

IN ADDITION

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

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

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

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 08/14/23 - 08/20/23 is 18% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 08/14/23 - 08/20/23 is 18% for commercial² credit.

¹ Credit for personal, family, or household use.

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

TRD-202302901

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 9, 2023

Texas Education Agency

Request for Applications (RFA) Concerning Subchapter G Adult Education Charter Application (RFA #701-24-108)

Filing Authority. Texas Education Code, §12.255

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-24-108 from eligible entities to operate adult education charter schools. Possible eligible entities include nonprofit entities; school districts; an entity granted a charter under Texas Education Code (TEC), Chapter 12, Subchapter D; general academic teaching institutions; public junior colleges; or public technical institutes, as defined by TEC, §61.003. The entity, or a member of the entity's executive leadership, must have a successful history of providing education services, including industry certifications and job placement services, to adults 18 years of age and older whose educational and training opportunities have been limited by educational disadvantages, disabilities, homelessness, criminal history, or similar marginalizing circumstances. For any of the previously listed entities to be eligible, the criteria named must be met in full, describing a history serving the identified adult learner populations as well as demonstrable success serving those populations. At least one member of the applicant team must attend one required applicant information session webinar. In addition, the board president of the entity, if identified, must attend. A webinar will be held on Friday, August 25, 2023. The public may participate in the webinar by registering in advance at https://zoom.us/webinar/register/WN_sd965zRjS6yYtv-TAMKorkw. Registrants will receive a confirmation email containing information about joining the webinar. The webinar will also be recorded and made available publicly; however, failure to attend the mandatory live webinar in its entirety will disqualify an applicant from further consideration.

Description. The purpose of an adult education charter is to meet industry needs for a sufficiently trained workforce within the state and strengthen the economic and educational prosperity of the state. The adult education charters must be designed to offer a high school program that can lead to a diploma and career and technology education courses that can lead to industry certification. The entity must demonstrate through the application process that the proposed school model complies with allowable provisions under state law and the specific provisions for adult education under TEC, §12.1259. Those provisions include using an instructional model in which a significant portion of instruction, as approved by the commissioner of education, is delivered in a teacher-led, interactive classroom environment; providing access to career and technical education courses that lead to an industry certification, career readiness training, postsecondary counseling, and job-placement services; and providing support services to students, including child care at no cost to students, life coaching services, at a ratio not to exceed one life coach for every 100 students, that use strategic and holistic interventions designed to facilitate graduation planning and assist students in overcoming life obstacles to achieve academic and career goals, mental health counseling, instructional support services for students with identified disabilities or impairments, and transportation assistance. An adult high school charter program is subject to federal laws and certain state laws governing public schools, including laws and rules relating to a criminal offense, requirements relating to the Public Education Information Management System, criminal history records, high school graduation, special education programs, bilingual education, health and safety, requirements to report an educator's misconduct, and the right of an employee to report a crime. The commissioner will evaluate each adult education charter school annually according to the performance framework adopted specifically for these schools. The commissioner may revoke the charter if the charter's adult education program fails to meet the minimum performance standards established by commissioner rule on the applicable accountability framework for three consecutive school years after the second year of operation.

Dates of Project. An electronic version of the completed application must be submitted to TEA by 5:00 p.m. (Central Time), Tuesday, October 31, 2023, to be eligible for review.

Project Amount. TEC, §12.263, specifies the following.

(a) Except as otherwise provided by this section, funding for an adult education program operated under a charter granted under TEC, Chapter 12, Subchapter G, is an amount per participant through the Foundation School Program equal to the amount of state funding per student in weighted average daily attendance that would be allocated under the Foundation School Program for the student's attendance at an open-enrollment charter school in accordance with TEC, §12.106.

(b) For purposes of determining the average daily attendance of an adult education program operated under a charter granted under TEC, Chapter 12, Subchapter G, a student is considered to be in average daily attendance, with a 100% attendance rate, for (1) all of the instructional days of the school year, if the student is enrolled for at least 75% of the school year; (2) half of the instructional days of the school year, if the student is enrolled for at least 50% but less than 75% of the school year; (3) a quarter of the instructional days of the school year, if the student

is enrolled for at least 25% but less than 50% of the school year; or (4) one-tenth of the instructional days of the school year, if the student is enrolled for at least 10% but less than 25% of the school year.

(c) A student enrolled in an adult education program operated under a charter granted under TEC, Chapter 12, Subchapter G, for less than 10% of a school year may not be counted toward the adult education program's average daily attendance for that school year.

(d) For purposes of the compensatory education allotment under TEC, §48.104, the commissioner shall (1) permit an adult education program operated under a charter granted under TEC, Chapter 12, Subchapter G, to give a final report at the end of each school year of students who were enrolled in the adult education program at any time during that school year and who qualify for that allotment; and (2) provide the allotment for each student reported under subsection (d)(1) in an amount proportional to the duration of the student's enrollment in the adult education program.

(e) For purposes of the college, career, or military readiness outcomes bonus under TEC, §48.110, notwithstanding subsection (f) of that section, an annual graduate of an adult education program operated under a charter granted under TEC, Chapter 12, Subchapter G, demonstrates career readiness by earning an industry-accepted certificate not later than six months after completing the program.

(f) In addition to funding provided under subsection (a), an eligible entity granted a charter under TEC, Chapter 12, Subchapter G, is entitled to receive for the adult education program an annual allotment, provided in accordance with a schedule established by commissioner rule, equal to the maximum basic allotment under TEC, §48.051(a) or (b), multiplied by (1) for each credit earned by a student enrolled in the adult education program during the preceding school year (A) 0.01 for a course other than a career and technology education course; and (B) 0.02 for a career and technology education course; and (2) 0.1 for each student who successfully completed the adult education program and earned a high school diploma during the preceding school year.

(g) TEC, §12.107 and §12.128, apply as though funds under this section were funds under TEC, Subchapter D.

(h) Notwithstanding any other law, for purposes of any budget reductions requested by the Legislative Budget Board or the governor, any money received by a nonprofit entity granted a charter under TEC, Chapter 12, Subchapter G, or appropriated to the agency for purposes of operating an adult education program under TEC, Chapter 12, Subchapter G, is considered to be part of the foundation school program and is not subject to those budget reductions. TEC, §12.258, specifies for admission that (a) a person who is at least 18 years of age and not more than 50 years of age is eligible to enroll in an adult education program operated under a charter granted under TEC, Chapter 12, Subchapter G, if the person (1) has failed to complete the curriculum requirements for high school graduation; or (2) has failed to perform satisfactorily on an assessment instrument required for high school graduation.

(b) In admitting students to an adult education program operated under a charter granted under TEC, Chapter 12, Subchapter G, an eligible entity shall give priority to a person who has not earned a high school equivalency certificate.

Selection Criteria. A complete description of selection criteria is included in the RFA. The commissioner may approve adult high school charter schools as provided in TEC, §12.255. There is currently one adult education charter approved under TEC, §12.255. There is a cap of 10 adult education charters approved under TEC, §12.255.

Requesting the Application. An application must be submitted under commissioner guidelines to be considered. A complete copy of the publication Subchapter G Adult Education Charter Application (RFA

#701-24-108), which includes an application and guidance, may be obtained on the TEA website at <https://tea.texas.gov/texas-schools/texas-schools-charter-schools/charter-school-applicants>.

Further Information. For clarifying information about the adult high school charter school application, contact the Division of Authorizing, Texas Education Agency, at (512) 463-9575 or charterapplication@tea.texas.gov.

Issued in Austin, Texas, on August 9, 2023.

TRD-202302895

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: August 9, 2023

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 19, 2023**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **September 19, 2023**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: BUCKEYE KNOLL, INCORPORATED; DOCKET NUMBER: 2023-0257-UTL-E; IDENTIFIER: RN101439289; LOCATION: George West, Live Oak County; TYPE OF FACILITY: retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service; RULE VIOLATED: TWC, §13.1394(b)(2), by failing to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the facility's ability to provide emergency operations; PENALTY: \$510; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(2) COMPANY: City of Athens; DOCKET NUMBER: 2021-1168-MWD-E; IDENTIFIER: RN101702041; LOCATION: Athens, Henderson County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0010143001, Effluent Limitations and Monitoring Requirements Numbers 1 and 2, by failing to comply with permitted effluent limitations; PENALTY: \$18,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$15,000; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(3) COMPANY: CITY OF HILLSBORO; DOCKET NUMBER: 2023-0905-WQ-E; IDENTIFIER: RN102844180; LOCATION: Hillsboro, Hill County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit for stormwater discharges; PENALTY: \$875; ENFORCEMENT COORDINATOR: Heather Lancour, (806) 468-0507; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(4) COMPANY: CLIFTON FOOD MART, L.L.C.; DOCKET NUMBER: 2022-0342-PST-E; IDENTIFIER: RN101662724; LOCATION: Clifton, Bosque County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued underground storage tank (UST) delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; and 30 TAC §334.8(c)(5)(C), by failing to ensure that a legible tag, label or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a non-removable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form; PENALTY: \$6,469; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(5) COMPANY: Denali Water Solutions LLC and Fralise Farm and Ranch, LLC; DOCKET NUMBER: 2022-0890-SLG-E; IDENTIFIER: RN111471389; LOCATION: Sour Lake, Hardin County; TYPE OF FACILITY: water treatment plant (WTP) residuals land application site; RULES VIOLATED: 30 TAC §312.4(a) and §312.122, by failing to obtain authorization to dispose of WTP residuals in a land application unit; PENALTY: \$4,875; ENFORCEMENT COORDINATOR: Heather Lancour, (806) 468-0507; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(6) COMPANY: Klippenstein Trailers, LLC; DOCKET NUMBER: 2023-0615-AIR-E; IDENTIFIER: RN111355475; LOCATION: Petty, Lamar County; TYPE OF FACILITY: trailer manufacturing facility; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$2,675; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(7) COMPANY: M A MORTENSON COMPANY; DOCKET NUMBER: 2023-0880-WQ-E; IDENTIFIER: RN111417531; LOCATION: Haskell, Haskell County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$875; ENFORCEMENT COORDINATOR:

Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(8) COMPANY: Pool Brothers, LLC; DOCKET NUMBER: 2023-0551-MWD-E; IDENTIFIER: RN109927756; LOCATION: Alvarado, Johnson 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 WQ0015611001, Effluent Limitations and Monitoring Requirements Numbers 1 and 6, by failing to comply with permitted effluent limitations; PENALTY: \$25,866; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: Shell USA, Incorporated f/k/a Shell Oil Company; DOCKET NUMBER: 2021-0555-AIR-E; IDENTIFIER: RN100211879; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.115(c), 116.715(a), and 122.143(4), New Source Review Permit Numbers 21262 and PSDTX928, Special Conditions Number 1, Federal Operating Permit Number O1669, General Terms and Conditions and Special Terms and Conditions Number 26, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$5,250; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: SHIELDCOAT TECHNOLOGIES INCORPORATED; DOCKET NUMBER: 2023-0921-WQ-E; IDENTIFIER: RN100212679; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit for stormwater discharges; PENALTY: \$875; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-3056; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202302799

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 8, 2023



Enforcement Orders

An agreed order was adopted regarding YOE GROUP, LTD., Docket No. 2020-1133-PST-E on August 8, 2023 assessing \$5,351 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cynthia Sirois, 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 RCH WATER SUPPLY CORPORATION, Docket No. 2021-0601-PWS-E on August 8, 2023 assessing \$3,150 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan L. Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Juan Francisco Rodriguez, Docket No. 2022-0147-AIR-E on August 8, 2023 assessing \$5,000 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.

TRD-202302903
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 9, 2023



Notice of an Application for a Temporary Water Use Permit Application No. 13884

Notices Issued August 03, 2023

Chesapeake Operating, L.L.C., Applicant, P.O. Box 18496, Oklahoma City, Oklahoma 73154, seeks a temporary water use permit to divert and use not to exceed 386.7 acre-feet of water, within a period of three years, from an unnamed tributary of Little Brazos River, Brazos River Basin, at a maximum diversion rate of 7.49 cfs (3,360 gpm), for mining purposes in Robertson County. More information on the application and how to participate in the permitting process is given below.

The application was received on October 28, 2022. Additional information and fees were received on December 1 and 8, 2022. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on January 20, 2023.

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

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by August 21, 2023. A public meeting is intended for the taking of public comment, and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by August 21, 2023. The Executive Director may approve the application unless a written request for a contested case hearing is filed by August 21, 2023.

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

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

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 13884 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

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

TRD-202302906
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 9, 2023



Notice of District Petition

Notice issued August 7, 2023

TCEQ Internal Control No. D-06282023-060; Hays Commons Land Investments, LP, a Texas limited partnership, (Petitioner) filed a petition for creation of Hays Commons Municipal Utility District (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, Horizon Bank, SSB, on the property to be included in the proposed District and the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 290.388 acres located within Hays County, Texas; and (4) the land within the proposed District is within the extraterritorial jurisdiction of the City of Hays. The petition further states that the proposed District will: (1) purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to provide a water supply for municipal uses, domestic uses, and commercial purposes; (2) purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to gather, conduct, divert and control local storm water or other local harmful excesses of water in the proposed District and the payment of organization expenses, operational expenses during construction and interest during construction; (4) purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to 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, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to provide such other 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 Peti-

tioners that the cost of said project will be approximately \$30,000,000 (\$24,500,000 for water, wastewater, and drainage and \$5,500,000 for roads). The Property is located within the extraterritorial jurisdiction of the City of Hays, Hays County, Texas (the "City"). 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 proposed District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and the 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 initiate proceedings to include the land within the proposed 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-202302907

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 9, 2023



Notice of District Petition

Notice issued August 7, 2023

TCEQ Internal Control No. D-06162023-032; Bailey Land Investments, LP, a Texas limited partnership and Armbruster Land Investments, LP, a Texas limited partnership, (Petitioners) filed a petition for creation of Persimmon Municipal Utility District (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 Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there are two lienholders, International Bank of Commerce and Labenski Branch, LP, a Texas limited partnership, on the property to be included in the proposed District and information provided indicates that the lienholders consent to the creation of the proposed District; (3) the proposed District will contain approximately 459 acres located within Hays County, Texas; and (4) the land within the proposed District is within the extraterritorial jurisdiction of the City of Buda. In accordance with Local Government Code §42.042 and Texas Water Code §54.016, the Petitioners submitted a petition to the City of Buda, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, the Petitioners submitted a petition to the City to provide water and sewer services to the proposed District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code §54.016(c) expired and the information provided indicates that the Petitioners 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 Petitioners to initiate proceedings to include the land within the proposed District. The petition further states that the proposed District will purchase, construct, acquire, repair, extend and improve land, easements, works, improvements, facilities, plants, equipment, and appliances necessary to: (1) provide a water supply for municipal uses and commercial purposes; (2) collect, transport, process, dispose of and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state; (3) gather, conduct, divert, and control local stormwater or other local harmful excesses of water in the proposed District and the payment of organization expenses, operational expenses during construction and interest during construction; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads, or improvements in aid of those roads; and (5) provide such other 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 \$110,840,000 (\$91,320,000 for water, wastewater, and drainage plus \$19,520,000 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-202302908

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 9, 2023



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

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 19, 2023**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 19, 2023**. The commission's attorney is available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, pro-

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

(1) COMPANY: John Bednarik; DOCKET NUMBER: 2022-0154-MSW-E; TCEQ ID NUMBER: RN109856955; LOCATION: 263 County Road 4071, Woodville, Tyler County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULE VIOLATED: 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; PENALTY: \$3,750; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202302808

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: August 8, 2023



Notice of Water Quality Application

The following notice was issued on August 02, 2023:

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

INFORMATION SECTION

Campbell Soup Supply Company L.L.C., which operates Campbell Soup Paris Plant, a canning facility that produces various soups and other specialty foods, and manufactures steel containers, has applied for a minor amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001012000 to move the monitoring requirements and effluent limitations for oil and grease from internal Outfall 101 to Outfall 001 and to remove Other Requirement No. 13 (self-imposed operator certification requirements). The draft permit authorizes the discharge of treated process wastewater, utility wastewater, and stormwater via Outfall 001 at a daily average flow rate not to exceed 10,000,000 gallons per day. The facility is located at 500 North Loop 286, which is approximately 1/4 mile west of the intersection of United States Loop Highway 286 and United States Highway 271, in the northern portion of the City of Paris, Lamar County, Texas 75460.

TRD-202302904

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 9, 2023



Notice Public Meeting New Permit No. WQ0016202001

APPLICATION. The Psalm 25:10 Foundation, 3000 Altamesa Boulevard, Suite 300, Fort Worth, Texas 76133, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016202001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day. TCEQ received this application on August 12, 2022.

The facility will be located approximately 0.5 miles northwest of the intersection of West Farm-to-Market Road 4 and Farm-to-Market Road 2331, in Johnson County, Texas 76044. The treated effluent will be

discharged to an unnamed tributary, thence to West Fork Nolan River, thence to Nolan River, thence to Lake Pat Cleburne in Segment No. 1228 of the Brazos River Basin. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary and West Fork Nolan River. The designated uses for Segment No. 1228 are primary contact recreation, public water supply, and high aquatic life use. In accordance with 30 Texas Administrative Code §307.5 and the 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://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-97.554722%2C32.400555&level=12>

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.

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. 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, September 19, 2023 at 7:00 p.m.

Cleburne Conference Center

1501 W. Henderson Street

Cleburne, Texas 76033

INFORMATION. Members of the public are encouraged to submit written comments anytime during the 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 www.tceq.texas.gov/goto/comment. 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. *Si desea información en español, puede llamar (800) 687-4040.* General information about the TCEQ can be found at our web site at <https://www.tceq.texas.gov>.

The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at City of Godley Municipal Complex, City Secretary's Office, 200 West Railroad Street, Godley, Texas. Further information may also be obtained from The Psalm 25:10 Foundation at the address stated above or by calling Mr. Richard Alberque, Director of Land Development, TCCI Land Development Inc., at (214) 734-0360/(469) 688-8224.

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.

Issuance Date: August 04, 2023

TRD-202302905

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: August 9, 2023

◆ ◆ ◆

General Land Office

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

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of July 28, 2023 to August 4, 2023. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, August 11, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, September 10, 2023.

Federal License and Permit Activities:

Applicant: Bobby Hall

Location: The project site is located in wetlands adjacent to the Gulf of Mexico, at 242 County Road 230, in Sargent, Matagorda County, Texas.

