federal definition of a charter school, have never received funds under this grant program, and are one of the following. (1) An open-enrollment charter school campus designated by the commissioner of education, for the 2023-2024, 2024-2025, or 2025-2026 school year, as a high-quality campus pursuant to 19 TAC§100.1033(b)(9) and (13). (2) Open-enrollment charter schools submitting an expansion amendment request and corresponding application for high-quality campus designation for the 2024-2025 or 2025-2026 school year by April 1, 2024, are considered eligible to apply for the grant. However, the commissioner must approve the expansion amendment request and designate the campus as a high-quality campus prior to the charter receiving grant funding, if awarded. (3) An open-enrollment charter school authorized by the commissioner of education under the Generation 28 charter application pursuant to TEC, Chapter 12, Subchapter D, that has never received funds under this grant program. (4) A campus charter school authorized by the local board of trustees pursuant to TEC, Chapter 12,

Subchapter C, on or before April 1, 2024, as a new charter school, or as a charter school that is designed to replicate a new charter school campus, based on the educational model of an existing high-quality charter school, and that submits all required documentation as stated in this RFA. A campus charter school must apply through its public school district, and the application must be signed by the district's superintendent or the appropriate designee.

Important: Any charter school that does not open prior to Wednesday, September 3, 2025, after having been awarded grant funds, may be required to forfeit any remaining grant funds, and may be required to reimburse any expended amounts to TEA.

Description. The purpose of the Texas Quality Charter Schools Program Grant is to support the growth of high-quality charter schools in Texas, especially those focused on improving academic outcomes for educationally disadvantaged students. This will be achieved through administering the 2024-2025 Charter School Program Grant (Subchapters C and D) to assist eligible applicants in opening and preparing for the operation of newly-authorized charter schools and replicated high-quality schools.

Dates of Project. The 2024-2025 Charter School Program Grant (Subchapters C and D) will be implemented during the 2024-2025 and 2025-2026 school years. Applicants should plan for a starting date of no earlier than June 1, 2024, and an ending date of no later than September 30, 2025.

Project Amount. Approximately \$11.6 million is available for funding the 2024-2025 Charter School Program Grant (Subchapters C and D). It is anticipated that approximately 12 grants will be awarded up to \$900,000. This project is funded 100% with federal funds.

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

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

Applicants' Conference. A webinar will be held on Thursday, March 7, 2024, from 9:30 a.m. to 11:00 a.m. Register for the webinar at <https://zoom.us/meeting/register/tJwqdmrD0jH9PLfEstDq1WSd87m67xGmvS>. Questions relevant to the RFA may be emailed to Charlotte Nicklebur at CharterSchools@tea.texas.gov prior to 12:00 p.m. (noon) (Central Time) on Wednesday, March 6, 2024. These questions, along with other information, will be addressed during the webinar. The applicants' conference webinar will be open to all potential applicants and will provide general and clarifying information about the grant program and the RFA.

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

Further Information. In order to make sure that no prospective applicant obtains a competitive advantage because of acquisition of information unknown to other prospective applicants, any and all questions must be submitted in writing to CharterSchools@tea.texas.gov, the TEA email address identified in the Program Guidelines of the RFA, no later than 12:00 p.m. (noon) (Central Time) on March 25, 2024. All questions and the written answers thereto will be posted on the TEA Grant Opportunities web page in the format of Frequently Asked Questions (FAQs) by April 01, 2024.

Deadline for Receipt of Applications. Applications must be submitted to competitvegrants@tea.texas.gov. Applications must be received no later than 11:59 p.m. (Central Time), April 15, 2024, to be considered eligible for funding.

Issued in Austin, Texas, on February 21, 2024.

TRD-202400727

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: February 21, 2024

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **April 1, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **April 1, 2024**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: 7461 W. Vickery, LLC; DOCKET NUMBER: 2022-0761-PWS-E; IDENTIFIER: RN101263531; LOCATION: Kennedale, Tarrant County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(d)(2)(A), (h), and (i), by failing to collect one lead and copper sample from the facility's

one entry point no later than 180 days after the end of the January 1, 2021 - December 31, 2021, monitoring period during which the lead action level was exceeded, have the samples analyzed, and report the results to the executive director (ED); 30 TAC §290.117(f)(3)(A), by failing to submit a recommendation to the ED for optimal corrosion control treatment within six months after the end of the January 1, 2021 - December 31, 2021, monitoring period during which the lead action level was exceeded; 30 TAC §290.117(g)(2)(A), by failing to submit a recommendation to the ED for source water treatment within 180 days after the end of the January 1, 2021 - December 31, 2021, monitoring period during which the lead action level was exceeded; 30 TAC §290.117(i)(6) and (j), by failing to provide a consumer notification of lead tap water monitoring results to persons served at the sites that were tested, and failing to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2017 - December 31, 2017 and January 1, 2021 - December 31, 2021, monitoring periods; and 30 TAC §290.122(c)(2)(A) and (f), by failing to issue public notification, accompanied with a signed Certificate of Delivery to the ED regarding the failure to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2018 - December 31, 2020, monitoring period; PENALTY: \$3,250; ENFORCEMENT COORDINATOR: Ashley Lemke, (512) 239-1118; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: Addy's Coffee LLC; DOCKET NUMBER: 2022-1271-PWS-E; IDENTIFIER: RN107735029; LOCATION: Odessa, Ector County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.106(f)(2) and Texas Health and Safety Code, §341.031(a), by failing to comply with the acute maximum contaminant level of ten milligrams per liter for nitrate; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(3) COMPANY: BUCK ENERGY SERVICES L.L.C.; DOCKET NUMBER: 2023-0814-SLG-E; IDENTIFIER: RN107150534; LOCATION: Laredo, Webb County; TYPE OF FACILITY: registered sludge transporter; RULES VIOLATED: 30 TAC §312.143(a) and TWC, §26.121(a)(1), by failing to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the business agrees to receive the wastes and the facility has written authorization by permit or registration issued by the Executive Director to receive wastes; PENALTY: \$5,625; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(4) COMPANY: Cooper Home Builders LLC; DOCKET NUMBER: 2023-1022-WQ-E; IDENTIFIER: RN111583753; LOCATION: Jarrell, Williamson County; TYPE OF FACILITY: construction sites; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$7,745; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: Homestead Enterprises, LLC; DOCKET NUMBER: 2022-0527-PWS-E; IDENTIFIER: RN111418497; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's three public drinking water wells into service; PENALTY: \$6,065;

ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(6) COMPANY: Key Largo Utilities LLC; DOCKET NUMBER: 2022-0715-PWS-E; IDENTIFIER: RN101244481; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples for the July 1, 2018 - December 31, 2018, January 1, 2019 - December 31, 2019, and July 1, 2020 - December 31, 2020, monitoring periods, and regarding the failure to conduct water quality parameter sampling for the July 1, 2018 - December 31, 2018, January 1, 2019 - December 31, 2019, and January 1, 2020 - December 31, 2020, monitoring periods; PENALTY: \$6,075; ENFORCEMENT COORDINATOR: Ilia Perez-Ramirez, (713) 767-3743; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: Mary Stewart dba Shiloh RV Park; DOCKET NUMBER: 2022-0540-PWS-E; IDENTIFIER: RN103939666; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the Executive Director prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity; 30 TAC §290.45(c)(1)(B)(i) and THSC, §341.0315(c), by failing to provide a minimum well capacity of 0.6 gallons per minute (gpm) per unit; 30 TAC §290.45(c)(1)(B)(ii) and THSC, §341.0315(c), by failing to provide a ground storage capacity of 35 gallons per unit; 30 TAC §290.45(c)(1)(B)(iii) and THSC, §341.0315(c), by failing to provide two or more service pumps which have a total capacity of 1.0 gpm per unit; and 30 TAC §290.45(c)(1)(B)(iv) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of ten gallons per unit; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(8) COMPANY: Sai Arya Laxmi Incorporated dba Corner Mart; DOCKET NUMBER: 2023-0202-PST-E; IDENTIFIER: RN102375664; 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 in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Eunice Adegelu, (512) 239-5082; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(9) COMPANY: SUNNY'S HWY 59 CLEVELAND, INCORPORATED dba Pitstop; DOCKET NUMBER: 2023-0409-PST-E; IDENTIFIER: RN102791530; LOCATION: Cleveland, Liberty County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) in a manner which will detect a release at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,493; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(10) COMPANY: The Colony Municipal Utility District Number 1A; DOCKET NUMBER: 2022-0268-MWD-E; IDENTIFIER:

RN103051827; LOCATION: Bastrop, Bastrop County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014427001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: \$45,312; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$45,312; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(11) COMPANY: Western Refining Terminals, LLC; DOCKET NUMBER: 2024-0175-AIR-E; IDENTIFIER: RN100213016; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: integrated petroleum refinery; RULES VIOLATED: 30 TAC §122.133(2) and §122.241(b) and Texas Health and Safety Code, §382.085(b), by failing to submit a permit renewal application at least six months, but no earlier than 18 months, prior to the expiration of a federal operating permit; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202400698
 Gitanjali Yadav
 Deputy Director, Litigation
 Texas Commission on Environmental Quality
 Filed: February 20, 2024



Amended Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for an Air Quality

Permit Proposed Air Quality Permit Numbers: 167047 and PSDTX1602

APPLICATION AND PRELIMINARY DECISION. BM Dorchester LLC, 1008 Southview Circle, Center, Texas 75935-4537, has applied to the Texas Commission on Environmental Quality (TCEQ) for issuance of Proposed Air Quality Permit 167047 and Prevention of Significant Deterioration (PSD) Air Quality Permit PSDTX1602, which would authorize construction of a Portland Cement Plant at the following driving directions: from the intersection of Highway 289 and Highway 902 east of Dorchester head east on Highway 902 for approximately 0.80 miles - the site will be located directly north of Highway 902 after the intersection of Taylor Road, Dorchester, Grayson County, Texas 75459. This application was processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This application was submitted to the TCEQ on November 8, 2021. The proposed facility will emit the following air contaminants in a significant amount: carbon monoxide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, sulfur dioxide and sulfuric acid. In addition, the facility will emit the following air contaminants: hazardous air pollutants and lead.

The degree of PSD increment predicted to be consumed by the proposed facility and other increment-consuming sources in the area is as follows:

Sulfur Dioxide

Maximum Averaging Time	Maximum Increment Consumed ($\mu\text{g}/\text{m}^3$)	Allowable Increment ($\mu\text{g}/\text{m}^3$)
3-hour	12	512
24-hour	4.5	91
Annual	0.3	20

PM₁₀

Maximum Averaging Time	Maximum Increment Consumed ($\mu\text{g}/\text{m}^3$)	Allowable Increment ($\mu\text{g}/\text{m}^3$)
24-hour	29	30
Annual	3	17

Nitrogen Dioxide

Maximum Averaging Time	Maximum Increment Consumed ($\mu\text{g}/\text{m}^3$)	Allowable Increment ($\mu\text{g}/\text{m}^3$)
Annual	0.4	25

PM_{2.5}

Maximum Averaging Time	Maximum Increment Consumed ($\mu\text{g}/\text{m}^3$)	Allowable Increment ($\mu\text{g}/\text{m}^3$)
24-hour	8.7	9
Annual	2.7	4

The executive director has determined that the emissions of air contaminants from the proposed facility which are subject to PSD review will not violate any state or federal air quality regulations and will not have any significant adverse impact on soils, vegetation, or visibility. All air contaminants have been evaluated, and "best available control technology" will be used for the control of these contaminants.

The executive director has completed the technical review of the application and prepared a draft permit which, if approved, would establish the conditions under which the facility must operate. The permit application, executive director's preliminary decision, draft permit, and the executive director's preliminary determination summary and executive director's air quality analysis, will be available for viewing and copying at the TCEQ central office, the TCEQ Dallas/Fort Worth regional office, and at the Howe Community Library, 315 South Collins Freeway, Howe, Grayson County, Texas, beginning the first day of publication of this notice. The facility's compliance file, if any exists, is available for public review at the TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas.