Latitude and Longitude: 28.772331, -95.611846

Project Description: The applicant proposes to discharge 555.55 cubic yards of fill material into 0.17 acre of wetlands adjacent to the Gulf of Mexico for the purposes of a residential home construction with required amenities.

The applicant has stated that they have avoided and minimized the environmental impacts by using the minimal amount of fill material necessary to meet their residential infrastructure needs. The applicant has not proposed mitigation.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2021-00779. This application will be reviewed pursuant to Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1344-F1

Applicant: Alys Capital Credit Fund, LLC

Location: The 11.5-acre project site is located in palustrine wetlands on North Padre Island immediately adjacent to, and southwest of, the intersection of South Padre Island Drive/Park Road 22 and Whitecap Boulevard, in Corpus Christi, Nueces County, Texas.

Latitude and Longitude:

Project Site: Latitude: 27.60059, -97.22332

Proposed Mitigation Site: Latitude: 27.51216, -97.26941

Project Description: The applicant proposes to place approximately 21,500 cubic yards of clean earthen fill into 8.8 acres of palustrine wetland in order to construct a hotel and condominium residences on North Padre Island, Texas. The project would consist of a five-story development, including one-, two-, three-, and four-bedroom units with ground floor retail and office components, and a rooftop pool, restaurant, bar, and amenity desk. Site development would also include additional commercial pad sites within the property boundary to support the overall project. In total, the project includes 245 residential units, 27,802-square-foot of commercial space, 15,645-square-foot of office space, 2,635-square-foot of storage, two restaurant pad sites totaling 11,148-square-foot, parking facilities for 690 vehicles, and various other common areas and amenities.

Unavoidable impacts to approximately 8.8 acres of palustrine wetland would be compensated for by the implementation of an approximate 21.4-acre offsite permittee-responsible mitigation project on Nueces County-owned land in Kleberg County property, located approximately 6.5 miles south-southwest of the impact site. The proposed mitigation property includes a historical access road and disturbed area, and historically excavated drainage features that act to drain natural wetland habitat. Proposed mitigation components total approximately 21.4 acres and include wetland creation, enhancement, and restoration. As proposed, the applicant states that the mitigation project would result in no-net-loss of aquatic habitat value and function and would provide enhanced value to the watershed and to numerous avian and mammalian species at a 2.4:1 mitigation-to-impact ratio.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2007-01509. This application will be reviewed pursuant to Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1342-F1

Applicant: Carlo Cantu

Location: The project site is located in the Laguna Madre, adjacent to 116 Bay Harbor, South Padre Island, in Cameron County, Texas.

Latitude and Longitude: 26.1317, -97.1743

Project Description: The applicant proposes to build a three story, single-family residence with a driveway. The residence would consist of a driveway and sidewalk leading to the entry, the footprint of the house, and seven driven piles. The driveway and sidewalk would impact 0.001 acre of transitional palustrine emergent marsh (PEM). The house footprint would impact 0.031 acre of transitional PEM and estuarine and marine wetland habitat. Seven piles would be driven to support the upper stories of the residence and impact 0.0006 acre of estuarine and marine wetland habitat. The estuarine and marine wetland habitats are tidally influenced and piles may be within open water during certain times of the day.

The applicant has stated that they have avoided and minimized the environmental impacts by using seven driven piles to support the upper stories of the residence. The slope of the base of the residence has also been increased so that impacts are reduced. No mitigation is proposed.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2023-00151. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by the Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 23-1282-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202302809

Mark Havens

Chief Clerk

General Land Office

Filed: August 8, 2023

Texas Health and Human Services Commission

Public Notice: Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act.

The purpose of the amendment is to update the payment rate for the Pediatric Care Facility Special Reimbursement Class of Nursing Facilities. HHSC is making this change in accordance with the 2024-25 General Appropriations Act, House Bill 1, 88th Texas Legislature, Regular Session, 2023 (Article II, HHSC, Rider 35), which provides appropriations for a reimbursement rate increase for this facility type. The proposed amendment is effective September 1, 2023.

The proposed amendment is estimated to result in an annual aggregate fee-for-service expenditure of \$159,117 for federal fiscal year 2023, consisting of \$99,241 in federal funds and \$59,876 in state general revenue. For federal fiscal year 2024, the estimated annual aggregate fee-for-service expenditure is \$1,909,401, consisting of \$1,148,505 in federal funds and \$760,896 in state general revenue. For federal fiscal

year 2025, the estimated annual aggregate fee-for-service expenditure is \$1,909,401, consisting of \$1,155,188 in federal funds and \$754,213 in state general revenue.

Further detail on specific reimbursement rate changes is available on the HHSC Provider Finance Department (PFD) website under the proposed effective date at <http://pfd.hhs.texas.gov/rate-packets>.

A rate hearing was held on July 11, 2023, at 9:00 a.m. in Austin, Texas. Information about the proposed rate change and the hearing can be found in the June 16, 2023, issue of the *Texas Register* on pages 3342-3343 at <http://www.sos.state.tx.us/texreg/index.shtml>. Archived recordings of the hearing can be found at <https://www.hhs.texas.gov/about/meetings-events>.

Copy of Proposed Amendment(s). To obtain copies of the proposed amendment, interested parties may contact Nicole Hotchkiss, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-5035; by facsimile at (512) 730-7472; or by email at medicaid_chip_spa_inquiries@hhsc.state.tx.us. Copies of the proposal will also be made available for public review at the local offices of HHSC.

Written Comments. Written comments and requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail Texas Health and Human Services Commission Attention: Provider Finance, Mail Code H-400 P.O. Box 149030 Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery Texas Health and Human Services Commission Attention: Provider Finance, Mail Code H-400 North Austin Complex

4601 West Guadalupe Street

Austin, Texas 78751 Phone number for package delivery: (512) 730-7401

Fax Attention: Provider Finance at (512) 730-7475

Email PFD-LTSS@hhs.texas.gov

Preferred Communication.

For quickest response, please use e-mail or phone, if possible, for communication with HHSC related to this state plan amendment.

TRD-202302761

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 3, 2023



Public Notice: YES Amendment Effective 1-1-2024

The Texas Health and Human Services Commission (HHSC) is submitting a request to the Centers for Medicare & Medicaid Services (CMS) to amend the waiver application for the Youth Empowerment Services (YES) Program. HHSC administers the YES Program under the authority of Section 1915(c) of the Social Security Act. CMS has approved the YES waiver application through March 31, 2028. The proposed effective date for the amendment is January 1, 2024 and does not affect the cost neutrality of the waiver.

The YES Program is designed to provide home and community-based services to children and youth with serious emotional disturbances and their families, with a goal of reducing or preventing children's inpatient

psychiatric treatment and the consequent removal from their families. The program currently serves eligible children who are at least three years of age and under 19 years of age.

The request proposes to amend Appendix I to change existing language regarding Electronic Visit Verification (EVV) requirements. HHSC will require program providers to use EVV for certain services. This requirement is to address the expansion of EVV in home health care services as required by §1903(l) of the Social Security Act (U.S.C. Title 42, §1396b, subsection l) as amended by the 21st Century Cures Act. The service impacted by this change in the YES waiver is in-home respite.

HHSC is also replacing the term "Child and Family Team Meeting" with "Wraparound Planning Meeting" throughout the waiver application to reflect the recommended name change from the National Wrap-around Implementation Center (NWIC) and align with NWIC trainings and program materials.

To obtain a free copy of the proposed waiver amendment, ask questions, obtain additional information, or submit comments about the amendment, please contact Jayasree Sankaran by U.S. mail, telephone, fax, or email at the addresses and numbers below. A copy of the proposed waiver amendment may also be obtained online on the HHSC website at:

<https://www.hhs.texas.gov/laws-regulations/policies-rules/waivers>

Comments about the proposed waiver amendment must be submitted to HHSC by September 18, 2023.

The HHSC local offices of social services will post this notice for 30 days and will have copies of the amendment available for review.

Addresses:

U.S. Mail

Texas Health and Human Services Commission

Attention: Jayasree Sankaran, Waiver Coordinator, Federal Coordination, Rules and Committees

701 West 51st Street, Mail Code H-310

Austin, Texas 78751

Telephone

(512) 438-4331

Fax

Attention: Jayasree Sankaran, Waiver Coordinator at (512) 323-1905

Email

TX_Medicaid_Waivers@hhs.texas.gov

TRD-202302810

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 8, 2023



Texas Department of Licensing and Regulation

Notice of Vacancies on the Auctioneer Advisory Board

The Texas Department of Licensing and Regulation (Department) announces five vacancies on the Auctioneer Advisory Board (Board) established by Texas Occupations Code, Chapter 1802. The pertinent rules may be found in 16 Texas Administrative Code §67.65. The pur-

pose of the Auctioneer Advisory Board is to advise the Texas Commission of Licensing and Regulation (Commission) on educational matters, operational matters, and common practices within the auction industry. **This announcement is for:**

- **four licensed auctioneers;**
- **one public member.**

The Board is composed of seven members appointed by the presiding officer of the Commission, with the Commission's approval. The auctioneer members appointed under Section 1802.102(a)(1) serve six-year terms that expire on September 1 and may not serve more than two consecutive terms. The composition of the board shall include:

- four members who are licensed auctioneers;
- one member who is the administrative head, or the administrative head's designee, of any state agency or office that is selected by the Commission; and
- two public members.

Interested persons should apply on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application via e-mail at advisory.boards@tdlr.texas.gov.

This is not a paid position and there is no compensation or reimbursement for serving on the Board.

Issued in Austin, Texas on August 18, 2023.

TRD-202302884

Mike Arismendez

Executive Director

Texas Department of Licensing and Regulation

Filed: August 9, 2023



Texas Lottery Commission

Scratch Ticket Game Number 2513 "\$1,000,000 CROSSWORD"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2513 is "\$1,000,000 CROSSWORD". The play style is "crossword".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2513 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2513.

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: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, BLACKENED SQUARE SYMBOL, \$20.00, \$40.00, \$50.00, \$100, \$150, \$200, \$500 and \$1,000.

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. Crossword and Bingo style games do not typically have Play Symbol Captions. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2513 - 1.2D

PLAY SYMBOL	CAPTION
A	
B	
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	
V	
W	
X	
Y	
Z	
BLACKENED SQUARE SYMBOL	

\$20.00	TWY\$
\$40.00	FRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$150	ONFF
\$200	TOHN
\$500	FVHN
\$1,000	ONTH

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 (2513), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2513-0000001-001.

H. Pack - A Pack of the "\$1,000,000 CROSSWORD" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 025 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 025 will be shown on the back of the Pack.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$1,000,000 CROSSWORD" Scratch Ticket Game No. 2513.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. Each Scratch Ticket contains exactly four hundred eighty-four (484) Play Symbols. A prize winner in the "\$1,000,000 CROSSWORD" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose Play Symbols as follows: \$1,000,000 CROSSWORD PLAY INSTRUCTIONS: The player completely scratches all of the YOUR 20 LETTERS Play Symbols. The player then scratches all the letters found in the \$1,000,000 CROSS-

WORD puzzle that exactly match the YOUR 20 LETTERS Play Symbols. If the player has scratched at least 2 complete WORDS, the player wins the prize found in the PRIZE LEGEND on the back of the Scratch Ticket. Only 1 prize paid in the \$1,000,000 CROSSWORD puzzle. Only letters within the \$1,000,000 CROSSWORD puzzle that are matched with the YOUR 20 LETTERS Play Symbols can be used to form a complete WORD. Every lettered square within an unbroken horizontal (left to right) or vertical (top to bottom) sequence must be matched with the YOUR 20 LETTERS Play Symbols to be considered a complete WORD. Words revealed in a diagonal sequence are not considered valid WORDS. Words within WORDS are not eligible for a prize. Words that are spelled from right to left or bottom to top are not eligible for a prize. A complete WORD must contain at least 3 letters. BONUS WORDS PLAY INSTRUCTIONS: The player scratches all the letters in BONUS WORD 1 and BONUS WORD 2 that exactly match the YOUR 20 LETTERS Play Symbols. If the player scratches a complete BONUS WORD, the player wins the PRIZE for that BONUS WORD. A completed BONUS WORD cannot be used to win in the \$1,000,000 CROSSWORD puzzle. The \$1,000,000 CROSSWORD puzzle and each BONUS WORD are played separately. 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 four hundred eighty-four (484) 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. Crossword and Bingo style games do not typically have Play Symbol Captions;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The 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 four hundred eighty-four (484) 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 four hundred eighty-four (484) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the four hundred eighty-four (484) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

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

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

2.2 Programmed Game Parameters.

A. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

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

C. GENERAL: Each Ticket in a Pack will be different (i.e., the \$1,000,000 CROSSWORD puzzle grid will have different words and configuration of words and each BONUS WORD will have different words).

D. GENERAL: There will be no correlation between any exposed data on a Ticket and its status as a winning or Non-Winning Ticket.

E. GENERAL: Each Ticket consists of a \$1,000,000 CROSSWORD puzzle grid, a YOUR 20 LETTERS play area, two (2) BONUS WORD play areas and a BONUS WORDS PRIZE play area.

F. GENERAL: A Ticket can win one (1) time in the \$1,000,000 CROSSWORD puzzle grid and one (1) time per BONUS WORD for a total of up to three (3) times per Ticket, as dictated by the prize structure.

G. GENERAL: The BONUS WORDS Prize Symbols will only appear in the BONUS WORDS PRIZE play area and will never appear in either of the BONUS WORDS play areas, the \$1,000,000 CROSSWORD puzzle grid or the YOUR 20 LETTERS play area.

H. \$1,000,000 CROSSWORD: The \$1,000,000 CROSSWORD puzzle grid will be formatted with at least one thousand (1,000) configurations (i.e., puzzle layouts not including words).

I. \$1,000,000 CROSSWORD: All \$1,000,000 CROSSWORD puzzle grid configurations will be formatted within a grid that contains thirty (30) spaces (height) by fifteen (15) spaces (width).

J. \$1,000,000 CROSSWORD: No matching words on a Ticket.

K. \$1,000,000 CROSSWORD: No matching Play Symbols in the YOUR 20 LETTERS play area.

L. \$1,000,000 CROSSWORD: Each grid will contain the following: a) Twelve (12) 3 - letter words, b) Thirteen (13) 4 - letter words, c) Ten (10) 5 - letter words, d) Ten (10) 6 - letter words, e) Five (5) 7 - letter words, f) Five (5) 8 - letter words, g) Five (5) 9 - letter words.

M. \$1,000,000 CROSSWORD: There will be a minimum of three (3) vowels in the YOUR 20 LETTERS play area. Vowels are A, E, I, O and U.

N. \$1,000,000 CROSSWORD: All words will contain a minimum of three (3) letters.

O. \$1,000,000 CROSSWORD: Words will contain a maximum of nine (9) letters.

P. \$1,000,000 CROSSWORD: All words used will be from TX_Approved_Words_Vers.2.042321.doc.

Q. \$1,000,000 CROSSWORD: Words from TX_Prohibited_Words_Vers.2.042321.docx will not appear horizontally in the YOUR 20 LETTERS play area when read from left to right or right to left.

R. \$1,000,000 CROSSWORD: A player will never find a word horizontally (in either direction), vertically (in either direction) or diagonally (in either direction) in the YOUR 20 LETTERS play area that matches a word in the grid.

S. \$1,000,000 CROSSWORD: Each grid will have a maximum number of different grid formations with respect to other constraints. That is, for identically formatted grids (i.e., the same puzzle grid), all "approved words" will appear in every logical (i.e., 3 letter word = 3 letter space) position, with regards to limitations caused by the actual letters contained in each word (i.e., this will not place the word "ZOO" in a position that causes an intersection word to require the second letter

to be "Z" when in fact, there are no approved words with a "Z" in the second letter position).

T. \$1,000,000 CROSSWORD: No consonant will appear more than thirty (30) times in the grid.

U. \$1,000,000 CROSSWORD: On Non-Winning Tickets, there will be one (1) completed word in the grid.

V. \$1,000,000 CROSSWORD: At least fifteen (15) of the YOUR 20 LETTERS Play Symbols will open at least one (1) letter in the grid.

W. \$1,000,000 CROSSWORD: The presence or absence of any letter in the YOUR 20 LETTERS play area will not be indicative of a winning or Non-Winning Ticket.

X. \$1,000,000 CROSSWORD: The \$1,000,000 CROSSWORD puzzle grid will not have more than ten (10) words completed.

Y. BONUS WORDS: Each of the two (2) BONUS WORDS will contain exactly six (6) letters and will not match any word in the \$1,000,000 CROSSWORD puzzle grid.

Z. BONUS WORDS: Each BONUS WORD will have at least two (2) letter play spots opened by the YOUR 20 LETTERS.

AA. BONUS WORDS: Non-winning BONUS WORDS Prize Symbols will be different and will not match a winning Prize Symbol.

BB. BONUS WORDS: The BONUS WORDS can be completed and won, as indicated by the prize structure.

CC. BONUS WORDS: The two (2) BONUS WORDS on a Ticket will be different.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$1,000,000 CROSSWORD" Scratch Ticket Game prize of \$20.00, \$40.00, \$50.00, \$100, \$150, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$40.00, \$50.00, \$100, \$150, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$1,000,000 CROSSWORD" Scratch Ticket Game prize of \$2,000, \$20,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$1,000,000 CROSSWORD" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If

a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
 2. in default on a loan made under Chapter 52, Education Code;
 3. in default on a loan guaranteed under Chapter 57, Education Code; or
 4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.
- E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

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

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$1,000,000 CROSSWORD" 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 "\$1,000,000 CROSSWORD" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

3.0 Scratch Ticket Ownership.

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

Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

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

4.0 Number and Value of Scratch Prizes. There will be approximately 10,080,000 Scratch Tickets in Scratch Ticket Game No. 2513. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2513 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	1,344,000	7.50
\$40.00	470,400	21.43
\$50.00	537,600	18.75
\$100	470,400	21.43
\$150	42,504	237.15
\$200	84,000	120.00
\$500	7,056	1,428.57
\$2,000	250	40,320.00
\$20,000	20	504,000.00
\$1,000,000	4	2,520,000.00

*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 3.41. 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. 2513 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2513, the State Lottery Act (Texas Government Code, Chap-

ter 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-202302797
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: August 8, 2023



Scratch Ticket Game Number 2514 "\$1,000,000 CASH BLAST"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2514 is "\$1,000,000 CASH BLAST". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2514 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2514.

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, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, STACK OF CASH SYMBOL, 5X SYMBOL, 10X SYMBOL, 20X SYMBOL, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$2,000, \$25,000, \$100,000 and \$1,000,000.