INFORMATION AVAILABLE ONLINE. These documents are accessible through the Commission's Web site at www.tceq.texas.gov/goto/cid: the executive director's preliminary decision which includes the draft permit, the executive director's preliminary determination summary, the air quality analysis, and, once available, the executive director's response to comments and the final decision on this application. Access the Commissioners' Integrated Database (CID) using the above link and enter the permit number for this application. The public location mentioned above provides public access to the internet. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-96.689632,33.538174&level=13>.

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

The Public Meeting is to be held:

Monday, March 25, 2024, at 7:00 p.m.

**Hilton Garden Inn Denison/Sherman/At Texoma Event Center
5015 South US 75**

Denison, Texas 75020

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

You may submit additional written public comments within 30 days of the date of newspaper publication of this notice or by the date of the public meeting, whichever is later in the manner set forth in the AGENCY CONTACTS AND INFORMATION paragraph below.

After the deadline for public comment, the executive director will consider the comments and prepare a response to all public comment. **The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application.**

OPPORTUNITY FOR A CONTESTED CASE HEARING. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. **A person who may be affected by emissions of air contaminants from the facility is entitled to request a hearing. A contested case hearing request must include the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number; (2) applicant's name and permit number; (3) the statement "I/we request a contested case hearing;" (4) a specific description of how you would be adversely affected by the application and air emissions from the facility in a way not common to the general public; (5) the location and distance of your property relative to the facility; (6) a description of how you use the property which may be impacted by the facility; and (7) a list of all disputed issues of fact that you submit during the comment period. If the request is made by a group or association, one or more members who have standing to request a hearing must be identified by name and physical address. The interests the group or association seeks to protect must also be identified. You may also submit your proposed adjustments to the application/permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing within 30 days following this notice to the Office of the Chief Clerk, at the address provided in the information section below.**

A contested case hearing will only be granted based on disputed issues of fact or mixed questions of fact and law that are relevant and material to the Commission's decisions on the application. The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. Issues that are not submitted in public comments may not be considered during a hearing.

EXECUTIVE DIRECTOR ACTION. If a timely contested case hearing request is not received or if all timely contested case hearing requests are withdrawn, the executive director may issue final approval of the application. The response to comments, along with the executive director's decision on the application will be mailed to everyone who submitted public comments or is on a mailing list for this application, and will be posted electronically to the CID. If any timely hearing requests are received and not withdrawn, the executive director will not issue final approval of the permit and will forward the application and requests to the Commissioners for their consideration at a scheduled commission meeting.

MAILING LIST. You may ask to be placed on a mailing list to obtain additional information on this application by sending a request to the Office of the Chief Clerk at the address below.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www14.tceq.texas.gov/epic/eComment/, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from BM Dorchester LLC at the address stated above or by calling Mr. Michael Meister, Trinity Consultants at (361) 883-1668.

Amended Notice Issuance Date: February 12, 2024

TRD-202400755

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Amended Notice of Public Meeting Air Permit Renewal Permit Number 55353

APPLICATION. Martin Marietta Materials Southwest, LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 55353, which would authorize continued operation of a Rock Crushing Facility located at 3600 Schalker Drive, Houston, Harris County, Texas 77026. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcereview/airpermits-pendingpermit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.346378,29.798115&level=15>. The existing facility is authorized to emit the following air contaminants: particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less. This application was submitted to the TCEQ on July 17, 2023.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. Information in the application indicates that this permit renewal would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided

orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Tuesday, March 19, 2024 at 6:00 p.m.

Ross (Betsy) Elementary School

2819 Bay Street

Houston, Texas 77026

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

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

The application will be available for viewing and copying at the TCEQ central office, TCEQ Houston regional office, and the Carnegie Neighborhood Library and Center for Learning, 1050 Quitman Street, Houston, Harris County, Texas. The facility's compliance file, if any exists, is available for public review in the Houston regional office of the TCEQ.

Further information may also be obtained from Martin Marietta Materials Southwest, LLC, 1503 LBJ Freeway, Suite 400, Dallas, Texas 75234-6007 or by calling Ms. Kelsey Worley, Environmental Engineer at (346) 323-1675.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or 1-800-RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: February 15, 2024

TRD-202400748

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater Amendment Permit No. WQ0015738001

APPLICATION AND PRELIMINARY DECISION. Plum Creek Caldwell, LP, 1909 Woodall Rodgers Freeway, Suite 300, Dallas, Texas 75201, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0015738001 to authorize an increase in the discharge of treated domestic wastewater from an daily average flow not to exceed 160,000 gallons per day (gpd) to an annual average flow not to exceed 3,080,000 gpd. TCEQ received this application on March 23, 2023.

The facility will be located approximately 600 feet south of the intersection of Dickerson Road and State Highway 80, in Caldwell County, Texas 78655. The treated effluent will be discharged to Dickerson Creek, thence to Lower San Marcos River in Segment No. 1808 of the Guadalupe River Basin. The unclassified receiving water use is limited aquatic life use for Dickerson Creek. The designated uses for Segment No. 1808 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. This review has preliminarily determined that no water bodies with exceptional, high, or intermediate aquatic life uses are present within the stream reach assessed; therefore, no Tier 2 degradation determination is required. No significant degradation of water quality is expected in water bodies with exceptional, high, or intermediate aquatic life uses downstream, and existing uses will be maintained and protected. The preliminary determination can be reexamined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.801666,29.813055&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Dr. Eugene Clark Library, 217 South Main Street, Lockhart.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments about this application. The TCEQ will hold a public meeting on this application because it was requested by a local legislator.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the

Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Tuesday, March 26, 2024 at 7:00 p.m.

Lockhart Evening Lions Club

220 Bufkin Lane

Lockhart, Texas 78644

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

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a**

hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

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

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Plum Creek Caldwell, LP at the address stated above or by calling Mr. Chris Vela, P.E., Kimley-Horn and Associates, at (817) 339-2299.

Issuance Date: February 09, 2024

TRD-202400744

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Enforcement Orders

An agreed order was adopted regarding Clean Harbors Deer Park, LLC, Docket No. 2018-1539-IHW-E on February 21, 2024 assessing \$108,619 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Lufkin, Docket No. 2020-1536-MWD-E on February 21, 2024 assessing \$6,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Henderson, Docket No. 2021-0992-MWD-E on February 21, 2024 assessing \$26,000 in administrative penalties with \$5,200 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Beeville, Docket No. 2021-1036-MWD-E on February 21, 2024 assessing \$12,375 in administrative penalties with \$2,475 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Texas Concrete Sand and Gravel, Inc., Docket No. 2021-1362-WQ-E on February 21, 2024 assessing \$10,075 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ursula Retail, LLC dba Pump N Shop 12, Docket No. 2021-1579-PST-E on February 21, 2024 assessing \$13,152 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Shiloh Retail, LLC dba Pump N Shop 33, Docket No. 2021-1581-PST-E on February 21, 2024 assessing \$21,027 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding San Dario Retail, LLC dba Pump N Shop 15, Docket No. 2021-1582-PST-E on February 21, 2024 assessing \$10,527 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chaparral Property Services, LLC fka MB Chaparral, LLC, Docket No. 2022-0090-OSS-E on February 21, 2024 assessing \$8,800 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Matthew Havard, Docket No. 2022-0267-MSW-E on February 21, 2024 assessing \$7,875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Stoney River Ranch, LLC dba Wise Topsoil and Gravel, Docket No. 2022-0336-MLM-E on February 21, 2024 assessing \$16,232 in administrative penalties with \$3,246 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, Enforcement Coordinator

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

An agreed order was adopted regarding Upper Leon River Municipal Water District, Docket No. 2022-0647-MWD-E on February 21, 2024 assessing \$10,875 in administrative penalties with \$2,175 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC, Docket No. 2022-0651-AGR-E on February 21, 2024 assessing \$18,313 in administrative penalties with \$3,662 deferred. Information concerning any aspect of this order may be obtained by contacting Mistie Gonzales, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Polasek Development, LLC, Docket No. 2022-0718-WQ-E on February 21, 2024 assessing \$9,475 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding King Limited Liability Company and KEV King Limited Liability Company, Docket No. 2022-0967-PWS-E on February 21, 2024 assessing \$7,503 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Marilyn Norrod, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Zuly Rondon dba Texas Star Trucks, Docket No. 2022-1042-MSW-E on February 21, 2024 assessing \$2,625 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Peltier, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding N. Mays Georgetown Owner, LLC, Docket No. 2022-1494-EAQ-E on February 21, 2024 assessing \$19,500 in administrative penalties with \$3,900 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Marquez, Docket No. 2023-0519-MWD-E on February 21, 2024 assessing \$24,338 in administrative penalties with \$4,867 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202400754

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Notice of Correction to Agreed Order Number 1

In the February 16, 2024, issue of the *Texas Register* (49 TexReg 893), the Texas Commission on Environmental Quality (commission) published notice of a Default Order, specifically Item Number 1, for Ray-

mond Lemons, Sr. and Gaynell Lemons; Docket Number 2021-1300-MSW-E. The error is as submitted by the commission.

The reference to the location should be corrected to read: "3603 North Country Road 2760, Lubbock, Lubbock County"

For questions concerning the error, please contact Taylor Pack Ellis at (512) 239-6860.

TRD-202400705

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 20, 2024



Notice of Correction to Agreed Order Number 4

In the February 9, 2024, issue of the *Texas Register* (49 TexReg 738), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 4, for City of Kerrville; Docket Number 2021-0795-WQ-E. The error is as submitted by the commission.

The reference to the Docket Number should be corrected to read: "2021-0795-MLM-E."

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

TRD-202400699

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 20, 2024



Notice of Correction to Agreed Order Number 13

In the October 20, 2023, issue of the *Texas Register* (48 TexReg 6236), the Texas Commission on Environmental Quality (commission) published notice of Agreed Orders, specifically Item Number 13, for WIMBERLEY SPRINGS PARTNERS LTD; Docket Number 2023-0154-MLM-E. The error is as submitted by the commission.

The reference to the first set of rules violated should be corrected to reference: "30 TAC §213.23(i) and Edwards Aquifer Protection Plan (EAPP) Number 11-08030301, Special Conditions Number IV."

The reference to the second set of rules violated should be corrected to remove: "TWC, §26.121."

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

TRD-202400700

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: February 20, 2024



Notice of District Petition

Notice issued February 8, 2024

TCEQ Internal Control No. D-12152023-020 HFI Celina Realty, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Rainwater Crossing Municipal Management District of Collin County (District) with the Texas Commission on Environmental Qual-

ity (TCEQ). The petition was filed pursuant to Article XVI, § 59, and Article III, §§ 52 and 52(a) of the Texas Constitution, Chapter 375, Texas Local Government Code and Chapter 49, Texas Water Code, and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Heritage Land Bank, FLCA, on the property to be included in the proposed District and information provided indicates the aforementioned entity consents to the creation of the proposed District; (3) the proposed District will contain approximately 640.575 acres located within Collin County, Texas; and (4) the land within the proposed District is wholly within the corporate limits of City of Celina, Texas. By Resolution No. 2023-66R, duly resolved on September 12, 2023, the Celina, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial and commercial purposes; (2) collect, transport, process, dispose of and control domestic, industrial and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; and, (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$132,395,000 (\$91,485,000 for water, wastewater, and drainage plus \$40,910,000 for roads).