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

Figure 1: GAME NO. 2514 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
27	TWSV
28	TWET
29	TWNH
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
STACK OF CASH SYMBOL	WIN\$
5X SYMBOL	WINX5
10X SYMBOL	WINX10
20X SYMBOL	WINX20

\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$2,000	TOTH
\$25,000	25TH
\$100,000	100TH
\$1,000,000	TPPZ

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

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

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2514), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2514-0000001-001.

H. Pack - A Pack of the "\$1,000,000 CASH BLAST" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). The front of Ticket 001 will be shown on the front of the Pack; the back of Ticket 025 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 025 will be shown on the back of the Pack.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$1,000,000 CASH BLAST" Scratch Ticket Game No. 2514.

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 "\$1,000,000 CASH BLAST"

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 "STACK OF CASH" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly sixty-six (66) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

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

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-six (66) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

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

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

16. Each of the sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-six (66) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

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

C. A Ticket can win up to thirty (30) times.

D. A non-winning Prize Symbol will never match a winning Prize Symbol.

E. On winning and Non-Winning Tickets, the top cash prizes of \$2,000, \$25,000, \$100,000 and \$1,000,000 will each appear at least once, ex-

cept on Tickets winning thirty (30) times and with respect to other parameters, play action or prize structure.

F. No matching non-winning YOUR NUMBERS Play Symbols will appear on a Ticket.

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

H. No matching WINNING NUMBERS Play Symbols will appear on a Ticket.

I. All YOUR NUMBERS Play Symbols, excluding the "20X" (WINX20) Play Symbol, will never equal the corresponding Prize Symbol (i.e., \$30 and 30 and \$50 and 50).

J. On all Tickets, a Prize Symbol will not appear more than four (4) times, except as required by the prize structure to create multiple wins.

K. On Non-Winning Tickets, a WINNING NUMBERS Play Symbol will never match a YOUR NUMBERS Play Symbol.

L. The "STACK OF CASH" (WINS) Play Symbol will win the prize for that Play Symbol.

M. The "STACK OF CASH" (WINS) Play Symbol will never appear more than once on a Ticket.

N. The "STACK OF CASH" (WINS) Play Symbol will never appear on a Non-Winning Ticket.

O. The "STACK OF CASH" (WINS) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

P. The "STACK OF CASH" (WINS) Play Symbol will never appear on the same Ticket as the "5X" (WINX5), "10X" (WINX10) or "20X" (WINX20) Play Symbols.

Q. The "5X" (WINX5) Play Symbol will never appear more than once on a Ticket.

R. The "5X" (WINX5) Play Symbol will win 5 TIMES the prize for that Play Symbol and will win as per the prize structure.

S. The "5X" (WINX5) Play Symbol will never appear on a Non-Winning Ticket.

T. The "5X" (WINX5) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

U. The "10X" (WINX10) Play Symbol will never appear more than once on a Ticket.

V. The "10X" (WINX10) Play Symbol will win 10 TIMES the prize for that Play Symbol and will win as per the prize structure.

W. The "10X" (WINX10) Play Symbol will never appear on a Non-Winning Ticket.

X. The "10X" (WINX10) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

Y. The "20X" (WINX20) Play Symbol will never appear more than once on a Ticket.

Z. The "20X" (WINX20) Play Symbol will win 20 TIMES the prize for that Play Symbol and will win as per the prize structure.

AA. The "20X" (WINX20) Play Symbol will never appear on a Non-Winning Ticket.

BB. The "20X" (WINX20) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

CC. Different multiplier Play Symbols can appear on the same Ticket in a winning combination, as per the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$1,000,000 CASH BLAST" Scratch Ticket Game prize of \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$1,000,000 CASH BLAST" Scratch Ticket Game prize of \$2,000, \$25,000, \$100,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$1,000,000 CASH BLAST" 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 "\$1,000,000 CASH BLAST" 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 "\$1,000,000 CASH BLAST" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

2.9 Promotional Second-Chance Drawings. Any Non-Winning "\$1,000,000 CASH BLAST" Scratch Ticket may be entered into one (1) of five (5) 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 Prizes. There will be approximately 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2514. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2514 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	964,800	8.33
\$30.00	578,880	13.89
\$50.00	450,240	17.86
\$100	257,280	31.25
\$200	103,850	77.42
\$500	4,154	1,935.48
\$2,000	1,800	4,466.67
\$25,000	32	251,250.00
\$100,000	5	1,608,000.00
\$1,000,000	4	2,010,000.00

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

**The overall odds of winning a prize are 1 in 3.41. 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. 2514 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2514, 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-202302909

Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: August 9, 2023



Scratch Ticket Game Number 2523 "20X"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2523 is "20X". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2523 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2523.

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, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 5X SYMBOL, 20X SYMBOL, \$2.00, \$5.00, \$10.00, \$20.00, \$40.00, \$50.00, \$100, \$1,000 and \$30,000.

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. 2523 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
27	TWSV
28	TWET
29	TWNH

30	TRTY
5X SYMBOL	WINX5
20X SYMBOL	WINX20
\$2.00	TWO\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$40.00	FRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$1,000	ONTH
\$30,000	30TH

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 (2523), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2523-0000001-001.

H. Pack - A Pack of the "20X" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of two (2). One Ticket will be folded over to expose a front and back of one Ticket on each Pack. Please note the Packs will be in an A, B, C and D configuration.

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

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "20X" Scratch Ticket Game No. 2523.

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 "20X" Scratch Ticket Game is de-

termined once the latex on the Scratch Ticket is scratched off to expose twenty-three (23) 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 "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "20X" Play Symbol, the player wins 20 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

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

1. Exactly twenty-three (23) 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 twenty-three (23) 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 twenty-three (23) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the twenty-three (23) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

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

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

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

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

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure. B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols. C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 02 and \$2). D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket. E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket. F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol. G. KEY NUMBER MATCH: A Ticket may have up to two (2)

matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure. H. KEY NUMBER MATCH: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure. I. KEY NUMBER MATCH: The "20X" (WINX20) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "20X" Scratch Ticket Game prize of \$2.00, \$5.00, \$10.00, \$20.00, \$40.00, \$50.00 or \$100, 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 \$40.00, \$50.00 or \$100 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 "20X" Scratch Ticket Game prize of \$1,000 or \$30,000, 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 "20X" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
 2. in default on a loan made under Chapter 52, Education Code;
 3. in default on a loan guaranteed under Chapter 57, Education Code; or
 4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.
- E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

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

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

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

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

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

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "20X" 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 "20X" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

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

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

3.0 Scratch Ticket Ownership.

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

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

4.0 Number and Value of Scratch Prizes. There will be approximately 9,000,000 Scratch Tickets in Scratch Ticket Game No. 2523. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2523 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2.00	936,000	9.62
\$5.00	576,000	15.63
\$10.00	144,000	62.50
\$20.00	72,000	125.00
\$40.00	72,000	125.00
\$50.00	18,000	500.00
\$100	1,575	5,714.29
\$1,000	15	600,000.00
\$30,000	5	1,800,000.00

*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 4.95. 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. 2523 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2523, 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-202302798
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: August 8, 2023

◆ ◆ ◆
North Central Texas Council of Governments

Request for Information - Crash Reconstruction Technology

The North Central Texas Council of Governments (NCTCOG) is seeking information on developing a regional Crash Reconstruction Technology and Training Program for the NCTCOG area. NCTCOG is investigating current available technology.

Fifty percent of traffic delays in major metropolitan areas are due to incidents and crashes on the roadway, according to the Federal Highway Administration (FHWA). The time spent dealing with roadway incidents not only ties up traffic; it puts first responders in harm's way. Technology is available that can alleviate congestion and reduce secondary collisions caused by traffic crashes. Crash Reconstruction Technology assists with clearing roadway incidents more quickly after traffic crashes, by allowing police responders to capture crash scene information while on the roadway via crash reconstruction technology; however, gives them the ability to analyze the crash and conduct their investigation from the safety of their office.

Responses must be received in-hand no later than **5:00 p.m., Central Time, on September 15, 2023, to Camille Fountain**, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011 and electronic submissions to TransRFPs@nctcog.org. The Request for Information will be available at www.nctcog.org/rfp by the close of business on **Friday, August 18, 2023**.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202302794

R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: August 7, 2023

◆ ◆ ◆
Public Utility Commission of Texas

Chapter 21 Rule Review Preliminary Notice and Request for Comments

The Public Utility Commission of Texas (commission) publishes this preliminary notice of intention to review Chapter 21, Interconnection Agreements for Telecommunications Service Providers, in accordance with Texas Government Code §2001.039, Agency Review of Existing Rules. The text of the rules may be found in the Texas Administrative Code, Title 16, Economic Regulation, Part 2, or through the commission's website at www.puc.texas.gov.

The commission seeks comments on whether any rule in Chapter 21 should be repealed or amended. Interested persons may file comments electronically through the interchange on the commission's website or may submit comments to the filing clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, by Friday, September 1, 2023. When filing comments, interested persons are requested to comment on the sections in the same order they are found in the chapter and to clearly designate which section is being commented upon. All comments should refer to Project Number 55293.

If it is determined that any section of Chapter 21 needs to be repealed or amended, and that the repeal or amendment can be completed as a part of this rule review, the commission will include the proposed repeal or amendment into its formal notice of intention to review Chapter 21. Interested persons will have an opportunity to comment on these proposed rule repeals and amendments at that time.

If it is determined that any section of Chapter 21 may need to be repealed or amended, but the repeal or amendment requires further investigation or is inappropriate for consideration as a part of a rule review, the commission may consider the repeal or amendment in a future rule-making proceeding.

TRD-202302762
Adriana Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: August 4, 2023

◆ ◆ ◆
Chapter 27 Rule Review Preliminary Notice and Request for Comments

The Public Utility Commission of Texas (commission) publishes this preliminary notice of intention to review Chapter 27, Rules for Administrative Services, in accordance with Texas Government Code §2001.039, Agency Review of Existing Rules. The text of the rules may be found in the Texas Administrative Code, Title 16, Economic Regulation, Part 2, or through the commission's website at www.puc.texas.gov.

The commission seeks comments on whether any rule in Chapter 27 should be repealed or amended. Interested persons may file comments electronically through the interchange on the commission's website or may submit comments to the filing clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas

78711-3326, by Friday, September 1, 2023. When filing comments, interested persons are requested to comment on the sections in the same order they are found in the chapter and to clearly designate which section is being commented upon. All comments should refer to Project Number 55307.

If it is determined that any section of Chapter 27 needs to be repealed or amended, and that the repeal or amendment can be completed as a part of this rule review, the commission will include the proposed repeal or amendment into its formal notice of intention to review Chapter 27. Interested persons will have an opportunity to comment on these proposed rule repeals and amendments at that time.

If it is determined that any section of Chapter 27 may need to be repealed or amended, but the repeal or amendment requires further investigation or is inappropriate for consideration as a part of a rule review, the commission may consider the repeal or amendment in a future rule-making proceeding.

TRD-202302763
Adriana Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: August 4, 2023

◆ ◆ ◆
Notice of Application for True-Up of 2020 Federal Universal Service Fund Impacts to the Texas Universal Service Fund

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on August 1, 2023, for true-up of 2020 Federal Universal Service Fund (FUSF) Impacts to the Texas Universal Service Fund (TUSF).

Docket Style and Number: Application of Blossom Telephone Company for True-Up of 2020 Federal Universal Service Fund Impacts to Texas Universal Service Fund, Docket Number 55313.

The Application: Blossom Telephone Company filed a true-up in accordance with findings of fact 18 and 19 and ordering paragraphs 2, 3, and 4 of the Notice of Approval issued in Docket No. 52888, *Application of Blossom Telephone Company to Recover Funds from the TUSF Under PURA § 56.025 and 16 TAC §26.406 for 2020*. In that docket, the Commission determined that the Federal Communications Commission's actions were reasonably projected to reduce the amount that Blossom received in Federal Universal Service Fund (FUSF) revenue by \$287,847.90 for calendar year 2020. It was also estimated that Blossom would recover \$61,401.12 of the projected FUSF revenue impact from rate increases implemented for the time period. Blossom's request to recover the remaining \$226,446.78 from the Texas Universal Service Fund (TUSF) for 2020 was approved. Ordering paragraphs 2, 3 and 4 detail how Blossom was required to file its final and actual FUSF impacts for 2020 by August 1, 2023, with detailed supporting documentation, and deal with potential over or under recovery from the TUSF. Blossom states that the realized FUSF losses for 2020 were \$207,304. Therefore, Blossom states that it is due to refund to the TUSF the amount of \$19,143 in this true-up proceeding.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55313.

TRD-202302749

Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: August 2, 2023



Notice of Application for True-Up of 2020 Federal Universal Service Fund Impacts to the Texas Universal Service Fund

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on August 1, 2023, for true-up of 2020 Federal Universal Service Fund (FUSF) Impacts to the Texas Universal Service Fund (TUSF).

Docket Style and Number: Application of Community Telephone Company, Inc. for True-Up of 2020 Federal Universal Service Fund Impacts to Texas Universal Service Fund, Docket Number 55312.

The Application: Community Telephone Company, Inc. filed a true-up in accordance with findings of fact 18 and 19 and ordering paragraphs 2, 3, and 4 of the Notice of Approval issued in Docket No. 52768, *Application of Community Telephone Company, Inc. to Recover Funds from the Texas Universal Service Fund Under PURA § 56.025 and 16 TAC § 26.406 for 2020*, Docket No. 52768, Notice of Approval (Mar. 9, 2022). In that docket, the Commission determined that the Federal Communications Commission's actions were reasonably projected to reduce the amount that Community received in Federal Universal Service Fund (FUSF) revenue by \$2,378,465.75 for calendar year 2020. It was also estimated that Community would recover \$80,858.38 of the projected FUSF revenue impact from rate increases implemented for the time period. Community's request to recover the remaining \$2,297,607.37 from the Texas Universal Service Fund (TUSF) for 2020 was approved. Based on the data, calculations, supporting documentation and affidavits included with the application, Community stated that the realized FUSF losses for 2020 were \$1,964,843.37. Therefore, Community states that it is due to refund to the TUSF the amount of \$332,764 in this true-up proceeding.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55312.

TRD-202302751
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: August 3, 2023



Notice of Application for True-Up of 2020 Federal Universal Service Fund Impacts to the Texas Universal Service Fund

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on August 1, 2023, for true-up of 2020 Federal Universal Service Fund (FUSF) Impacts to the Texas Universal Service Fund (TUSF).

Docket Style and Number: Application of Big Bend Telephone Company, Inc. for True-Up of 2020 Federal Universal Service Fund Impacts to Texas Universal Service Fund, Docket Number 55314.

The Application: Big Bend Telephone Company, Inc. filed a true-up in accordance with findings of fact 18 and 19 and ordering paragraphs 2, 3, and 4 of the Notice of Approval issued in Docket No. 52886, *Application of Big Bend Telephone Company, Inc. to Recover Funds from the TUSF Under PURA § 56.025 and 16 TAC § 26.406 for 2020*. In that docket, the Commission determined that the Federal Communications Commission's actions were reasonably projected to reduce the amount that Big Bend received in Federal Universal Service Fund (FUSF) revenue by \$2,296,986.18 in 2020. It was also estimated that Big Bend would recover \$616,941.10 of the projected FUSF revenue impact from rate increases implemented for the time period. Big Bend's request to recover the remaining \$1,680,045.08 from the Texas Universal Service Fund (TUSF) for 2020 was approved. Ordering paragraphs 2, 3 and 4 detail how Big Bend was required to file its final and actual FUSF impacts for 2020 by August 1, 2023, with detailed supporting documentation, and deal with potential over or under recovery from the TUSF. Big Bend states that the realized FUSF losses for 2020 were \$1,614,826.08. Therefore, Big Bend states that it is due to refund to the TUSF the amount of \$65,219 in this true-up proceeding.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 55314.

TRD-202302760
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: August 3, 2023



Supreme Court of Texas

Final Approval of Amendments to Texas Rule of Appellate Procedure 6

Supreme Court of Texas

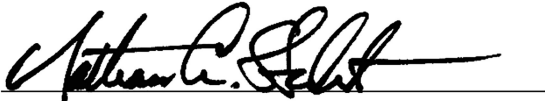
Misc. Docket No. 23-9051

Final Approval of Amendments to Texas Rule of Appellate Procedure 6

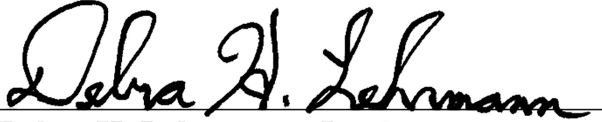
ORDERED that:

1. On May 2, 2023, the Supreme Court of Texas (in Misc. Dkt. No. 23-9027) and the Court of Criminal Appeals (in Misc. Dkt. No. 23-002), preliminarily approved amendments to Texas Rule of Appellate Procedure 6 and invited public comment.
2. The comment period has expired, and no additional changes have been made to the amendments. This Order gives final approval to the amendments set forth in Supreme Court of Texas Misc. Dkt. No. 23-9027 and Court of Criminal Appeals Misc. Dkt. No. 23-002, effective September 1, 2023.
3. 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*.

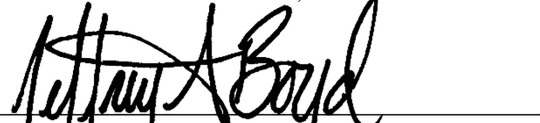
Dated: August 4, 2023.