INFORMATION SECTION

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

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

bers of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202400745

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Notice of District Petition

Notice issued February 8, 2024

TCEQ Internal Control No. D-11022023-008; 45 Tiemann 109, LLC, a Texas limited liability company (Petitioner), filed a petition (petition) for the creation of Fort Bend County Municipal Utility District No. 259 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, b1Bank, Inc., a Louisiana state chartered bank, successor by merger to Citizens Bank, N.A, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the district; (3) the proposed District will contain approximately 107.0 acres of land located within Fort Bend County, Texas; and (4) a portion of the land to be included within the proposed district is located within the extraterritorial jurisdiction of the Village of Fairchilds, Texas (Village). The petition further states that the work to be done by the proposed District at the present time is to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial, or commercial purposes or provide adequate drainage for the District; to collect, transport, process, dispose of and control domestic, industrial, or commercial wastes; to gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the District; and to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consistent with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is made for a more detailed description. Additional work and services which may be performed by the District include the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension and development of a roadway system for the District. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$21,400,000. The financial analysis in the application was based on an estimated \$11,600,000 (\$5,490,000 for water, wastewater, and drainage plus \$3,980,000 for roads and 2,130,000 for recreational facilities) at the time of submittal. In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the Village, requesting the Village's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the Village to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided in-

dicates that the Petitioners and the Village have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioners to proceed to the TCEQ for inclusion of the land into the District.

INFORMATION SECTION

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

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

TRD-202400746

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Notice of District Petition

Notice issued February 8, 2024

TCEQ Internal Control No. D-12272023-031; Preston 56, L.P., a Texas limited partnership (Petitioner), filed a petition for the creation of Preston Road Municipal Utility District of Grayson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article III, § 52 and Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority of the assessed value of the real property to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 295.131 acres located within

Grayson County, Texas; and (4) the land within the proposed District is located within the extraterritorial jurisdiction of the City of Southmayd (City). The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$51,980,000. It is noted that application material provided indicates that the cost of said project will be approximately \$48,980,000 (\$42,025,000 for water, wastewater, and drainage plus \$6,955,000 for roads). In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, the Petitioner submitted a petition to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of the land into the District.

INFORMATION SECTION

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

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

103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at www.tceq.texas.gov.

TRD-202400747

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Notice of District Petition

Notice issued February 14, 2024

TCEQ Internal Control No. D-10062023-008 Circle S Midlothian, LLC, a Texas limited liability company, (Petitioner) filed a petition for the creation of Circle S West Municipal Utility District of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, § 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, AgTexas Farm Credit Services, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 584.0 acres of land, more or less, located within Ellis County, Texas; and (4) all of the land to be included within the proposed District is within the extraterritorial jurisdiction of the City of Midlothian (City) and is not located within the corporate limits of any city or town. The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$102,800,000 (\$74,400,000 for water, wastewater, and drainage facilities and \$28,400,000 for road facilities).

INFORMATION SECTION

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

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and

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

TRD-202400750

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 21, 2024



Notice of District Petition

Notice issued February 15, 2024

TCEQ Internal Control No. D-10272023-040; Sherman G. Wyman Living Trust, (Petitioner) filed a petition for creation of Twin Creeks Municipal Utility District No. 1 of Fannin County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 933 acres located within Fannin County, Texas; and (4) the land within the proposed District is located outside the corporate limits and extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of and control domestic, and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the

cost of said project will be approximately \$114,585,000 (\$86,785,000 for water, wastewater, and drainage and \$27,800,000 for roads).

INFORMATION SECTION

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

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

TRD-202400751
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: February 21, 2024



Notice of Informational Meeting for an Air Quality Standard Permit for Permanent Rock and Concrete Crushers Proposed Air Quality Registration Number 174388

APPLICATION. Dry Creek Materials LLC, 5221 Interstate 30 W, Caddo Mills, Texas 75135-7641 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration Number 174388, which would authorize construction of a permanent rock and concrete crusher. The facility is proposed to be located at 4310 W Texas Highway 276, Quinlan, Hunt County, Texas 75474. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-96.224506,32.913194&level=13>. This application was submitted to the TCEQ on October 20, 2023. The executive director has determined the application was technically complete on November 30, 2023.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Dallas/Fort Worth Regional Office, located at 2309 Gravel Dr, Fort Worth, Texas 76118-6951, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

INFORMATIONAL MEETING. The TCEQ will conduct an informational meeting to answer questions and discuss the application. Formal comments will not be taken at the informational meeting. The meeting will be held:

Thursday, March 21, 2024 at 7:00 p.m.

**Ford High School Auditorium
10064 State Highway Spur 264
Quinlan, Texas 75474**

INFORMATION. Public written comments about this application may be submitted at any time during the public comment period. The public comment period ends on March 21, 2024, at the end of the informational meeting. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

For more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. General information can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Dry Creek Materials LLC, 5221 Interstate 30 W, Caddo Mills, Texas 75135-7641, or by calling Mr. Aaron Hertz, Environmental Consultant at (512) 709-4251.

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

Notice Issuance Date: February 15, 2024

TRD-202400749
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: February 21, 2024



Notice of Opportunity to Request a Public Meeting for a Development Permit Application for Construction Over a Closed Municipal Solid Waste Landfill

Notice mailed on February 16, 2024 Proposed Permit No. 62052

Application. Power Tech Electrical Sales, Inc. has applied to the Texas Commission on Environmental Quality (TCEQ) for a development permit for construction over a closed municipal solid waste landfill (Proposed Permit No. 62052). The proposed development concerns a tract of land consisting of 4.4 acres located at 2620 Hardrock Road, Grand Prairie in Dallas County, Texas. This application would authorize soil disturbance and the construction and operations of an enclosed structure/building over a closed municipal solid waste landfill. Power Tech Electrical Sales, Inc. is proposing to develop an office and storage facility consisting of 55,147 square feet of building

area. The proposed structure will include measures for methane ventilation and monitoring. The development permit application is available for viewing and copying at Grand Prairie Public Library at 901 Conover Drive, Grand Prairie, Texas. The permit application may be viewed online at <https://fileshare.eikoncg.com/fl/9qtI055yoL>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: <https://arcg.is/0G5K1D>. For exact location, refer to application. Alternative Language Notice/Aviso de Idioma Alternativo. Alternative language notice in Spanish is available at www.tceq.texas.gov/goto/mswapps. El aviso de idioma alternativo en español está disponible en www.tceq.texas.gov/goto/mswapps.

Public Comment/Public Meeting. You may submit public comments or request a public meeting on this application to the Office of Chief Clerk at the address included in the information section below. TCEQ will hold a public meeting if the executive director determines that there is a significant degree of public interest in the application or if requested by a local legislator. The purpose of the public meeting is for the public to provide input for consideration by the commission, and for the applicant and the commission staff to provide information to the public. A public meeting is not a contested case hearing. The comment period shall begin on the date this notice is published and end 30 calendar days after this notice is published. The comment period shall be extended to the close of any public meeting. The executive director is not required to file a response to comments. If a public meeting is to be held, a public notice shall be published in a newspaper that is generally circulated in the county in which the proposed development is located. All the individuals on the adjacent landowners list shall also be notified at least 15 calendar days prior to the meeting.

Executive Director Action. The executive director shall, after review of the application, issue his decision to either approve or deny the development permit application. Notice of decision will be mailed to the owner and to each person that requested notification of the executive director's decision.

Information Available Online. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the above link, enter the permit number for this application, which is provided at the top of this notice. Agency Contacts and Information. All public comments, requests, and petitions must be submitted either electronically at <http://www14.tceq.texas.gov/epic/eComment/> or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this permit application or the permitting process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040. Further information may also be obtained from Power Tech Electrical Sales, Inc. at the mailing address 8920 North Royal Lane, Irving, Texas 75063 or by calling Mark Johnston at (972) 421- 0871.

TRD-202400752
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: February 21, 2024

◆ ◆ ◆
Notice of Water Quality Application

The following notice was issued on February 20, 2024:

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

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of Texas Pollutant Discharge Elimination System Permit No. WQ0004414000 (EPA I.D. No. TX0124842), held by the City of Austin, 721 Barton Springs Road, Austin, Texas 78704, which operates the Nacogdoches Generating Facility, a wood-fired steam electric power generation plant, to correct the codes listed in items 3.c.1 and 3.c.2 of the 48-hour acute biomonitoring requirements and item 3.c.1 in the 24-hour acute biomonitoring requirements. The draft permit authorizes the discharge of cooling tower blowdown and previously monitored effluent (low-volume waste and contact stormwater on an intermittent and flow-variable basis via internal Outfall 101) at a daily average flow not to exceed 1,750,000 gallons per day via Outfall 001. The facility is located at 499 County Road 988, near the City of Cushing, Nacogdoches County, Texas 75760.

TRD-202400753
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: February 21, 2024

◆ ◆ ◆ Department of State Health Services

Public Hearing to Receive Comments on Proposed
EMS-Trauma Rules

March 8, 2024

1:00 p.m.

Public Hearing Site:

Texas Department of State Health Services

Robert Bernstein Building

First Floor, Room K-100

1100 West 49th Street

Austin, Texas 78756

This public hearing will be webcast. Members of the public may attend the public hearing in person at the address above or access a live stream of the public hearing at <https://texashhsmeetings.org/HHSWebcast>. Select the tab for the Bernstein K-100 Live on the date and time for this public hearing. Please email Webcasting@hpsc.state.tx.us if you have any problems with the webcasting function.

Public Hearing. The Department of State Health Services (DSHS) will conduct a hybrid public hearing, at the date, time, and location stated above. The public hearing will be conducted from 1:00 p.m. to 4:00 p.m. If the time allotted does not accommodate all the persons who registered by 2:00 p.m., DSHS will extend the public hearing to accommodate those registrants. However, that extension will only be until 5:00 p.m. on March 8, 2024. The public hearing will be conducted to receive public comment concerning the EMS-Trauma rules proposed by DSHS, Title 25, Texas Administrative Code Chapter 157, as related to Senate Bill (S.B.) 330, 79th Legislature, Regular Session, 2005, House Bill (H.B.) 15, 83rd Legislature, Regular Ses-

sion, 2013, H.B. 3433, 84th Legislature, Regular Session, 2015, S.B. 984, 87th Legislature, Regular Session, 2021, S.B. 969, 87th Legislature, Regular Session, 2021, and S.B. 1397, 87th Legislature, Regular Session, 2021. DSHS proposes amendments to Title 25, Texas Administrative Code, §157.2 concerning Definitions and §157.128 concerning Denial, Suspension, and Revocation of Trauma Facility Designation. DSHS also proposes the repeal of §157.123 concerning Regional Emergency Medical Services/Trauma Systems; §157.125 concerning Requirements for Trauma Facility Designation; §157.130 concerning Emergency Medical Services and Trauma Care System Account and Emergency Medical Services, Trauma Facilities, and Trauma Care System Fund; and §157.131 concerning Designated Trauma Facility and Emergency Medical Services Account. DSHS further proposes new §157.123 concerning Regional Advisory Councils; §157.125 concerning Requirements for Trauma Facility Designation; and §157.130 concerning Funds for Emergency Medical Services, Trauma Facilities, and Trauma Care Systems, and the Designated Trauma Facility and Emergency Services Account. The proposed rules were published in the January 19, 2024, issue of the *Texas Register* (49 TexReg 199).

Attendees who would like to provide public comment should see the **Public Comment** section below.

Welcome and call to order

Public hearing on EMS-Trauma System proposed rules as related to Senate Bill (S.B.) 330, 79th Legislature, Regular Session, 2005, House Bill (H.B.) 15, 83rd Legislature, Regular Session, 2013, H.B. 3433, 84th Legislature, Regular Session, 2015, S.B. 984, 87th Legislature, Regular Session, 2021, S.B. 969, 87th Legislature, Regular Session, 2021, and S.B. 1397, 87th Legislature, Regular Session, 2021

Adjourn

Public Comment: DSHS welcomes public comments pertaining to topics related to any agenda items noted above. Members of the public who would like to provide public comment may choose from the following options:

Oral comments provided virtually: Members of the public must pre-register to provide oral comments virtually during the public hearing by completing a Public Comment Registration form at https://texashsm meetings.org/EMSTrauma_PCReg_Mar2024 no later than 5:00 p.m. Wednesday, March 6, 2024. Please mark the correct box on the Public Comment Registration form and provide your name, either the organization you are representing or that you are speaking as a private citizen, and your direct phone number. If you have completed the Public Comment Registration form, you will receive an email the day before the public hearing with instructions for providing virtual public comment. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the public comment period. Comment time for each individual will be determined by the total number of people registered to speak in the time allotted. If time permits, comments will be limited to three minutes per speaker but may be further limited by DSHS if more registrants need to be accommodated. Each speaker providing oral public comments virtually must ensure their face is visible and their voice audible to the other participants while they are speaking. Each speaker must state their name and on whose behalf they are speaking (if any-one). If you pre-register to speak and wish to provide a handout before the public hearing, please submit an electronic copy in accessible PDF format that will be reviewed by DSHS staff. Handouts are limited to two pages (paper size: 8.5" by 11", one side only). Handouts must be emailed to DSHS.EMS-TRAUMA@dshs.texas.gov immediately after pre-registering, but no later than 5:00 p.m. Wednesday, March 6, 2024, and include the name of the person who will be commenting. Do not include health or other confidential information in your comments or

handouts. Staff will not read handouts aloud during the public hearing, but handouts will be reviewed by staff.

Written comments: Members of the public may provide written public comments by completing a Public Comment Registration form at https://texashsm meetings.org/EMSTrauma_PCReg_Mar2024. A member of the public who wishes to provide written public comments must email the comments to no later than 5:00 p.m. Wednesday, March 6, 2024. Please include your name and the organization you are representing or that you are speaking as a private citizen. Written comments must be emailed to DSHS immediately after pre-registering (and include the name of the person who will be commenting, if applicable). Written comments are limited to two pages (paper size: 8.5" by 11", one side only). Do not include health or other confidential information in your comments. Staff will not read written comments aloud during the public hearing, but comments will be provided to the appropriate state staff.

Oral comments provided in-person at the public hearing location: Members of the public may provide oral public comment during the public hearing in person at the public hearing location either by pre-registering using the form above or without pre-registering by completing a form at the entrance to the hearing room before 2 p.m. the day of the public hearing. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the public comment period. Comment time for each individual will be determined by the total number of people registered to speak in the time allotted. If time permits, comments will be limited to three minutes per speaker but may be further limited by DSHS if more registrants need to be accommodated. Do not include health or other confidential information in your comments.

Note: These procedures may be revised at the discretion of DSHS.

Contact: Questions regarding agenda items, content, or public hearing arrangements should be directed to Jorie Klein, Director, EMS-Trauma System Section, at (512) 535-8538 or jorie.klein@dshs.texas.gov.

Persons who want to attend the public hearing and require assistive technology contact Klein or services should at (512) 535-8538 or jorie.klein@dshs.texas.gov at least 72 hours before the public hearing so appropriate arrangements can be made.

This public hearing is open to the public. No reservations are required, and there is no cost to attend this public hearing.

TRD-202400734

Cynthia Hernandez

General Counsel

Department of State Health Services

Filed: February 21, 2024

Texas Department of Insurance

Notice of Update to Proposed Figure: 28 TAC §3.3510(d)

The Texas Department of Insurance (TDI) proposed amendments to 28 TAC Chapter 3, Subchapter V, §§3.502, 3.503, and 3.510 in the February 9, 2024, issue of the *Texas Register* (49 TexReg 626). The amendments included changes to two figures, Figure: 28 TAC §3.3510(d) and Figure: 28 TAC §3.3510(e). The former figure was submitted with markup showing changes, while the latter figure was submitted without markup. For consistency and clarity, TDI is republishing Figure: 28 TAC §3.3510(d) without markup and with all proposed changes incorporated.

Because the published version contained some bracketed text that was intended to be struck, but other bracketed text that was intended to indi-

cate optional text and was to remain, TDI determined that this version of Figure: 28 TAC §3.3510(d) would be easier for consumers, stakeholders, and the public to understand.

Form COB TX

Coordination of This Contract's Benefits with Other Benefits

The Coordination of Benefits (COB) provision applies when a person has health care coverage under more than one plan. Plan is defined below.

The order of benefit determination rules govern the order in which each plan will pay a claim for benefits. The plan that pays first is called the primary plan. The primary plan must pay benefits in accord with its policy terms without regard to the possibility that another plan may cover some expenses. The plan that pays after the primary plan is the secondary plan. The secondary plan may reduce the benefits it pays so that payments from all plans equal 100 percent of the total allowable expense.

Definitions

- (a) A "plan" is any of the following that provides benefits or services for medical, dental, or vision care or treatment. If separate contracts are used to provide coordinated coverage for members of a group, the separate contracts are considered parts of the same plan and there is no COB among those separate contracts.
- (1) Plan includes: group, blanket, or franchise accident and health insurance policies; individual and group health maintenance organization evidences of coverage; individual accident and health insurance policies; individual and group preferred provider benefit plans and exclusive provider benefit plans; group insurance contracts, individual insurance contracts and subscriber contracts that pay or reimburse for the cost of dental care; a vision benefit plan that provides coverage for vision or eye care expenses; medical care components of individual and group long-term care contracts; limited benefit coverage that is not issued to supplement individual or group in-force policies; uninsured (i.e., self-funded or self-insured) arrangements of group or group-type coverage; the medical benefits coverage in automobile insurance contracts; and Medicare or other governmental benefits, as permitted by law.
 - (2) Plan does not include: disability income protection coverage; workers' compensation insurance coverage; hospital confinement indemnity coverage or other fixed indemnity coverage; specified disease coverage; supplemental benefit coverage; accident only coverage; specified accident coverage; school accident-type coverages that cover students for accidents only, including athletic injuries,

either on a "24-hour" or a "to and from school" basis; benefits provided in long-term care insurance contracts for non-medical services, for example, personal care, adult day care, homemaker services, assistance with activities of daily living, respite care, and custodial care or for contracts that pay a fixed daily benefit without regard to expenses incurred or the receipt of services; Medicare supplement policies; a state plan under Medicaid; a governmental plan that, by law, provides benefits that are in excess of those of any private insurance plan or other nongovernmental plan; or an individual accident and health insurance policy that is designed to fully integrate with other policies through a variable deductible.

Each contract for coverage under (a)(1) or (a)(2) is a separate plan. If a plan has two parts and COB rules apply only to one of the two, each of the parts is treated as a separate plan.

- (b) "This plan" means, in a COB provision, the part of the contract providing the health care benefits to which the COB provision applies and which may be reduced because of the benefits of other plans. Any other part of the contract providing health care benefits is separate from this plan. A contract may apply one COB provision to certain benefits, such as dental benefits, coordinating only with like benefits, and may apply other separate COB provisions to coordinate other benefits.

The order of benefit determination rules determine whether this plan is a primary plan or secondary plan when the person has health care coverage under more than one plan. When this plan is primary, it determines payment for its benefits first before those of any other plan without considering any other plan's benefits. When this plan is secondary, it determines its benefits after those of another plan and may reduce the benefits it pays so that all plan benefits equal 100 percent of the total allowable expense.

- (c) "Allowable expense" is a health care expense, including deductibles, coinsurance, and copayments, that is covered at least in part by any plan covering the person. When a plan provides benefits in the form of services, the reasonable cash value of each service will be considered an allowable expense and a benefit paid. An expense that is not covered by any plan covering the person is not an allowable expense. In addition, any expense that a health care provider or physician by law or in accord with a contractual agreement is prohibited from charging a covered person is not an allowable expense.

The following are examples of expenses that are not allowable expenses:

- (1) The difference between the cost of a semi-private hospital room and a private hospital room is not an allowable expense, unless one of the plans provides coverage for private hospital room expenses.

- (2) If a person is covered by two or more plans that do not have negotiated fees and compute their benefit payments based on the usual and customary fees, allowed amounts, or relative value schedule reimbursement methodology, or other similar reimbursement methodology, any amount in excess of the highest reimbursement amount for a specific benefit is not an allowable expense.
 - (3) If a person is covered by two or more plans that provide benefits or services on the basis of negotiated fees, an amount in excess of the highest of the negotiated fees is not an allowable expense.
 - (4) If a person is covered by one plan that does not have negotiated fees and that calculates its benefits or services based on usual and customary fees, allowed amounts, relative value schedule reimbursement methodology, or other similar reimbursement methodology, and another plan that provides its benefits or services based on negotiated fees, the primary plan's payment arrangement must be the allowable expense for all plans. However, if the health care provider or physician has contracted with the secondary plan to provide the benefit or service for a specific negotiated fee or payment amount that is different than the primary plan's payment arrangement and if the health care provider's or physician's contract permits, the negotiated fee or payment must be the allowable expense used by the secondary plan to determine its benefits.
 - (5) The amount of any benefit reduction by the primary plan because a covered person has failed to comply with the plan provisions is not an allowable expense. Examples of these types of plan provisions include second surgical opinions, prior authorization of admissions, and preferred health care provider and physician arrangements.
- (d) "Allowed amount" is the amount of a billed charge that a carrier determines to be covered for services provided by a nonpreferred health care provider or physician. The allowed amount includes both the carrier's payment and any applicable deductible, copayment, or coinsurance amounts for which the insured is responsible.
 - (e) "Closed panel plan" is a plan that provides health care benefits to covered persons primarily in the form of services through a panel of health care providers and physicians that have contracted with or are employed by the plan, and that excludes coverage for services provided by other health care providers and physicians, except in cases of emergency or referral by a panel member.
 - (f) "Custodial parent" is the parent with the right to designate the primary residence of a child by a court order under the Texas Family Code or other applicable law, or in the absence of a court order, is the parent with whom the child resides more than one-half of the calendar year, excluding any temporary visitation.

Order of Benefit Determination Rules

When a person is covered by two or more plans, the rules for determining the order of benefit payments are as follows:

- (a) The primary plan pays or provides its benefits according to its terms of coverage and without regard to the benefits under any other plan.
- (b) Except as provided in (c), a plan that does not contain a COB provision that is consistent with this policy is always primary unless the provisions of both plans state that the complying plan is primary.
- (c) Coverage that is obtained by virtue of membership in a group that is designed to supplement a part of a basic package of benefits and provides that this supplementary coverage must be excess to any other parts of the plan provided by the contract holder. Examples of these types of situations are major medical coverages that are superimposed over base plan hospital and surgical benefits, and insurance type coverages that are written in connection with a closed panel plan to provide out-of-network benefits.
- (d) A plan may consider the benefits paid or provided by another plan in calculating payment of its benefits only when it is secondary to that other plan.
- (e) If the primary plan is a closed panel plan and the secondary plan is not, the secondary plan must pay or provide benefits as if it were the primary plan when a covered person uses a noncontracted health care provider or physician, except for emergency services or authorized referrals that are paid or provided by the primary plan.
- (f) When multiple contracts providing coordinated coverage are treated as a single plan for the purposes of COB, this section applies only to the plan as a whole, and coordination among the component contracts is governed by the terms of the contracts. If more than one carrier pays or provides benefits under the plan, the carrier designated as primary within the plan must be responsible for the plan's compliance with this subchapter.
- (g) If a person is covered by more than one secondary plan, the order of benefit determination rules of this subchapter decide the order in which secondary plans' benefits are determined in relation to each other. Each secondary plan must take into consideration the benefits of the primary plan or plans and the benefits of any other plan that, under the rules of this contract, has its benefits determined before those of that secondary plan.

- (h) Each plan determines its order of benefits using the first of the following rules that apply.
- (1) Nondependent or Dependent. The plan that covers the person other than as a dependent, for example as an employee, member, policyholder, subscriber, or retiree, is the primary plan, and the plan that covers the person as a dependent is the secondary plan. However, if the person is a Medicare beneficiary and, as a result of federal law, Medicare is secondary to the plan covering the person as a dependent and primary to the plan covering the person as other than a dependent, then the order of benefits between the two plans is reversed so that the plan covering the person as an employee, member, policyholder, subscriber, or retiree is the secondary plan and the other plan is the primary plan. An example includes a retired employee.
 - (2) Dependent Child Covered Under More Than One Plan. Unless there is a court order stating otherwise, plans covering a dependent child must determine the order of benefits using the following rules that apply.
 - (A) For a dependent child whose parents are married or are living together, whether or not they have ever been married:
 - (i) The plan of the parent whose birthday falls earlier in the calendar year is the primary plan; or
 - (ii) If both parents have the same birthday, the plan that has covered the parent the longest is the primary plan.
 - (B) For a dependent child whose parents are divorced, separated, or not living together, whether or not they have ever been married:
 - (i) if a court order states that one of the parents is responsible for the dependent child's health care expenses or health care coverage and the plan of that parent has actual knowledge of those terms, that plan is primary. This rule applies to plan years commencing after the plan is given notice of the court decree.
 - (ii) if a court order states that both parents are responsible for the dependent child's health care expenses or health care coverage, the provisions of (h)(2)(A) must determine the order of benefits.
 - (iii) if a court order states that the parents have joint custody without specifying that one parent has responsibility for the health care expenses or health care coverage of the dependent child, the provisions of (h)(2)(A) must determine the order of benefits.

- (iv) if there is no court order allocating responsibility for the dependent child's health care expenses or health care coverage, the order of benefits for the child is as follows:
 - (I) the plan covering the custodial parent;
 - (II) the plan covering the spouse of the custodial parent;
 - (III) the plan covering the noncustodial parent; then
 - (IV) the plan covering the spouse of the noncustodial parent.
- (C) For a dependent child covered under more than one plan of individuals who are not the parents of the child, the provisions of (h)(2)(A) or (h)(2)(B) must determine the order of benefits as if those individuals were the parents of the child.
- (D) For a dependent child who has coverage under either or both parents' plans and has their own coverage as a dependent under a spouse's plan, (h)(5) applies.
- (E) In the event the dependent child's coverage under the spouse's plan began on the same date as the dependent child's coverage under either or both parents' plans, the order of benefits must be determined by applying the birthday rule in (h)(2)(A) to the dependent child's parent(s) and the dependent's spouse.
- (3) Active, Retired, or Laid-off Employee. The plan that covers a person as an active employee, that is, an employee who is neither laid off nor retired, is the primary plan. The plan that covers that same person as a retired or laid-off employee is the secondary plan. The same would hold true if a person is a dependent of an active employee and that same person is a dependent of a retired or laid-off employee. If the plan that covers the same person as a retired or laid-off employee or as a dependent of a retired or laid-off employee does not have this rule, and as a result, the plans do not agree on the order of benefits, this rule does not apply. This rule does not apply if (h)(1) can determine the order of benefits.
- (4) COBRA or State Continuation Coverage. If a person whose coverage is provided under COBRA or under a right of continuation provided by state or other federal law is covered under another plan, the plan covering the person as an employee, member, subscriber, or retiree or covering the person as a dependent of an employee, member, subscriber, or retiree is the primary plan, and the COBRA, state, or other federal continuation coverage is the secondary plan. If the other plan does not have this rule, and as a result, the plans do not agree on the order of benefits, this rule does not apply. This rule does not apply if (h)(1) can determine the order of benefits.

- (5) Longer or Shorter Length of Coverage. The plan that has covered the person as an employee, member, policyholder, subscriber, or retiree longer is the primary plan, and the plan that has covered the person the shorter period is the secondary plan.
- (6) If the preceding rules do not determine the order of benefits, the allowable expenses must be shared equally between the plans meeting the definition of plan. In addition, this plan will not pay more than it would have paid had it been the primary plan.

Effect on the Benefits of This Plan

- (a) When this plan is secondary, it may reduce its benefits so that the total benefits paid or provided by all plans are not more than the total allowable expenses. In determining the amount to be paid for any claim, the secondary plan will calculate the benefits it would have paid in the absence of other health care coverage and apply that calculated amount to any allowable expense under its plan that is unpaid by the primary plan. The secondary plan may then reduce its payment by the amount so that, when combined with the amount paid by the primary plan, the total benefits paid or provided by all plans for the claim equal 100 percent of the total allowable expense for that claim. In addition, the secondary plan must credit to its plan deductible any amounts it would have credited to its deductible in the absence of other health care coverage.
- (b) If a covered person is enrolled in two or more closed panel plans and if, for any reason, including the provision of service by a nonpanel provider, benefits are not payable by one closed panel plan, COB must not apply between that plan and other closed panel plans.

Compliance with Federal and State Laws Concerning Confidential Information

Certain facts about health care coverage and services are needed to apply these COB rules and to determine benefits payable under this plan and other plans. [Organization responsible for COB administration] will comply with federal and state law concerning confidential information for the purpose of applying these rules and determining benefits payable under this plan and other plans covering the person claiming benefits. Each person claiming benefits under this plan must give [Organization responsible for COB administration] any facts it needs to apply those rules and determine benefits.

Facility of Payment

A payment made under another plan may include an amount that should have been paid under this plan. If it does, [Organization responsible for COB administration] may pay that amount to the organization that made that payment. That amount will then be treated as though it were a benefit paid under this plan. [Organization responsible for COB administration] will not have to pay that amount again. The term "payment made" includes providing benefits in the form of services, in which case "payment made" means the reasonable cash value of the benefits provided in the form of services.

Right of Recovery

If the amount of the payments made by [Organization responsible for COB administration] is more than it should have paid under this COB provision, it may recover the excess from one or more of the persons it has paid or for whom it has paid or any other person or organization that may be responsible for the benefits or services provided for the covered person. The "amount of the payments made" includes the reasonable cash value of any benefits provided in the form of services.

TRD-202400638
Jessica Barta
General Counsel
Texas Department of Insurance
Filed: February 15, 2024

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Texas Lottery Commission

Scratch Ticket Game Number 2555 "LADY LUCK 777"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2555 is "LADY LUCK 777". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2555 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2555.

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

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

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 7 SYMBOL, 77 SYMBOL, 777 SYMBOL, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$300, \$10,000 and \$250,000.

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

Figure 1: GAME NO. 2555 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	WINALL
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$

\$50.00	FFTY\$
\$100	ONHN
\$300	THHN
\$10,000	10TH
\$250,000	250TH

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2555), 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: 2555-0000001-001.

H. Pack - A Pack of "LADY LUCK 777" Scratch Ticket Game contains 050 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The back of Ticket 001 will be shown on the front of the Pack; the back of Ticket 050 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "LADY LUCK 777" Scratch Ticket Game No. 2555.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "LADY LUCK 777" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "7" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "77" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "777" Play Symbol, the player WINS ALL 30 PRIZES INSTANTLY! No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly sixty-six (66) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-six (66) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the sixty-six (66) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket

Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of Play Symbols or Prize Symbols.

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

C. A Ticket can win up to thirty (30) times.

D. On winning and Non-Winning Tickets, the top cash prizes of \$10,000 and \$250,000 will each appear at least once, except on Tickets winning thirty (30) times or with the "777" (WINALL) Play Symbol and with respect to other parameters, play action or prize structure.

E. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

F. No matching non-winning YOUR NUMBERS Play Symbols will appear on a Ticket.

G. No matching WINNING NUMBERS Play Symbols will appear on a Ticket.

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

I. On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

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

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

L. The "7" (WIN\$) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

M. The "7" (WIN\$) Play Symbol will win the prize for that Play Symbol.

N. The "7" (WIN\$) Play Symbol will never appear more than once on a Ticket.

O. The "7" (WIN\$) Play Symbol will never appear on a Non-Winning Ticket.

P. The "77" (DBL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

Q. The "77" (DBL) Play Symbol will win DOUBLE the prize for that Play Symbol and will win as per the prize structure.

R. The "77" (DBL) Play Symbol will never appear more than once on a Ticket.

S. The "77" (DBL) Play Symbol will never appear on a Non-Winning Ticket.

T. The "777" (WINALL) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

U. The "777" (WINALL) Play Symbol will instantly win all thirty (30) prize amounts and will win only as per the prize structure.

V. The "777" (WINALL) Play Symbol will never appear more than once on a Ticket.

W. The "777" (WINALL) Play Symbol will never appear on a Non-Winning Ticket.

X. On Tickets winning with the "777" (WINALL) Play Symbol, the YOUR NUMBERS Play Symbols will not match any of the WINNING NUMBERS Play Symbols.

Y. The "7" (WIN\$), "77" (DBL) and "777" (WINALL) Play Symbols will never appear on the same Ticket.

2.3 Procedure for Claiming Prizes.

A. To claim a "LADY LUCK 777" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$100 or \$300, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100 or \$300 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "LADY LUCK 777" Scratch Ticket Game prize of \$600, \$1,500, \$3,000, \$10,000 or \$250,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "LADY LUCK 777" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social

Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

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

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 14 days of notification or the prize will be awarded to an Alternate.

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

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "LADY LUCK 777" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "LADY LUCK 777" Scratch Ticket Game, the

Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

2.9 Promotional Second-Chance Drawings. Any Non-Winning "LADY LUCK 777" Scratch Ticket may be entered into one (1) of four (4) promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Scratch Ticket for information on eligibility and entry requirements.

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 8,040,000 Scratch Tickets in the Scratch Ticket Game No. 2555. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2555 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	1,045,200	7.69
\$20.00	482,400	16.67
\$30.00	321,600	25.00
\$50.00	321,600	25.00
\$100	13,735	585.37
\$300	18,827	427.05
\$600	938	8,571.43
\$1,500	100	80,400.00
\$3,000	150	53,600.00
\$10,000	10	804,000.00
\$250,000	5	1,608,000.00

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

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

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2555 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2555, 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-202400721
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: February 20, 2024

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Motor Vehicle Crime Prevention Authority

Fiscal Year 2024 Request for Applications - SB 224 Catalytic Converter Grants

February 14, 2024

Notice of Request for Applications

The Motor Vehicle Crime Prevention Authority (MVCPA) has authorized the issuance of the Fiscal Year 2024 (FY 2024) **Request for Applications (RFA)**. Senate Bill 224 (SB) 224 provides that "The money deposited to the credit of the general revenue fund for coordinated regulatory and law enforcement activities intended to detect and prevent catalytic converter theft in this state... may be appropriated to the Authority for the activities required by this section." To implement SB 224, the MVCPA is providing grants to local law enforcement taskforces and agencies to combat Catalytic Converter Theft. Eligible applicants may request funds for program operation by submission of an application consistent with the information, including the requirements and conditions stated in this RFA. This RFA is posted in the *Texas Register* for at least thirty (30) days prior to the due date for Applications.

All applications submitted will be for FY 2024. If awarded an FY 2024 SB 224 Catalytic Converter Grant, the MVCPA may provide a FY 2025 grant subject to availability of funding and grantees' positive program performance. The MVCPA will use the same FY 2024 application and prorated budget values as originally submitted for the additional period. Any ongoing program (scope) changes or budget changes will be submitted by grantees through the grant adjustment process after the creation of the second-year grants.

Due Date

Grant Applications from eligible applicants must be completely submitted on-line at <https://MVCPA.tamu.edu> on or before **5:00 p.m., March 15, 2024. First time applicants must establish an account and perform account setup steps prior to an application being able to be submitted.**

The *required* Resolution and any *optional* supporting documents must be scanned and submitted as attachments to the application at <https://MVCPA.tamu.edu> on or before **5:00 p.m., March 15, 2024.**

Applicable Authority and Rules

Motor Vehicle Crime Prevention Authority grant programs are governed by the following statutes, rules, standards and guidelines:

- Texas Transportation Code Chapter 1006
- Texas Administrative Code (TAC): Title 43; Part 3; Chapter 57
- Texas Grant Management Standards (TxGMS) as promulgated by the Texas Comptroller of Public Accounts
- The current Motor Vehicle Crime Prevention Authority Grant Administrative Manual and any subsequent adopted grantee instruction manuals
- This Request for Applications issued on **February 14, 2024.**

Eligible Applicants.

Only Texas law enforcement agencies through their city or county are eligible to apply for the FY 2024 SB 224 Catalytic Converter Grant funding.

Application Category

New Grant - These are potentially annual grants subject to available legislative funding. ***The 20 % Cash Match will be waived for this grant application only (FY 2024).*** Applicants meeting the eligibility requirements may submit a new grant subject to the priority established by the MVCPA in the FY 2024 RFA. New applicants shall email MVCPA at GrantsMVCPA@txdmv.gov from an official governmental agency email account to request an account and that access be established.

Grant Type

Reimbursement - This is a total program budget reimbursement grant. Applicants that are awarded grants will expend local (agency) funds and then will be reimbursed quarterly, subject to compliance with standard and special conditions as contained in the Statement of Grant Award (SGA), at the agreed rate for all allowable, reasonable, and necessary program costs incurred.

Grant Term

The FY 2024 grant cycle is a one (1) year funding cycle to begin on September 1, 2023 and end August 31, 2024. Subject to availability of funding and grantees' positive program performance the MVCPA may provide a FY 2025 grant using the same on-line application systems and prorated budget values as originally submitted. No obligations or expenses may be incurred or made outside of the grant period(s).

Method of Application

Grant Applications from eligible applicants shall be completely submitted on-line at <https://MVCPA.tamu.edu> on or before 5:00 p.m., March 15, 2024. All forms will be completed on-line. The Resolution and all supporting documents must be submitted as attachments.

Resolution Required

A Resolution (Order or Ordinance) by the applicant governing body is required to make application for these funds. The resolution shall provide that the governing body applies for the funds for the purpose provided in statute (SB 224 and this RFA) and agrees to return the grant funds in the event of loss or misuse and designate the officials that the governing body chooses as its agents to make uniform assurances and administer the grant if awarded.

Only the governing body that submits an application needs to adopt and submit a Resolution. Participating jurisdictions in multi-agency taskforces shall agree and commit to the grant through Interlocal Cooperation Contract or agreements as provided under Texas Local Government Code Chapter 362, Texas Government Code Chapter 791, and TxGMS.

In the event a governing body has delegated the application authority to a city manager, chief of police, sheriff or other official, then applicants must submit on-line a copy of the delegation order (documentation) along with the Resolution signed by the official. A sample Resolution is attached as Appendix A.

Program Category

To be eligible for consideration for funding, a law enforcement taskforce grant application must be designed to support one or more of the following MVCPA program categories (43 TAC §57.14):

Law Enforcement, Detection, and Apprehension- provide financial support to law enforcement agencies for catalytic converter theft and crime enforcement teams (referred to as taskforces). Taskforces will develop organized methods to combat catalytic converter theft through the enforcement of law. This may include recovery of vehicles, clearance of cases, arrest of law violators, and disruption of organized motor vehicle crime. This category includes development of uniform programs to prevent stolen catalytic converters from entering Mexico or being removed from Texas through outbound seaports.

Prosecution/Adjudication/Conviction- provide financial support for taskforces to work with prosecutors and the judiciary to implement programs designed to reduce the incidence of catalytic converter theft.

Prevention, Anti-Theft Devices and Automobile Registration- provide financial support for taskforces to work with organizations and communities to reduce the incidence of catalytic converter theft. The application shall demonstrate how the financial support will assist motor vehicle owners to reduce catalytic converter theft.

Reduction of the Sale of Stolen Vehicles or Parts- provide financial support for taskforces to work with businesses, organizations, and communities to reduce the sale of catalytic converters. Applicants will develop organized methods to combat the sale of stolen catalytic converters using any of the following: vehicle identification number (VIN) inspections; inspections of motor vehicle part and component distribution enterprises; parts labeling and etching methods; and means to detect the fraudulent sale of stolen catalytic converters.

Educational Programs and Marketing- provide financial support for taskforces to work with individuals, businesses, organizations, and communities to assist motor vehicle owners in detecting and preventing catalytic converter theft. Develop and provide specialized training or education program(s) to the public on detecting and pre-

venting catalytic converter theft, law enforcement on interdiction and prosecution, and government officials on detecting and preventing catalytic converter theft in this state.

Priority Funding

The MVCPA enabling statute provides that "the authority shall allocate grant funds primarily based on the number of catalytic converters stolen in, or the catalytic converter theft rate across the state, and the number of catalytic converter crimes committed in the state rather than based on geographic distribution" (TTC Section 1006.151(c); SB 224). In addition, the following grant features will be given priority consideration in evaluating new grant applications:

- Continuing Funded Programs in Compliance with MVCPA Grant Conditions - Applications that provide for the continuation of existing programs that currently meet the program and fiscal reporting conditions of the MVCPA grant program. Applicants must provide the ongoing need and their progress and impactful performance toward detecting and preventing catalytic converter theft.

The applicant must describe the experience and qualifications of investigators used in the program and how utilization of grant inventory and resources for continued operation of these specialized investigative grant programs are useful for state and local governments.

- Programs to Combat Organized Catalytic Converter Crime - Applications for detecting and preventing catalytic converter theft enforcement teams that introduce, increase, or expand efforts to detect and prevent theft of catalytic converters by organized crime.

- Border and Port Security - Applications that provide specific initiatives to identify and prevent stolen catalytic converters from crossing the border with Mexico using automatic license plate readers, training of local state and federal personnel in the identification of stolen vehicles, and bridge and port inspections.

- Use of Technology - Applications that incorporate automatic license plate reader programs, surveillance equipment, and other uses of technology to increase the number of stolen catalytic converters recovered and the number of persons arrested for catalytic converter crimes.

- Theft of Parts from a Motor Vehicle - Applications that incorporate a reasonable, objective plan to combat and prevent the theft of catalytic converters.

- Dedicated Prosecutors - Applications that incorporate a dedicated prosecutor to increase the priority of catalytic converter theft prosecutions and decrease the number of repeat offenders through successful and timely prosecution efforts.

Supporting Documents

Documents that provide evidence of local support or commitment from other officials or agencies for the application may be submitted following the same instructions as the Resolution. Interagency agreements shall be submitted prior to payments being authorized if an award is made. MVCPA recommends that interagency agreements be completed after award determinations are made to ensure correct amounts are reflected in those agreements. All interagency agreements must meet the conditions and elements required in the TxGMS.

Supplanting Prohibited

Grant funds provided by the Authority under this RFA shall not be used to supplant federal, state or local funds that otherwise would be available for the same purposes (43 Texas Administrative Code §57.9). Supplanting means the replacement of other funds with MVCPA grant funds. This shall include using existing resources already available to a program activity as cash match.

NICB - Applicants may enter into formal agreements with the National Insurance Crime Bureau (NICB) to work on grant funded activities. The amount of salary and other direct costs related to the work on grant activity provided by the NICB may be reported. Time certifications are required to be made by the employee for these positions as required by TXGMS.

In-Kind Match

Only include in-kind if necessary for the local jurisdiction. In-kind match may be used to: 1) reflect the total level of jurisdictions' effort/costs to combat catalytic converter theft; 2) reflect how the grant program fits into jurisdictions' operation; 3) effectively operate a single program with multiple funding streams; and/or 4) contributions from the applicant or third parties that are for grant funded activity. Costs in detail line items shall not be split between in-kind match and grant funding. For example, the entire salary of an officer shall be placed in one expense type rather than split between grant and in-kind.

Reporting and Webinar Attendance Requirements

Applicants that are awarded grants will be required to provide:

- Quarterly Progress Reports - The MVCPA requires the submission of quarterly progress reports to demonstrate progress toward meeting goals and activities provided in the grant application. These include: 1) Monthly progress toward meeting statutorily required performance measures; 2) Monthly progress recorded on the *Goals, Strategies and Activities report*; and 3) Quarterly Summary and Success section. Grantees designated as Border/Port Security grants are required to complete additional sections required by the Texas Legislature.

- Quarterly Financial Reports - Reports of actual expenses incurred are required to request funds. All expenditures must be in accordance with local policies and procedures and grant requirements. Grantees shall review all expenditures, ensure all applicable regulations are followed, and maintain documentation that is accurate and complete. All expenses must be supported by appropriate documentation.

- Webinar Attendance: One grant financial representative from the applicant agency is required to attend a monthly session via teleconference or webinar that includes information on MVCPA grant administration.

One law enforcement officer is required to attend the information sharing and networking sessions on a monthly session via teleconference or webinar that includes law enforcement issues and other MVCPA issues critical to the successful operation of MVCPA taskforces.

Funding Requirements and Conditions

a) State Funds Availability - All awards by the MVCPA are subject to availability of state funds.

b) Right of Refusal - The Authority reserves the right to reject any or all of the applications submitted.

c) Awards - Publishing the RFA does not legally obligate the Authority to fund any programs.

d) Partial Funding - The Authority may choose to offer funds for all or any portion of a program submitted in an application.

e) Substitution - The Authority may offer alternative funding sources, special conditions, or alternative program elements in response to submitted Applications.

f) Application Required - Registration for on-line access is required. The MVCPA is not responsible for applicants that cannot complete the registration and application process on time.

g) No Alternative Application Submission - Paper applications and requests for funding are not accepted in lieu of the on-line grant application process.

h) Review Criteria - Authority staff and any designated MVCPA Board member(s) will review each grant using subjective and objective tools and comparative analysis. The weight given to each section or combination of sections is at the sole discretion of the Authority.

i) Questions and Clarification - During the review period, the applicant may be contacted by Authority staff to ask questions or to seek clarification regarding information provided in the application. Failure to promptly respond will not disqualify an applicant, but information that is submitted after the review period may not be considered.

j) Final Selection - The Authority may select and award programs that best meet the statutory and legislative purposes of SB 224 and that reflect its current priorities. No appeal may be made from the Authority's decisions.

k) Changes in Application - If an applicant proposes changes to be made in the program type or participation of jurisdictions after an award is determined, then the Authority will review the changes and may make modifications (including the amount) or cancel the award as deemed appropriate by the Authority.

l) Delayed Start - An applicant that is awarded a grant and does not begin operations within 30 days of the issuance of the Statement of Grant Award is considered terminated.

m) Application instructions - the MVCPA will provide additional details and instructions in the on-line application system that are incorporated by reference as part of this RFA and which must be followed during the application and award process.

n) Program Income - is defined in the TxGMS. Current grantees carrying forward program income to future years will follow the new rules established by the Texas Comptroller and MVCPA Grant Administrative Manual.

o) TCOLE Certifications Required - All law enforcement agencies regulated by Chapter 1701, Occupations Code must certify that they are in compliance with the Texas Commission on Law Enforcement standards or provide a certification from the Texas Commission on Law

Enforcement that states that the requesting agency is in the process of achieving compliance with said rules.

Selection Process:

Eligible applications will be reviewed. Grant award decisions by MVCPA are final and not subject to judicial review.

Applications that do not meet the stated requirements of this RFA and that are not eligible for review will be notified within ten (10) working days after the due date.

Application Workshop

Potential applicants are requested to attend the on-line "Motor Vehicle Crime Prevention Authority SB224 Catalytic Converter Grant Application Workshop" which has been scheduled for: Monday, February 26, 2024 (2:00 p.m. to 4:00 p.m.). Join by using the following links:

THIS MEETING WILL BE HELD REMOTELY VIA MICROSOFT TEAMS MEETING

Join on your computer, mobile app or room device

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NmFmY-WMxZDAtZjM4NS00NzNkLTg0YzAtMjBiNDU3MmExZ-GRh%40thread.v2/0?context=%7b%22Tid%22%3a%2272719f70-3533-46b3-9456-ec1235143768%22%2c%22Oid%22%3a%220514ac85-ebb6-4d6b-83c8-d095df91e59b%22%7d

Meeting ID: 276 681 916 419 Passcode: yEZLm6

Download Teams: <https://www.microsoft.com/en-us/microsoft-teams/download-app>

Join on the web: <https://www.microsoft.com/microsoft-teams/join-a-meeting>

Or call in (audio only)

(737) 787-8456 United States, Austin

Phone Conference ID: 870 654 560#

Find a local number: <https://dialin.teams.microsoft.com/6eb74879-14eb-4ef3-8e5e-55e9ca4ff272?id=870654560>

Learn more: <https://aka.ms/JoinTeamsMeeting>

Figure 1

MVCPA Application Checklist

Each Applicant must:

- 1) Complete the on-line Application on or before 5:00 PM, March 15, 2024;
- 2) Complete the Resolution with the city or county and attach with other supporting documents on or before 5:00 PM, March 15, 2024.

Appendix A
Updated Sample Motor Vehicle Crime Prevention Authority Resolution

Applicants must use the language below to meet the minimum legal elements to execute an agreement with the MVCPA through the grant application process. Cities and counties not wanting to use the sample below must address all the legal elements contained herein.

2024 Blank City / County Resolution or Order or Ordinance
Motor Vehicle Crime Prevention Authority

2024 Blank City / County Resolution

SB 224 Catalytic Converter Grant Program

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement taskforces and agencies for economic motor vehicle theft, including catalytic converter theft; and

WHEREAS, this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, [GOVERNMENTAL ENTITY] has agreed that in the event of loss or misuse of the grant funds, [GOVERNMENTAL ENTITY] agrees and assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

NOW THEREFORE, BE IT RESOLVED and ordered that [TITLE], is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that [Name] is designated as the Program Director and [Name] is designated as the Financial Officer for this grant.

Adopted this _____ day of _____, 2024.

NAME
TITLE: County Judge /Mayor/ City Manager

TRD-202400629
David Richards
General Counsel
Motor Vehicle Crime Prevention Authority
Filed: February 14, 2024

◆ ◆ ◆
North Central Texas Council of Governments
Notice of Contract Award - North Central Texas Regional
Transit 2.0: Planning for Year 2050 Study

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6431). The selected entity will perform technical and professional work for the North Central Texas Regional Transit 2.0: Planning for Year 2050 Study.

The entity selected for this project is McKinsey & Company Inc. Washington DC, 1200 19th Street NW, Suite 1000, Washington, DC 20036-2427 for a contract not to exceed \$980,000 and InfraStrategies LLC, 2211 Michelson Drive, Suite 900, Irvine, CA 92612 for a contract not to exceed \$1,212,200.

Issued in Arlington, Texas on February 21, 2024.

TRD-202400701

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: February 20, 2024



Request for Proposals for 2024 Cooperative Vehicle Procurement + RAISE FY21 EV Bus Procurement

The North Central Texas Council of Governments (NCTCOG) serves as the designated recipient of Federal Transit Administration (FTA) Program funds for the Dallas-Fort Worth-Arlington and the Denton-Lewisville Urbanized Areas. NCTCOG has been awarded funds from the Fiscal Year 2021 Federal Grant Program Rebuilding America's Infrastructure with Sustainability and Equity (RAISE) Grant Program for the purchase of vehicles to enhance bus service in the Southern Inland Port. NCTCOG is requesting written proposals from qualified vendors(s) to design, manufacture, and deliver 8 light-duty electric and 19 light-duty transit Americans With Disabilities Act (ADA), vehicles to support transportation services for the following Federal Transit Administration (FTA) grant programs: Urbanized Area Formula, Bus and Bus Facilities, RAISE FY21.

Proposals must be received no later than 5:00 p.m., Central Time, on **Friday, March 29, 2024**, to Lorena Carrillo, Senior Transportation Planner, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011 and electronic submissions to TransRFPs@nctcog.org. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on **Friday, March 1, 2024**.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202400724

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: February 21, 2024



Request for Proposals for In-Plant Bus Inspection Service

The North Central Texas Council of Governments (NCTCOG) serves as the designated recipient of Federal Transit Administration (FTA) Program funds for the Dallas-Fort Worth-Arlington and the Denton-Lewisville Urbanized Areas. NCTCOG has been awarded funds from the Fiscal Year 2021 Federal Grant Program Rebuilding America's Infrastructure with Sustainability and Equity (RAISE) Grant Program for the purchase of vehicles to enhance bus service in the Southern Inland

Port. NCTCOG is requesting written proposals from qualified vendors(s) to provide in-plant inspection service for 8 light-duty electric buses and 19 light-duty transit buses as part of the following Federal Transit Administration (FTA) grant programs: Urbanized Area Formula, Bus and Bus Facilities, RAISE FY21.

Proposals must be received no later than 5:00 p.m., Central Time, on **Friday, March 29, 2024**, to Lorena Carrillo, Senior Transportation Planner, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011 and electronic submissions to TransRFPs@nctcog.org. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on **Friday, March 1, 2024**.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202400725

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: February 21, 2024



Public Utility Commission of Texas

Notice of Petition for a Designation Under 16 TAC §25.475(b)(5)

Notice is given to the public of a petition filed with the Public Utility Commission of Texas (Commission) on December 8, 2023, requesting a Commission designation under 16 Texas Administrative Code (TAC) §25.475(b)(5) to address the Electric Reliability Council of Texas (ERCOT) Contingency Reserve Service (ECRS).

Docket Style and Number: Joint Petition of Texas Energy Association for Marketers and Alliance for Retail Markets for Designation Under 16 TAC §25.475(b)(5), Docket Number 55959.

The Petition: The Texas Energy Association for Marketers and Alliance for Retail Markets (collectively, REP Coalition) filed a petition requesting that the Commission designate ECRS as an ancillary service incurring a cost beyond a retail electric provider's (REP) control.

Under 16 TAC §25.475(b)(8), the term "price" as it relates to a product for retail electric service includes ancillary services. Under 16 TAC §25.475(b)(5), the price of a fixed rate product "may not vary from the disclosed amount to reflect changes in ancillary service charges unless the commission expressly designates a specific type of ancillary service product as incurring charges beyond the REP's control for a customer's existing contract." The combined effect of these provisions is to require an express Commission designation regarding a new ancillary service before a REP can apply a one-time price increase to an existing contract for a residential or small commercial fixed rate product that was executed before the implementation of the new ancillary service.

The Commission's resolution of the REP Coalition's request will affect REPs that are providing service to residential and/or small commercial customers in the competitive service areas of ERCOT. If the Commission designates ECRS as an ancillary service incurring a cost beyond a REP's control, it could provide REPs with the option to make a one-time adjustment to existing fixed price contracts for residential and small commercial customers that were executed prior to the implementation of the new ancillary service. If the Commission approves the REP Coalition's request, residential and small commercial customers on existing fixed rate contracts that were in effect prior to June 10, 2023, could have a price adjustment that would result in a rate increase.

Persons who wish to file a motion to intervene or comments on the petition should contact the Commission no later than April 1, 2024, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55959.

TRD-202400694
Adriana Gonzales
Rules Coordinator

Public Utility Commission of Texas
Filed: February 16, 2024

◆ ◆ ◆
Supreme Court of Texas

Final Approval of Amendments to Texas Rule of Judicial
Administration 7

Supreme Court of Texas

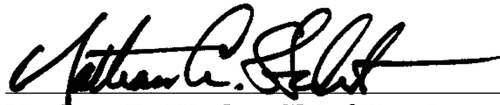
Misc. Docket No. 24-9006

Final Approval of Amendments to Texas Rule of Judicial Administration 7

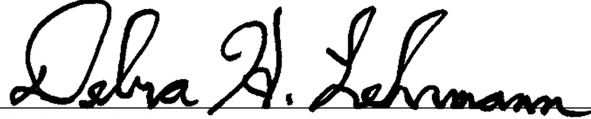
ORDERED that:

1. On August 25, 2023, in Misc. Dkt. No. 23-9068, the Court preliminarily approved amendments to Texas Rule of Judicial Administration 7 and invited public comment.
2. The comment period has expired. Only minor changes to the rule have been made to include references to the business court. This Order gives final approval to the amended rule. The amendments are shown in redline against the current rule.
3. Each court must adopt a confidentiality policy, as required by Rule of Judicial Administration 7.1, by May 1, 2024. Each court must also provide that policy to current court staff members and train them on it by May 1, 2024. Courts within the same county are encouraged to collaborate to adopt a uniform confidentiality policy.
4. The Court's confidentiality policy is attached to this Order and may serve as a model. Section 2(e) has been revised as shown since it was first published in Misc. Dkt. No. 23-9068.
5. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

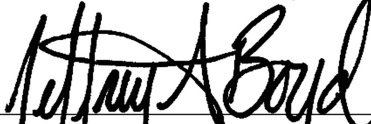
Dated: February 20, 2024.



Nathan L. Hecht, Chief Justice



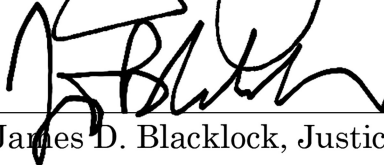
Debra H. Lehrmann, Justice



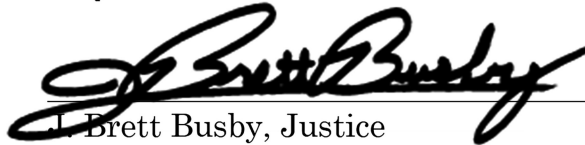
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



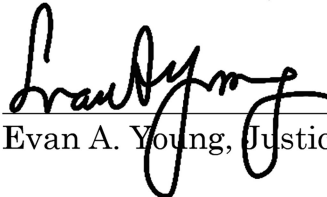
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF JUDICIAL ADMINISTRATION

Rule 7. Administrative Responsibilities. (Clean Version)

Rule 7.1. All Courts.

(a) *Court Confidentiality Policy Required.* A court, including an appellate, district, statutory county, business, statutory probate, constitutional county, justice, and municipal court, must adopt a policy governing court confidentiality.

(b) *Policy Contents.* The policy must:

- (1) define who the policy applies to;
- (2) define confidential information;
- (3) impose a duty of confidentiality on all court staff that continues after employment at the court ends;
- (4) address when, if ever, the disclosure of confidential information is authorized;
- (5) provide the language of relevant laws, including section 21.013 of the Texas Government Code and section 39.06 of the Texas Penal Code;
- (6) address negligent or accidental disclosure of confidential information;
- (7) warn of potential penalties for the unauthorized disclosure of confidential information, including:
 - (A) referral to relevant law enforcement agencies for investigation and prosecution;
 - (B) termination of employment;
 - (C) for attorneys, referral to the State Bar of Texas for discipline;
 - (D) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law in Texas; and

(8) require all court staff to acknowledge receipt of the policy in writing.

(c) *Distribution and Training Required.* The court must:

(1) for all new court staff members, provide the policy and train on it before the new staff member begins any substantive work for the court;

(2) provide the policy to all existing court staff at least biannually.

Rule 7.2. District, Statutory County, and Business Courts.

A district, statutory county, or business court judge must:

(a) diligently discharge the administrative responsibilities of the office;

(b) rule on a case within three months after the case is taken under advisement;

(c) if an election contest or a suit for the removal of a local official is filed in the judge's court, request the presiding judge to assign another judge who is not a resident of the county to dispose of the suit;

(d) on motion by either party in a disciplinary action against an attorney, request the presiding judge to assign another judge who is not a resident of the administrative region where the action is pending to dispose of the case;

(e) request the presiding judge to assign another judge of the administrative region to hear a motion relating to the recusal or disqualification of the judge from a case pending in his court; and

(f) to the extent consistent with due process, consider using methods to expedite the disposition of cases on the docket of the court, including:

(1) adherence to firm trial dates with strict continuance policies;

(2) the use of teleconferencing, videoconferencing, or other available means in lieu of personal appearance for motion hearings, pretrial conferences, scheduling, and other appropriate court proceedings;

(3) pretrial conferences to encourage settlements and to narrow trial issues;

(4) taxation of costs and imposition of other sanctions authorized by the Rules of Civil Procedure against attorneys or parties filing frivolous motions or pleadings or abusing discovery procedures; and

(5) local rules, consistently applied, to regulate docketing procedures and timely pleadings, discovery, and motions.

Rule 7. Administrative Responsibilities. (Redline)

Rule 7.1. All Courts.

(a) Court Confidentiality Policy Required. A court, including an appellate court, district court, statutory county court, business, statutory probate court, constitutional county court, justice court, and municipal court, must adopt a policy governing court confidentiality.

(b) Policy Contents. The policy must:

(1) define who the policy applies to;

(2) define confidential information;

(3) impose a duty of confidentiality on all court staff that continues after employment at the court ends;

(4) address when, if ever, the disclosure of confidential information is authorized;

(5) provide the language of relevant laws, including section 21.013 of the Texas Government Code and section 39.06 of the Texas Penal Code;

(6) address negligent or accidental disclosure of confidential information;

(7) warn of potential penalties for the unauthorized disclosure of confidential information, including:

(A) referral to relevant law enforcement agencies for investigation and prosecution;

(B) termination of employment;

(C) for attorneys, referral to the State Bar of Texas for discipline;

(D) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law in Texas; and

(8) require all court staff to acknowledge receipt of the policy in writing.

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(2) provide the policy to all existing court staff at least biannually.

Rule 7.2. District, ~~and~~ Statutory County, and Business Courts.

A district ~~court~~, or statutory county ~~court~~, or business court judge must:

(a) diligently discharge the administrative responsibilities of the office;

(b) rule on a case within three months after the case is taken under advisement;

(c) if an election contest or a suit for the removal of a local official is filed in the judge's court, request the presiding judge to assign another judge who is not a resident of the county to dispose of the suit;

(d) on motion by either party in a disciplinary action against an attorney, request the presiding judge to assign another judge who is not a resident of the administrative region where the action is pending to dispose of the case;

(e) request the presiding judge to assign another judge of the administrative region to hear a motion relating to the recusal or disqualification of the judge from a case pending in his court; and

(f) to the extent consistent with due process, consider using methods to expedite the disposition of cases on the docket of the court, including:

(1) adherence to firm trial dates with strict continuance policies;

(2) the use of teleconferencing, videoconferencing, or other available means in lieu of personal appearance for motion hearings, pretrial conferences, scheduling, and other appropriate court proceedings;

(3) pretrial conferences to encourage settlements and to narrow trial issues;

(4) taxation of costs and imposition of other sanctions authorized by the Rules of Civil Procedure against attorneys or parties filing frivolous motions or pleadings or abusing discovery procedures; and

(5) local rules, consistently applied, to regulate docketing procedures and timely pleadings, discovery, and motions.

Supreme Court of Texas Confidentiality Policy and Agreement

Employees of this Court occupy positions of public trust. In the course of your duties, you will encounter confidential information about the prospective disposition of cases and the inner workings of the Court.

Preserving the confidentiality of the Court's documents and private deliberations is **crucial to the Court's work**. More specifically, confidentiality furthers the ability of judges and judicial staff to communicate openly and honestly and to reach the most legally correct outcomes for litigants. Confidentiality also builds public respect for the judiciary and impresses on others the gravity of the judicial process. Any breach of confidentiality would betray not only the Court and the individuals who work here, but also the public's interest in thorough, considered justice.

Confidentiality has long been an expectation within Texas courts. Canon 3B(10) of the Texas Code of Judicial Conduct demands that judges and court staff refrain from "public comment about a pending or impending proceeding which may come before the judge's court." Canon 3B(11) of the Texas Code of Judicial Conduct provides that "[t]he discussions, votes, positions taken, and writings of appellate judges and court personnel about causes are confidences of the court and shall be revealed only through a court's judgment, a written opinion or in accordance with Supreme Court guidelines for a court approved history project."

Texas Government Code Section 21.013 creates a Class A misdemeanor criminal offense for the unauthorized disclosure of non-public judicial work product, stating "[a] person . . . with access to non-public judicial work product commits an offense if the person knowingly discloses, wholly or partly, the contents of any non-public judicial work product" Additionally, Texas Penal Code Section 39.06 criminalizes the misuse of official information by a public servant who "discloses or uses information for a nongovernmental purpose that: (1) he has access to by means of his office or employment; and (2) has not been made public", with penalties ranging from a Class C misdemeanor to a felony of the third degree.

This confidentiality policy incorporates the Canons as well as the statutory penalties of both Texas Government Code Section 21.013 and Texas Penal Code Section 39.06. This policy applies to all Court staff, including interns.

1. Protection of information. Confidential information must not be shared with persons not employed within the Court, except as provided in Section 3 below. Employees must refrain from commenting about cases that are or may come before the Court to family, friends, or acquaintances.

2. Confidential information defined. Confidential information includes:

- a) drafts of opinions not yet released, internal memoranda, emails between judges or staff, and any other document not intended for public use;
- b) conversations between judges or court staff about litigants or cases before, previously before, or expected to come before the Court;
- c) the private views of judges or court staff concerning the disposition of cases, litigants, anticipated cases, or each other;
- d) the authorship of per curiam opinions or orders, the timing of opinion or order release, and any other procedural mechanism not ordinarily public;
- e) documents ~~submitted by litigants under seal~~properly filed under seal by litigants or counsel; and
- f) other information, however communicated, that is not authorized to be made public.

3. Disclosures of confidential information.

- a) **Intentional disclosure** of confidential information outside of the boundaries of (1) above may be met with maximum disciplinary action. See (5) below.
- b) **Negligent or accidental disclosure** is an extremely serious matter that may, but will not necessarily, be met with penalties as described in (5) below. Employees who accidentally disclose confidential information have a duty to promptly report the disclosure to their supervisor, appointing authority, or human resources department so that mitigation can be attempted.

Employees are expected to exercise their discretion and judgment to minimize the risk of inadvertent disclosure. For example, employees should refrain from

communicating about sensitive matters in crowded or public spaces where others may overhear, even within the public areas of the Court. Employees should use court-issued, password-protected equipment to transmit confidential documents. Employees should be mindful of who can see their screen when working at home, on aircraft, public transit, or in public spaces. Employees should carefully keep track of and password protect electronic devices containing confidential information and immediately report any loss or theft of those devices.

- c) **Authorized disclosure** occurs when the Chief Justice or a Justice who supervises the employee authorizes the employee to share work product with a specific person or organization. For example, employees may be authorized to share draft rules or administrative orders with other judicial branch entities for review and comment before they are released to the public, and the Clerk of Court may be authorized to disclose information relating to case status as part of their job duties, provided the Court's internal, confidential deliberations are not disclosed.
- d) **Disclosure as necessary to report misconduct or illegal acts** is permitted. Employees may disclose confidential information when such disclosure is necessary to adequately report to an appropriate authority the misconduct or illegal acts of any person, including sexual or other forms of harassment.

4. Continuing confidentiality obligation. An employee's duty to preserve confidentiality survives the employee's departure from the Court. An employee who leaves the Court has the same ongoing duty to protect confidential information that they had during their employment.

Further, the duty to protect information related to the disposition of cases, such as the substance of the Court's deliberations, persists even after an opinion or order is publicly released. Employees asked about a decision of the Court should offer no comment beyond a referral to the released opinion or order.

Finally, employees who depart from Court employment may not retain confidential materials. Employees should return or securely dispose of materials, such as in designated Court shredding bins, prior to an anticipated departure, or as soon as possible after an unanticipated departure.

5. Penalties for unauthorized disclosure: In the event of an unauthorized disclosure of confidential information, the Court will investigate the circumstances and take appropriate disciplinary action, as necessary. Potential disciplinary actions may include but are not limited to:

- a) referral of the matter to the relevant law enforcement agency for investigation and prosecution. *See* Texas Government Code Section 21.013 and Texas Penal Code Section 39.06;
- b) termination of employment;
- c) for attorneys, referral to the State Bar of Texas or of other states for discipline and possible loss of the privilege to practice before Texas or other courts; and
- d) for law students, referral to the Texas Board of Law Examiners for consideration in determining eligibility to practice law.

6. Acknowledgement. Please acknowledge your understanding and agreement to this policy by signing below.

Employee's or Intern's Signature

Date

TRD-202400720
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: February 20, 2024

◆ ◆ ◆
Texas Department of Transportation

Statewide Transportation Improvement Program February 2024 Revision

The Texas Department of Transportation (department) will hold a public hearing on Thursday, March 21, 2024, at 10:00 a.m. Central Standard Time (CST) to receive public comments on the February 2024 Quarterly Revisions to the Statewide Transportation Improvement Program (STIP) for FY 2023-2026. The hearing will be conducted via electronic means. Instructions for accessing the hearing will be published on the department's website at: <https://www.txdot.gov/inside-txdot/get-involved/about/hearings-meetings.html>.

The STIP reflects the federally funded transportation projects in the FY 2023-2026 Transportation Improvement Programs (TIPs) for each Metropolitan Planning Organization (MPO) in the state. The STIP includes both state and federally funded projects for the nonattainment areas of Dallas-Fort Worth, El Paso, Houston and San Antonio. The STIP also contains information on federally funded projects in rural areas that are not included in any MPO area, and other statewide programs as listed.

Title 23, United States Code, §134 and §135 require each designated MPO and the state, respectively, to develop a TIP and STIP as a condition to securing federal funds for transportation projects under Title 23 or the Federal Transit Act (49 USC §5301, et seq.). Section 134 requires an MPO to develop its TIP in cooperation with the state and affected public transit operators and to provide an opportunity for interested parties to participate in the development of the program. Section 135 requires the state to develop a STIP for all areas of the state in cooperation with the designated MPOs and, with respect to non-metropolitan areas, in consultation with affected local officials, and further requires an opportunity for participation by interested parties as well as approval by the Governor or the Governor's designee.

A copy of the proposed February 2024 Quarterly Revisions to the FY 2023-2026 STIP will be available for review, at the time the notice of

hearing is published, on the department's website at: <https://www.txdot.gov/inside-txdot/division/transportation-planning/stips.html>.

Persons wishing to speak at the hearing may register in advance by notifying Karen Burkhard, Transportation Planning and Programming Division, at (512) 484-9813 no later than 12:00 p.m. CST on Wednesday, March 20, 2024. Speakers will be taken in the order registered and will be limited to three minutes. Speakers who do not register in advance will be taken at the end of the hearing. Any interested person may offer comments or testimony; however, questioning of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any persons with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content. Groups, organizations, or associations should be represented by only one speaker. Speakers are requested to refrain from repeating previously presented testimony.

The public hearing will be conducted in English. Persons who have special communication or accommodation needs and who plan to participate in the hearing are encouraged to contact the Transportation Planning and Programming Division, at (512) 484-9813. Requests should be made at least three working days prior to the public hearing. Every reasonable effort will be made to accommodate the needs.

Interested parties who are unable to participate in the hearing may submit comments regarding the proposed February 2024 Quarterly Revisions to the FY 2023-2026 STIP to Humberto Gonzalez, P.E., Director of the Transportation Planning and Programming Division, P.O. Box 149217, Austin, Texas 78714-9217. In order to be considered, all written comments must be received at the Transportation Planning and Programming office by 4:00 p.m. CST on Monday, April 1, 2024.

TRD-202400722
Becky Blewett
Deputy General Counsel
Texas Department of Transportation
Filed: February 20, 2024

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 24 of Volume 49 (2024) is cited as follows: 49 TexReg 24.

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 “49 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 49 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <http://www.sos.state.tx.us>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
26. Health and Human Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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