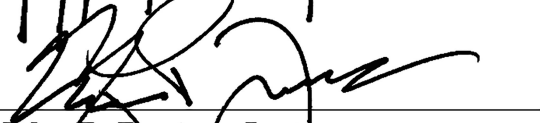
Nathan L. Hecht, Chief Justice




Debra H. Lehrmann, Justice



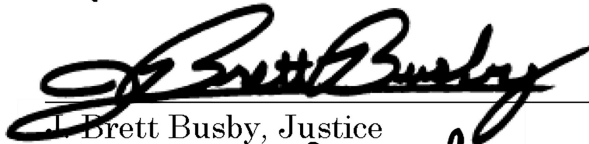
Jeffrey S. Boyd, Justice



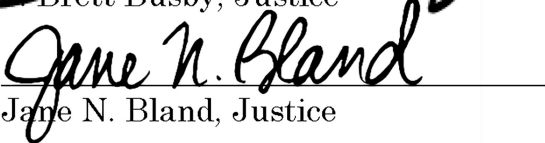
John P. Devine, Justice



James D. Blacklock, Justice



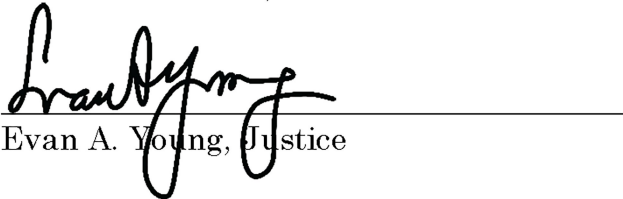
Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TRD-202302773
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 7, 2023

◆ ◆ ◆
Order Amending Comment to Texas Rule of Civil Procedure
21d

Supreme Court of Texas


Misc. Docket No. 23-9050

Order Amending Comment to Texas Rule of Civil Procedure 21d

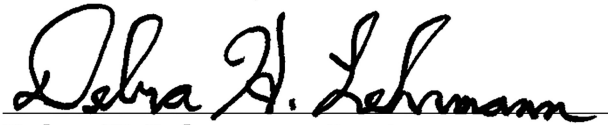
ORDERED that:

1. In accordance with the Act of May 9, 2023, 88th Leg., R.S., ch. 152 (S.B. 870, codified at TEX. FAM. CODE § 201.1045), the comment to Texas Rule of Civil Procedure 21d is amended as published in this Order, effective immediately.
2. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

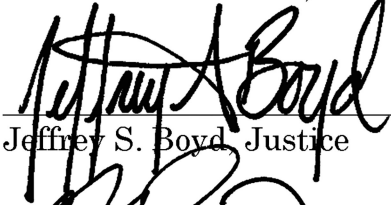
Dated: August 1, 2023.



Nathan L. Hecht, Chief Justice



Debra H. Lehrmann, Justice



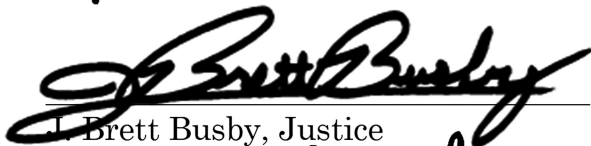
Jeffrey S. Boyd, Justice



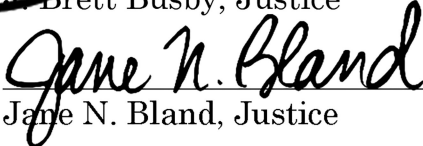
John P. Devine, Justice



James D. Blacklock, Justice



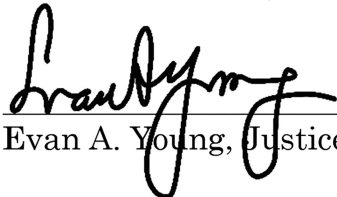
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF CIVIL PROCEDURE

Section 1. General Rules

RULE 21d. APPEARANCES AT COURT PROCEEDINGS

Notes and Comments

Comment to 2023 change: New Rule 21d clarifies procedures for appearances at court proceedings. Paragraph (a) defines “court proceeding” and “participant.” Paragraph (b) governs a participant’s method of appearance. Certain statutes expressly prohibit or further permit electronic appearances, in which case the governing statute applies. Paragraph (c) provides that the judge may appear by electronic means, but it requires the judge to appear electronically from a location required by law. *See, e.g.*, TEX. CONST. art. V, § 7(d); TEX. GOV’T CODE §§ 24.030(a), 26.002(c). Nothing in paragraph (c) permits the judge to conduct a proceeding away from a location required by law. Paragraph (d) addresses objections to any method of appearance, and paragraph (e) addresses good-cause factors. Paragraph (f) recognizes the public’s right to reasonable notice of and access to a fully electronic proceeding unless there is an overriding interest. A court should rarely close a court proceeding from public observation, and in such an exceptional case, the court must use the least restrictive measure to protect the overriding interest.

TRD-202302750
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 2, 2023



Preliminary Approval of Amendments to Canons 3B, 5, and 6 of the Texas Code of Judicial Conduct and the Procedural Rules for the Removal or Retirement of Judges, Now Titled the Procedural Rules for the State Commission on Judicial Conduct

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this order is not included

in the print version of the Texas Register. The order is available in the on-line version of the August 18, 2023, issue of the Texas Register.)

TRD-202302776
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 7, 2023



Preliminary Approval of Amendments to Texas Rules of Civil Procedure 21, 165a, 239a, 246, 297, 298, 299, 299a, and 306a

Supreme Court of Texas

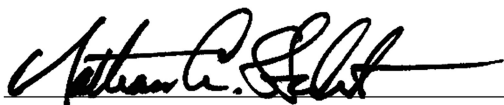
Misc. Docket No. 23-9053

Preliminary Approval of Amendments to Texas Rules of Civil Procedure 21, 165a, 239a, 246, 297, 298, 299, 299a, and 306a

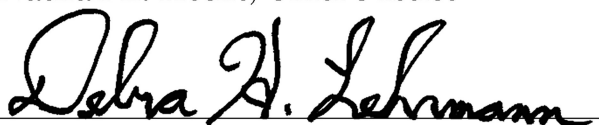
ORDERED that:

1. The Court invites public comments on amendments to Texas Rules of Civil Procedure 21, 165a, 239a, 246, 297, 298, 299, 299a, and 306a.
2. To effectuate the Act of May 28, 2023, 88th Leg., R.S., ch. 861 (H.B. 3474, codified at TEX. GOV'T CODE § 18.002(b)), the amendments are effective September 1, 2023. But the amendments may later be changed in response to public comments. The Court requests public comments be submitted in writing to rulescomments@txcourts.gov by November 1, 2023.
3. The Court and the Court of Criminal Appeals will issue an order amending the Texas Rules of Appellate Procedure and the Statewide Rules Governing Electronic Filing in Criminal Cases at a later date but before September 1, 2023.
4. The Judicial Committee on Information Technology is directed to implement measures to copy court orders, notices, and other documents to re:SearchTX as soon as practicable.
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*.

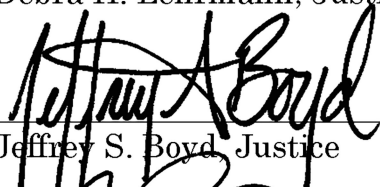
Dated: August 7, 2023.



Nathan L. Hecht, Chief Justice



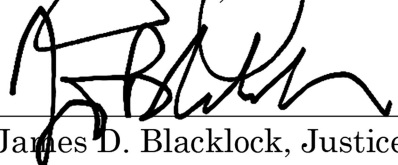
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



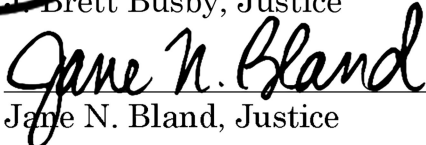
John P. Devine, Justice



James D. Blacklock, Justice




J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

TEXAS RULES OF CIVIL PROCEDURE

RULE 21. FILING AND SERVING PLEADINGS AND MOTIONS

- (a) **Filing and Service Required.** Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth the relief or order sought, and at the same time a true copy must be served on all other parties, and must be noted on the docket.
- (b) **Service of Notice of Court Proceeding.** An application to the court for an order and notice of any court proceeding, as defined in Rule 21d(a), not presented during a court proceeding, must be served upon all other parties not less than three days before the time specified for the court proceeding, unless otherwise provided by these rules or shortened by the court. Notice of any court proceeding must contain the information needed for participants, as defined in Rule 21d(a), to participate in the proceeding, including the location of the proceeding or instructions for joining the proceeding electronically, the court's designated contact information, and instructions for submitting evidence. A court must publish the information needed for participants to participate in its proceedings.
- (c) **Multiple Parties.** If there is more than one other party represented by different attorneys, one copy of each pleading must be served on each attorney in charge.
- (d) **Certificate of Service.** The party or attorney of record, must certify to the court compliance with this rule in writing over signature on the filed pleading, plea, motion, or application.
- (e) **Additional Copies.** After one copy is served on a party, that party may obtain another copy of the same pleading upon tendering reasonable payment for copying and delivering.
- (f) **Electronic Filing.**
 - (1) **Requirement.** Except in juvenile cases under Title 3 of the Family Code and truancy cases under Title 3A of the Family Code, attorneys must electronically file documents in courts where electronic filing has been mandated. Attorneys practicing in courts where electronic filing is available but not mandated and unrepresented parties may electronically file documents, but it is not required.

- (2) **Email Address.** The email address of an attorney or unrepresented party who electronically files a document must be included on the document.
- (3) **Mechanism.** Electronic filing must be done through the electronic filing manager established by the Office of Court Administration and an electronic filing service provider certified by the Office of Court Administration.
- (4) **Exceptions.**
 - (A) Wills are not required to be filed electronically.
 - (B) The following documents must not be filed electronically:
 - (i) documents filed under seal or presented to the court in camera; and
 - (ii) documents to which access is otherwise restricted by law or court order.
 - (C) For good cause, a court may permit a party to file other documents in paper form in a particular case.
- (5) **Timely Filing.** Unless a document must be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider, except:
 - (A) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and
 - (B) if a document requires a motion and an order allowing its filing, the document is deemed filed on the date that the motion is granted.
- (6) **Technical Failure.** If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from the court. If the missed deadline is one imposed by these rules, the filing party must be given a reasonable extension of time to complete the filing.

- (7) **Electronic Signatures.** A document that is electronically served, filed, or issued by a court or clerk is considered signed if the document includes:
- (A) a “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or
 - (B) an electronic image or scanned image of the signature.
- (8) **Format.** An electronically filed document must:
- (A) be in text-searchable portable document format (PDF);
 - (B) be directly converted to PDF rather than scanned, if possible;
 - (C) not be locked; and
 - (D) otherwise comply with the Technology Standards set by the Judicial Committee on Information Technology and approved by the Supreme Court.
- (9) **Paper Copies.** Unless required by local rule, a party need not file a paper copy of an electronically filed document.
- (10) **Electronic Orders, Notices, and Other Documents From the Court.** The clerk ~~may~~must send orders, notices, orders,—or~~and~~ other ~~communications about the case~~documents to the parties electronically through the electronic filing manager established by the Office of Court Administration and an electronic filing service provider certified by the Office of Court Administration. A court seal may be electronic.
- (11) **Non-Conforming Documents.** The clerk may not refuse to file a document that fails to conform with this rule. But the clerk may identify the error to be corrected and state a deadline for the party to resubmit the document in a conforming format.
- (12) **Original Wills.** When a party electronically files an application to probate a document as an original will, the original will must be filed with the clerk within three business days after the application is filed.
- (13) **Official Record.** The clerk may designate an electronically filed document or a scanned paper document as the official court record. The clerk is not required to keep both paper and electronic versions of the same document unless otherwise required by local rule. But the clerk must retain an original will filed for probate in a numbered file folder.

Notes and Comments

Comment to 2013 Change: Rule 21 is revised to incorporate rules for electronic filing, in accordance with the Supreme Court's order - Misc. Docket No. 12-9206, amended by Misc. Docket Nos. 13-9092 and 13-9164 - mandating electronic filing in civil cases beginning on January 1, 2014. The mandate will be implemented according to the schedule in the order and will be completed by July 1, 2016. The revisions reflect the fact that the mandate will only apply to a subset of Texas courts until that date.

Comment to 1990 change: To require filing and service of all pleadings and motions on all parties and to consolidate notice and service Rules 21, 72 and 73.

Comment to 2023 change: Rule 21(b) is amended to clarify requirements for notices. Rule 21(f)(10) is amended to implement section 80.002(b) of the Government Code. Nothing in Rule 21(f)(10) prohibits the court from sending orders, notices, and documents to parties by additional methods.

RULE 165a. DISMISSAL FOR WANT OF PROSECUTION

1. **Failure to Appear.** A case may be dismissed for want of prosecution on failure of any party seeking affirmative relief to appear for any hearing or trial of which the party had notice. Notice of the court's intention to dismiss and the date and place of the dismissal hearing ~~shall~~must be sent by the clerk to ~~each~~ attorney of record, and to each party not represented by an attorney and whose address is ~~shown on the docket or in the papers on file, by posting same in the United States Postal Service~~ the parties as provided in Rule 21(f)(10). At the dismissal hearing, the court ~~shall~~must dismiss for want of prosecution unless there is good cause for the case to be maintained on the docket. If the court determines to maintain the case on the docket, it ~~shall~~must render a pretrial order assigning a trial date for the case and setting deadlines for the joining of new parties, all discovery, filing of all pleadings, the making of a response or supplemental responses to discovery and other pretrial matters. The case may be continued thereafter only for valid and compelling reasons specifically determined by court order. ~~Notice of the signing of t~~The clerk must send any order of dismissal shall be given as provided in Rule 306a to the parties as provided in Rule 21(f)(10). Failure to ~~mail~~send notices and orders as required by this rule ~~shall~~does not affect any of the periods mentioned in Rule 306a except as provided in that rule.

RULE 239a. NOTICE OF DEFAULT JUDGMENT

At or immediately prior to the time an interlocutory or final default judgment is rendered, the party taking the same or his attorney ~~shall~~must certify to the clerk in writing the last known email address and mailing address of the party against whom the judgment is taken, which certificate shall be filed among the papers in the cause. Immediately upon the signing of ~~the a~~ default judgment, the clerk ~~shall mail~~must send written notice thereof to the party against whom the judgment was rendered ~~at~~ as provided in Rule 21(f)(10) and to the mailing address shown in the certificate, and note the fact of such mailing on the docket. The notice ~~shall~~must state the number and style of the case, the court in which the case is pending, the names of the parties in whose favor and against whom the judgment was rendered, and the date of the signing of the judgment. Failure to comply with the provisions of this rule ~~shall~~does not affect the finality of the judgment.

RULE 246. CLERK TO GIVE NOTICE OF SETTINGS

The clerk ~~shall~~must keep a record ~~in his office~~ of all cases set for trial, ~~and it shall be his duty to inform any non resident attorney of,~~ upon written request, must send the parties the date of setting of any case upon request by mail from such attorney, accompanied by a return envelope properly addressed and stamped as provided in Rule 21(f)(10). Failure of the clerk to ~~furnish~~send such information on proper request ~~shall be~~is sufficient ground for continuance or for a new trial when it appears to the court that such failure has prevented ~~the attorney a party~~ the party from preparing or presenting ~~his~~the party's claim or defense.

RULE 297. TIME TO ~~FILE~~SEND FINDINGS OF FACT AND CONCLUSIONS OF LAW

Within twenty days after a timely request is filed, the court shall file~~must send~~ its findings of fact and conclusions of law ~~within twenty days after a timely request is filed. The court shall cause a copy of its findings and conclusions to be mailed to each party in the suit~~ to the parties as provided in Rule 21(f)(10).

If the court fails to ~~file~~send timely findings of fact and conclusions of law, the party making the request ~~shall~~must, within thirty days after filing the original request, file with the clerk and serve on all other parties in accordance with Rule 21a a "Notice of Past Due Findings of Fact and Conclusions of Law" which ~~shall~~must be immediately called to the attention of the court by the clerk. Such notice ~~shall~~must state the date the original request was filed and the date the findings and conclusions were due. Upon filing this notice, the time for the court to ~~file~~send findings of fact and conclusions of law is extended to forty days from the date the original request was filed.

Notes and Comments

Comment to 1990 change: To revise the practice and times for findings of fact and conclusion of law. See also Rules 296 and 298.

RULE 298. ADDITIONAL OR AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

After the court ~~files~~sends original findings of fact and conclusions of law, any party may file with the clerk of the court a request for specified additional or amended findings or conclusions. The request for these findings ~~shall~~must be made within ten days after the ~~filing of court~~sends the original findings and conclusions ~~by the court~~. Each request made pursuant to this rule ~~shall~~must be served on each party to the suit in accordance with Rule 21a.

Within ten days after such request is filed, the court shall file~~must send~~ any additional or amended findings and conclusions ~~that are appropriate within ten days after such request is filed, and cause a copy to be mailed to each party to the suit to the parties as provided in Rule 21(f)(10)~~. No findings or conclusions shall be deemed or presumed by any failure of the court to make any additional findings or conclusions.

RULE 299. OMITTED FINDINGS

When findings of fact are ~~filed~~sent by the trial court they ~~shall~~must form the basis of the judgment upon all grounds of recovery and of defense embraced therein. The judgment may not be supported upon appeal by a presumed finding upon any ground of recovery or defense, no element of which has been included in the findings of fact; but when one or more elements thereof have been found by the trial court, omitted unrequested elements, when supported by evidence, will be supplied by presumption in support of the judgment. Refusal of the court to make a finding requested ~~shall~~be is reviewable on appeal.

RULE 299a. FINDINGS OF FACT TO BE SEPARATELY ~~FILED~~SENT AND NOT RECITED IN A JUDGMENT

Findings of fact ~~shall~~must not be recited in a judgment. If there is a conflict between findings of fact recited in a judgment in violation of this rule and findings of fact made pursuant to Rules 297 and 298, the latter findings will control for appellate purposes. Findings of fact ~~shall~~must be ~~filed with the clerk of the court~~sent as a document or documents separate and apart from the judgment.

Notes and Comments

Comment to 1990 change: To require that findings of fact be separate from the judgment and that such separate findings of fact are controlling on appeal.

RULE 306a. PERIODS TO RUN FROM SIGNING OF JUDGMENT

3. **Notice of Judgment.** When the final judgment or other appealable order is signed, the clerk of the court must immediately ~~give notice~~ send the judgment or order to the parties or their attorneys of record electronically or by first class mail advising that the judgment or order was signed as provided in Rule 21(f)(10). If the judgment awards monetary damages, the notice must state: "If you are an individual (not a company), your money or property may be protected from being taken to pay this judgment. Find out more by visiting www.texaslawhelp.org/exempt-property. / *Si usted es una persona física (y no una compañía), su dinero o propiedad pudieran estar protegidos de ser embargados como pago de esta deuda decretada en juicio en contra suya. Obtenga mayor información visitando el sitio www.texaslawhelp.org/exempt-property." Failure to comply with the provisions of this rule shall not affect the periods mentioned in paragraph (1) of this rule, except as provided in paragraph (4).*

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Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 7, 2023

some, expensive, or otherwise inexpedient," this order is not included in the print version of the Texas Register. The order is available in the on-line version of the August 18, 2023, issue of the Texas Register.)



Preliminary Approval of Texas Rules of Civil Procedure 194a and 195a and of Amendments to Texas Rules of Civil Procedure 190, 192, 194, 195, 196, 197, and 198

TRD-202302774
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: August 7, 2023



(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumber-