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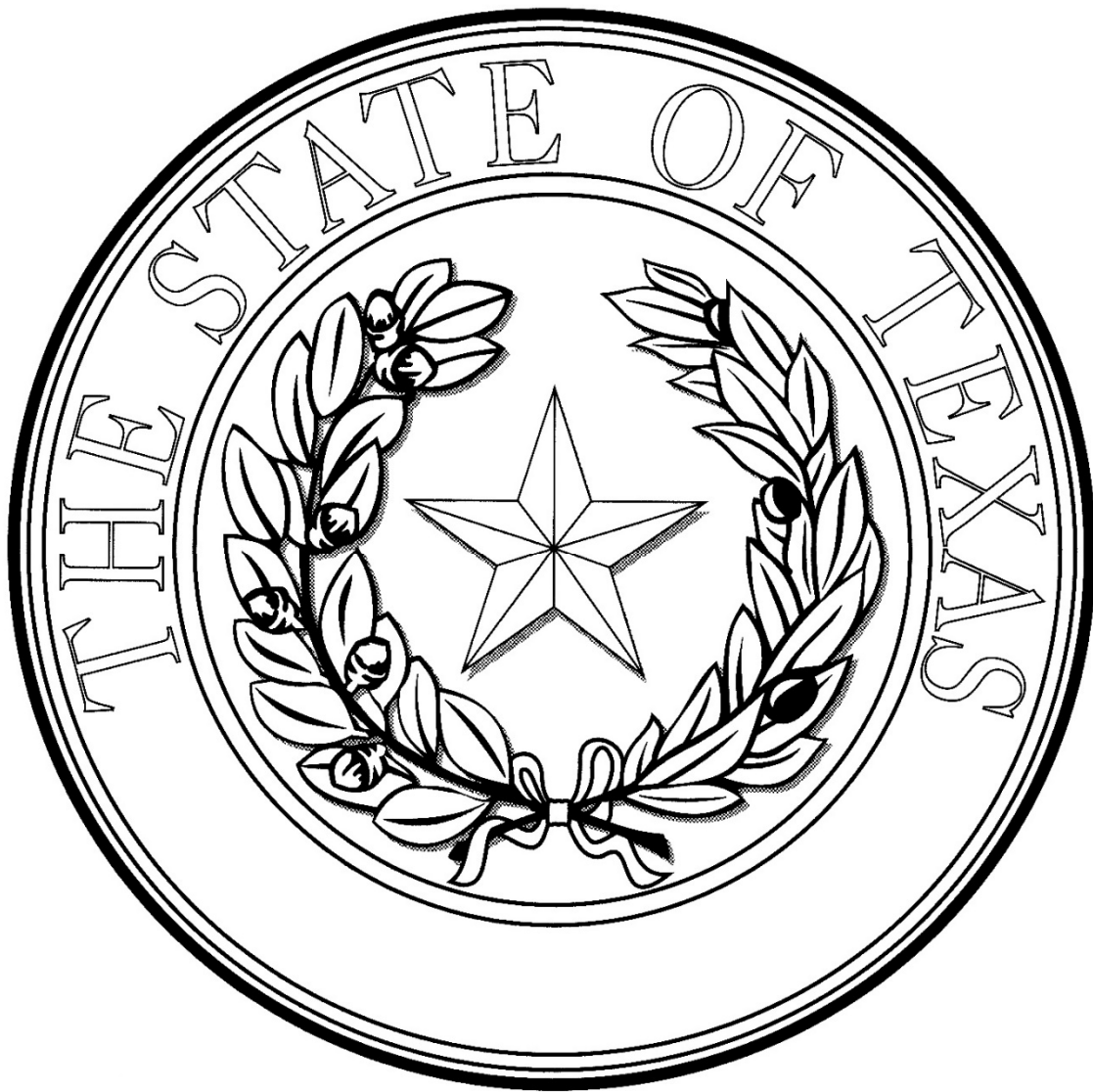
# TEXAS REGISTER

*Volume 48 Number 37*

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# TEXAS REGISTER

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# THE GOVERNOR

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

## Appointments

### Appointments for August 31, 2023

Appointed to the Texas Commission of Licensing and Regulation for a term to expire February 1, 2029, Gerald R. "Ray" Callas, M.D. of Beaumont, Texas (Dr. Callas is being reappointed).

Appointed to the Texas Commission of Licensing and Regulation for a term to expire February 1, 2029, Gary F. Wesson, D.D.S. of Richmond, Texas (Dr. Wesson is being reappointed).

Appointed to the Texas Mutual Insurance Company Board of Directors for a term to expire July 1, 2029, Gary F. Gibson of Houston, Texas (replacing John D. Swanson of Frisco, whose term expired).

Appointed to the Texas Mutual Insurance Company Board of Directors for a term to expire July 1, 2029, Kristina R. "Kristi" Koncaba of Friendswood, Texas (Ms. Koncaba is being reappointed).

Appointed to the Texas Mutual Insurance Company Board of Directors for a term to expire July 1, 2029, Ronald E. "Ron" Simmons of Lewisville, Texas (Representative Simmons is being reappointed).

Appointed to the Parks and Wildlife Commission for a term to expire February 1, 2029, William L. "Leslie" Doggett of Houston, Texas (replacing Arch H. "Beaver" Aplin, III of Lake Jackson, whose term expired).

Designating Jeffrey D. "Jeff" Hildebrand of Houston as presiding officer of the Parks and Wildlife Commission for a term to expire at the pleasure of the Governor. Mr. Hildebrand is replacing Arch H. "Beaver" Aplin, III of Lake Jackson as presiding officer.

### Appointments for September 1, 2023

Appointed to the Gulf Coast Authority Board of Directors for a term to expire August 31, 2023, Amber M. Batson of Tomball, Texas (Ms. Batson is being reappointed).

Pursuant to HB 3, 88th Legislature, Regular Session, appointed as Director of the Office of School Safety and Security for a term to expire at the pleasure of the Governor, John P. Scott of Prosper, Texas.

### Appointments for September 5, 2023

Appointed to the Southern Regional Education Board for a term to expire June 30, 2024, Brad Buckley, D.V.M. of Salado, Texas (replacing Larry Taylor of Friendswood, who is no longer a legislator).

Appointed to the Southern Regional Education Board for a term to expire June 30, 2027, Deborah "Debbie" Crane Aliseda of McAllen, Texas (replacing Kendall L. Baker, D.D. of Houston, whose term expired).

Pursuant to HB 3474, 88th Legislature, Regular Session, appointed as Judge of the 465th Judicial District Court, Bastrop County, for a term until December 31, 2024, or until her successor shall be duly elected and qualified, Veronica Juarez-Dunne of Elgin, Texas.

### Appointments for September 6, 2023

Pursuant to HB 728, 88th Legislature, Regular Session, appointed to the Statewide Interagency Aging Services Coordinating Council for a term to expire September 1, 2029, Tamela D. Griffin of Austin, Texas.

Appointed to the Advisory Council on Postsecondary Education for Persons with Intellectual and Developmental Disabilities for a term to expire August 31, 2025, Aaron W. Bangor, Ph.D. of Austin, Texas (replacing Agata K. "Agatha" Thibodeaux of Katy, whose term expired).

Appointed to the Risk Management Board for a term to expire February 1, 2029, Elizabeth "Lisa" Maciejewski-West of Horseshoe Bay, Texas (replacing Tomás "Tommy" Gonzalez of El Paso, whose term expired).

Appointed to the Texas State Technical College System Board of Regents for a term to expire August 31, 2027, Ronald D. "Ron" Rohrbacher of League City, Texas (replacing Antonio "Tony" Abad of San Antonio, who resigned).

Appointed to the Texas State Technical College System Board of Regents for a term to expire August 31, 2029, Robert J. "Robb" Misso, III of Cedar Park, Texas (Mr. Misso is being reappointed).

Appointed to the Texas State Technical College System Board of Regents for a term to expire August 31, 2029, Tiffany M. Tremont, D.Sc. of New Braunfels, Texas (Dr. Tremont is being reappointed).

Greg Abbott, Governor

TRD-202303260



### Proclamation 41-4073

#### TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on August 11, 2023, certifying that wildfires that began on July 24, 2023, posed an imminent threat of widespread or severe damage, injury, or loss of life or property in several counties; and

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

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burlison, Burnet, Caldwell, Calhoun, Callahan, Cameron, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallas, Delta, Denton, DeWitt, Dickens, Dimmit, Duval, Eastland, Ector, Edwards, El Paso, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Fort Bend, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hamilton, Hardeman,

Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kerr, Kimble, King, Kinney, Kleberg, Knox, La Salle, Lamar, Lamb, Lampasas, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Lynn, Madison, Marion, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nolan, Nueces, Orange, Palo Pinto, Panola, Parker, Pecos, Polk, Potter, Presidio, Randall, Rains, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Smith, Somervell, Starr, Stephens, Sutton, Tarrant, Taylor, Terrell, Throckmorton, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties.

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

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

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

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 1st day of September, 2023.

Greg Abbott, Governor

TRD-202303239



# THE ATTORNEY GENERAL

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

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

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

## Requests for Opinions

### RQ-0006-AC

#### Requestor:

The Honorable Robert C. Lassmann

24th Judicial District Attorney

127 North Courthouse Square

Goliad, Texas 77963

Re: Whether Government Code section 41.106 requires the counties of a multi-county judicial district to equitably share funding responsibility of the district attorney's office (RQ-0006-AC)

#### Briefs requested by October 2, 2023

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202303243

Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: September 5, 2023



## Opinions

### Opinion No. AC-0004

The Honorable Heather Stebbins

Kerr County Attorney

700 Main Street, Suite BA-103

Kerrville, Texas 78028

Re: Questions relating to the respective responsibilities of a county sheriff's office and the Texas Department of Criminal Justice regarding the detention and transportation of offenders to state jail facilities (RQ-0501-KP)

### S U M M A R Y

The Texas Department of Criminal Justice (TDCJ) may not require a county sheriff to transport inmates to a substance abuse felony punishment facility or an intermediate sanction facility, nor may it refuse to reimburse a county for transporting an inmate to a state jail division facility. A county must generally utilize its normal procedures for collecting on a debt owed to the county if TDCJ refuses to reimburse the county for inmate transport.

Pursuant to House Bill 2620 from the Eighty-eighth regular legislative session, the failure of TDCJ to take custody of an inmate within forty-five days as required by law results in statutory compensation to the county by TDCJ for any extended period of detention. Extended periods of detention, however, are not expressly authorized under the law.

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202303242

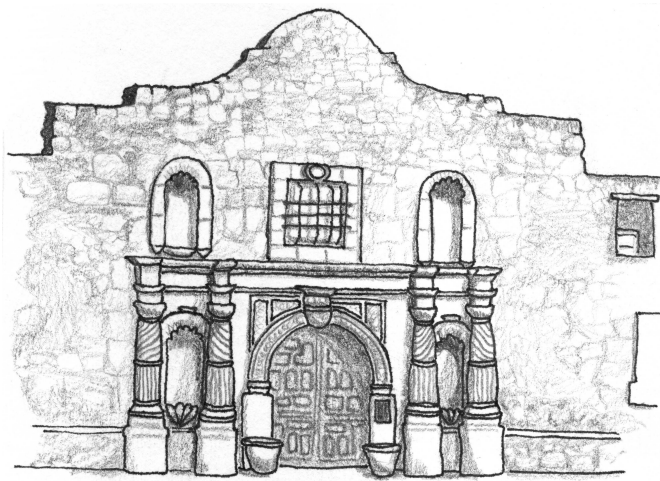
Austin Kinghorn

General Counsel

Office of the Attorney General

Filed: September 5, 2023





# EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

## TITLE 37. EMPLOYMENT, CERTIFICATION, AND TRAINING

### PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

#### CHAPTER 344. EMPLOYMENT, CERTIFICATION, AND TRAINING SUBCHAPTER B. QUALIFICATIONS FOR CERTIFICATION AND EMPLOYMENT

##### 37 TAC §344.200, §344.204

The Texas Juvenile Justice Department (TJJD) adopts, on an emergency basis, amendments to Texas Administrative Code Chapter 344, Subchapter B, §344.200, relating to general qualifications for positions requiring certification, and §344.204, relating to education requirements. The amended sections establish the minimum qualifications and education requirements for certification as a juvenile probation officer, juvenile supervision officer, and community activities officer.

These sections are adopted on an emergency basis to ensure compliance with statutory changes to §§222.001-002, Human Resources Code, which was amended to remove the requirement that: (1) certified officers be of good moral character and explicitly required TJJD to repeal any rules containing such a requirement; and (2) certified juvenile probation officers have one year of graduate study or one year of relevant work experience.

Pursuant to Section 2001.034, Government Code, TJJD finds that a requirement of state law (i.e., SB 1314) requires adoption of these sections on fewer than 30 days' notice.

The amended sections are adopted under §221.002(a)(3), Human Resources Code, which requires TJJD to adopt reasonable rules that provide appropriate educational, preservice, and in-service training and certification standards for probation and detention officers or court-supervised community-based program personnel.

No other statute, code, or article is affected by these emergency adoptions.

##### §344.200. *General Qualifications for Positions Requiring Certification.*

(a) Juvenile Probation Officer. To be eligible for certification as a juvenile probation officer, supervisor of a juvenile probation officer, or chief administrative officer, an individual must:

- (1) be at least 21 years of age;
- {(2) be of good moral character;}
- (2) [(3)] have no disqualifying criminal history as described in this chapter;

(3) [(4)] have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to the criminal history;

(4) [(5)] have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board;

{(6) possess the work experience required in §344.210 of this chapter or graduate study required in §344.204 of this chapter;}

(5) [(7)] never have had any type of certification revoked by TJJD;

(6) [(8)] complete the training required by this chapter; and

(7) [(9)] pass the certification exam as required by §344.700 of this chapter.

(b) Juvenile Supervision Officer. To be eligible for certification as a juvenile supervision officer, an individual must:

(1) be at least 21 years of age;

{(2) be of good moral character;}

(2) [(3)] have no disqualifying criminal history as described in this chapter;

(3) [(4)] have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to the criminal history;

(4) [(5)] have acquired a high school diploma or its equivalent as specified in §344.204 of this chapter;

(5) [(6)] never have had any type of certification revoked by TJJD;

(6) [(7)] complete the training required by this chapter; and

(7) [(8)] pass the certification exam as required by §344.700 of this chapter.

(c) Community Activities Officer. To be eligible for certification as a community activities officer, an individual must:

(1) be at least 21 years of age;

{(2) be of good moral character; }

(2) [(3)] have no disqualifying criminal history as described in this chapter;

(3) [(4)] have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and determined the person is not ineligible for certification due to the criminal history;

(4) [(5)] have acquired a high school diploma or its equivalent as specified in §344.204 of this chapter;

~~(5) [(6)] never have had any type of certification revoked by TJJD; and~~

~~(6) [(7)] complete the training required by this chapter.~~

~~§344.204. Education Requirements.~~

~~(a) Juvenile Probation Officer. To be eligible for certification as a juvenile probation officer, an individual must have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board.~~

~~[(1) To be eligible for certification as a juvenile probation officer, an individual must meet the following educational requirements:]~~

~~[(A) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board; and]~~

~~[(B) have either:]~~

~~[(i) one year of graduate study at a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board in criminology, corrections, counseling, law, social work, psychology, sociology, or other field of instruction approved by TJJD; or ]~~

~~[(ii) qualifying work experience as specified in §344.210 of this title.]~~

~~[(2) For purposes of this section, one year of graduate study means successful completion of at least 18 post-graduate credit hours.]~~

~~(b) Juvenile Supervision Officer and Community Activities Officer.~~

~~(1) To be eligible for certification as a juvenile supervision officer or community activities officer, an individual must meet one of the following educational requirements:~~

~~(A) a diploma from a high school accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense. TJJD considers the following entities as generally recognized accrediting organizations:~~

~~(i) the Texas Education Agency or the equivalent agency in another state;~~

~~(ii) an entity approved by the Texas Private School Accreditation Commission; and~~

~~(iii) regional accreditation organizations such as:~~

~~(I) Middle States Association of Colleges and Schools;~~

~~(II) New England Association of Schools and Colleges;~~

~~(III) North Central Association of Colleges and Schools;~~

~~(IV) Northwest Accreditation Commission;~~

~~(V) Southern Association of Colleges and Schools; and~~

~~(VI) Western Association of Schools and Colleges;~~

~~(B) a high school equivalency certificate (e.g., GED) issued by the Texas Education Agency or equivalent agency in another state;~~

(C) a diploma or certificate of completion issued in a homeschool setting;

(D) a United States military record that indicates the education level received is equivalent to a United States high school diploma or high school equivalency certificate;

(E) a foreign high school diploma that meets the validation requirements established in §344.206 of this title; or

(F) unconditional acceptance into a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board.

(2) A department or facility may attempt to establish that an entity not listed in paragraph (1)(A) of this subsection is a generally recognized accrediting organization by submitting supporting documentation to the TJJD certification office. Based on the documentation, TJJD will determine whether the entity is a generally recognized accrediting organization.

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

Filed with the Office of the Secretary of State on August 30, 2023.

TRD-202303200

Christian von Wupperfeld

General Counsel

Texas Juvenile Justice Department

Effective date: September 1, 2023

Expiration date: December 29, 2023

For further information, please call: (512) 490-7278



**37 TAC §344.210, §344.220**

The Texas Juvenile Justice Department (TJJD) adopts, on an emergency basis, repeals of Texas Administrative Code Chapter 344, Subchapter B, §344.210, relating to work experience, and §344.220, relating to exemptions from required work experience or graduate study.

These sections are repealed on an emergency basis to ensure compliance with statutory changes to §§222.001-002, Human Resources Code, which was amended to remove the requirement that: (1) certified officers be of good moral character and explicitly required TJJD to repeal any rules containing such a requirement; and (2) certified juvenile probation officers have one year of graduate study or one year of relevant work experience.

Pursuant to Section 2001.034, Government Code, TJJD finds that a requirement of state law (i.e., SB 1314) requires repeal of these sections on fewer than 30 days' notice.

The repeal of these sections is adopted under §221.002(a)(3), Human Resources Code, which requires TJJD to adopt reasonable rules that provide appropriate educational, preservice, and in-service training and certification standards for probation and detention officers or court-supervised community-based program personnel.

No other statute, code, or article is affected by these emergency repeals.

§344.210. *Work Experience.*

§344.220. *Exemptions from Required Work Experience or Graduate Study.*

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

Filed with the Office of the Secretary of State on August 30, 2023.

TRD-202303201

Christian von Wupperfeld

General Counsel

Texas Juvenile Justice Department

Effective date: September 1, 2023

Expiration date: December 29, 2023

For further information, please call: (512) 490-7278



## SUBCHAPTER G. CERTIFICATION

### 37 TAC §344.866

The Texas Juvenile Justice Department (TJJD) adopts, on an emergency basis, amendments to Texas Administrative Code Chapter 344, Subchapter G, §344.866, relating to certification status. The amended section describes the various statuses under which a person's certification may be classified.

This section is adopted on an emergency basis to ensure compliance with statutory changes to §§222.001-002, Human Resources Code, which was amended to remove the requirement that: (1) certified officers be of good moral character and explicitly required TJJD to repeal any rules containing such a requirement; and (2) certified juvenile probation officers have one year of graduate study or one year of relevant work experience.

Pursuant to Section 2001.034, Government Code, TJJD finds that a requirement of state law (i.e., SB 1314) requires adoption of this section on fewer than 30 days' notice.

The amended section is adopted under §221.002(a)(3), Human Resources Code, which requires TJJD to adopt reasonable rules that provide appropriate educational, preservice, and in-service training and certification standards for probation and detention officers or court-supervised community-based program personnel.

No other statute, code, or article is affected by this emergency adoption.

#### §344.866. *Certification Status.*

(a) **Active.** A status that indicates a certified officer meets the current requirements of certification as set forth in this chapter and is eligible to perform the duties of a juvenile probation officer, juvenile supervision officer, and/or community activities officer, as applicable.

(b) **Inactive.** A status that indicates an officer's certification has not expired but the officer is ineligible to perform the duties of a certified officer because:

(1) the officer is no longer employed in a position that either requires or is eligible for the certification held;

(2) the officer has been convicted of a disqualifying criminal offense; or

(3) the officer's application for certification or renewal of certification is determined by TJJD to contain deliberately false or misleading information.

(c) **Expired.** A status that indicates an application to renew or reactivate a certification has not been submitted before the end of the grace period or any applicable extension.

(d) **Suspended.** A status that indicates an officer's certification is actively suspended and the officer is no longer eligible for employment in a position requiring certification. If the officer's certification is suspended for failure to pay child support under Section 232.003, Texas Family Code, the suspension remains in effect until TJJD receives an order staying or vacating the suspension.

(e) **Revoked.** A status that indicates an officer's certification has been permanently revoked by TJJD and that the officer is no longer eligible for employment or certification as a juvenile probation officer, juvenile supervision officer, or community activities officer. An individual who has had his/her certification revoked is not eligible for any future certification.

(f) **Voluntarily Relinquished.** A status that indicates an officer has voluntarily relinquished his/her certification as provided in §344.884 of this title.

(g) Provisional. A status that indicates an individual has been hired into a position requiring certification but has not yet been certified.

(h) Ineligible.

(1) A status that indicates an individual who was never certified is ineligible for certification as a result of conduct that occurred:

(A) while the person had a provisional certification;

(B) while the person was employed by or under contract with the Texas Juvenile Justice Department; or

(C) prior to either time described in subparagraph (A) or (B) of this paragraph if the conduct was unknown to TJJD.

(2) Prior to being designated as ineligible for certification, the person will be offered the same due process as a person for whom revocation or active or probated suspension of certification is sought.

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

Filed with the Office of the Secretary of State on August 30, 2023.

TRD-202303202

Cristian von Wupperfeld

General Counsel

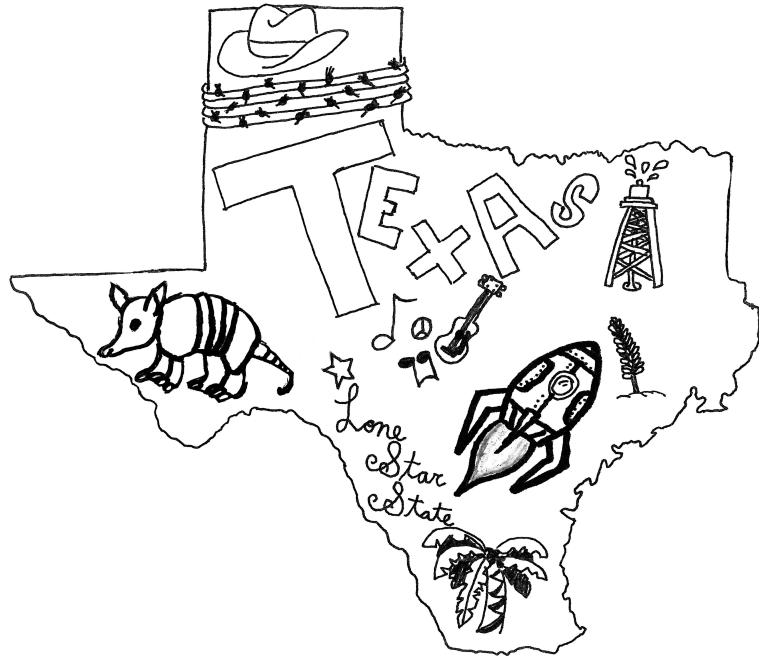
Texas Juvenile Justice Department

Effective date: September 1, 2023

Expiration date: December 29, 2023

For further information, please call: (512) 490-7278







# PROPOSED RULES

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

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

## TITLE 19. EDUCATION

### PART 2. TEXAS EDUCATION AGENCY

#### CHAPTER 101. ASSESSMENT

##### SUBCHAPTER CC. COMMISSIONER'S RULES CONCERNING IMPLEMENTATION OF THE ACADEMIC CONTENT AREAS TESTING PROGRAM

#### DIVISION 4. PERFORMANCE STANDARDS

##### 19 TAC §101.3041

The Texas Education Agency (TEA) proposes an amendment to §101.3041, concerning implementation of the academic content areas testing program. The proposed amendment would update the performance standards for the State of Texas Assessments of Academic Readiness (STAAR®) and STAAR® Alternate 2 based on the redesigned testing programs.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Section 101.3041 establishes the level of performance considered to be satisfactory on state-developed assessments, as required by Texas Education Code (TEC), Chapter 39, Subchapter B, for all assessments.

TEC, §39.023(a), as amended by House Bill (HB) 3906, 86th Texas Legislature, 2019, eliminated the stand-alone writing assessments for Grades 4 and 7. The redesigned assessments combine reading and evidence-based writing into one reading language arts test to better support the interconnected way these subjects are taught.

TEC, §39.023(c-8), as amended by HB 3906 and HB 3261, 87th Texas Legislature, Regular Session, 2021, specifies that not more than 75% of the points on a STAAR® assessment may be from multiple-choice questions. Therefore, the redesigned STAAR® includes new, non-multiple-choice questions like the questions teachers ask in class to give students more ways to show their understanding. There are also more cross-curricular reading passages that reference topics students have learned about in other classes.

With changes made to the statewide assessment program introduced by HB 3906 and amended by HB 3261, TEA wants to ensure that the performance standards continue to accurately reflect what students know and can do through a standard-setting process. Educators from across the state convened to provide their expert opinions and verify that the cut points and related scale scores are appropriate for the redesigned STAAR® and STAAR® Alternate 2 assessments. Based on these activities, the commissioner of education has approved updated perfor-

mance standards for all STAAR® assessments and for STAAR® Alternate 2 reading language arts assessments.

The performance standards adopted in §101.3041 would be modified to reflect the newly approved standards as follows.

The performance standards for all STAAR® Grades 3-8 assessments would be updated in Figure: 19 TAC §101.3041(b)(1). References to Grades 4 and 7 writing assessments would also be removed.

The performance standards for STAAR® Alternate 2 Grades 3-8 reading language arts assessments would be updated in Figure: 19 TAC §101.3041(b)(2). References to Grades 4 and 7 writing assessments would also be removed.

The performance standards for all five STAAR® EOC assessments would be updated in Figure: 19 TAC §101.3041(c)(1). References to Algebra II and English III would also be removed.

The performance standards for STAAR® Alternate 2 English I and English II EOC assessments would be updated in Figure: 19 TAC §101.3041(c)(2).

Finally, the proposed amendment would make technical edits related to assessment program names to ensure consistency across administrative rules.

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

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

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

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

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

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would limit an existing regulation by remov-

ing performance standards for some assessments and modifying the rule to reflect the redesigned testing program.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** Ms. Laux has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be providing public school districts and open-enrollment charter schools with updated performance standards for statewide assessment instruments beginning with the spring 2023 administrations. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins September 15, 2023, and ends October 16, 2023. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on September 15, 2023. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

**STATUTORY AUTHORITY.** The amendment is proposed under Texas Education Code (TEC), §39.0241(a), which requires the commissioner to determine the level of performance considered to be satisfactory on the assessment instruments; and TEC, §39.025(a), which requires the commissioner to provide a conversion of the scale scores for each end-of-course assessment to an equivalent score based on a 100-point scale score system.

**CROSS REFERENCE TO STATUTE.** The amendment implements Texas Education Code, §39.0241(a) and §39.025(a).

*§101.3041. Performance Standards.*

(a) The commissioner of education shall determine the level of performance considered to be satisfactory on the assessment instruments. The figures in this section identify the performance standards established by the commissioner for state-developed assessments, as required by the Texas Education Code, Chapter 39, Subchapter B, for each assessment [all grades, assessments, and subjects].

(b) The figures in this subsection identify the performance standards established by the commissioner for the State of Texas

Assessments of Academic Readiness (STAAR®) general and alternate assessments at Grades 3-8.

(1) The figure in this paragraph identifies the STAAR® [general education] performance standards at Grades 3-8.

Figure: 19 TAC §101.3041(b)(1)

[Figure: 19 TAC §101.3041(b)(1)]

(2) The figure in this paragraph identifies the STAAR® Alternate 2 performance standards at Grades 3-8.

Figure: 19 TAC §101.3041(b)(2)

[Figure: 19 TAC §101.3041(b)(2)]

(c) For students first enrolled in Grade 9 or below in the 2011-2012 school year, the figures in this subsection identify the performance standards established by the commissioner for the STAAR® end-of-course (EOC) general and alternate assessments. The standard in place when a student first takes a STAAR® [an] EOC assessment is the standard that will be maintained on all EOC assessments throughout the student's high school career.

(1) The figure in this paragraph identifies the STAAR® EOC [general education] assessment performance standards.

Figure: 19 TAC §101.3041(c)(1)

[Figure: 19 TAC §101.3041(c)(1)]

(2) The figure in this paragraph identifies the STAAR® Alternate 2 EOC [alternate] assessment performance standards.

Figure: 19 TAC §101.3041(c)(2)

[Figure: 19 TAC §101.3041(c)(2)]

(d) The Texas Education Agency shall post annually to its website a 100-point score conversion table after the STAAR® assessment spring administration [administrations]. The 100-point scale is defined using percentiles, which represent the percentage of students across the state that took the assessment and received a scale score less than the scale score of interest. The percentile is based on the performance of students who took [the paper, online, Braille, and L versions of] the assessment during the spring administration of any given year.

(1) The following formula is used to calculate the percentile  $p(S)$  for a scale score  $S$ :  $p(S) = x/N \times 100$ .

(2) In the formula in paragraph (1) of this subsection,  $N$  is the total number of students who took the tests, and  $x$  is the number of students with scale scores less than  $S$ . If the calculated percentile is not a whole number, then it is rounded down to the closest whole number.

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

Filed with the Office of the Secretary of State on September 1, 2023.

TRD-202303217

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: October 15, 2023

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



# WITHDRAWN RULES

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

## TITLE 22. EXAMINING BOARDS

### PART 14. TEXAS OPTOMETRY BOARD

#### CHAPTER 279. INTERPRETATIONS

##### 22 TAC §279.1

The Texas Optometry Board withdraws proposed amendments to §279.1 which appeared in the May 26, 2023, issue of the *Texas Register* (48 TexReg 2654).

Filed with the Office of the Secretary of State on August 29, 2023.

TRD-202303193

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 29, 2023

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



##### 22 TAC §279.3

The Texas Optometry Board withdraws proposed amendments to §279.3 which appeared in the May 26, 2023, issue of the *Texas Register* (48 TexReg 2656).

Filed with the Office of the Secretary of State on August 29, 2023.

TRD-202303194

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 29, 2023

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

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

#### CHAPTER 65. WILDLIFE

##### SUBCHAPTER B. DISEASE DETECTION AND RESPONSE

##### DIVISION 1. CHRONIC WASTING DISEASE (CWD)

##### 31 TAC §65.81

The Texas Parks and Wildlife Department withdraws proposed emergency amendment to §65.81 which appeared in the June 16, 2023, issue of the *Texas Register* (48 TexReg 3009).

Filed with the Office of the Secretary of State on August 30, 2023.

TRD-202303214

Todd S. George

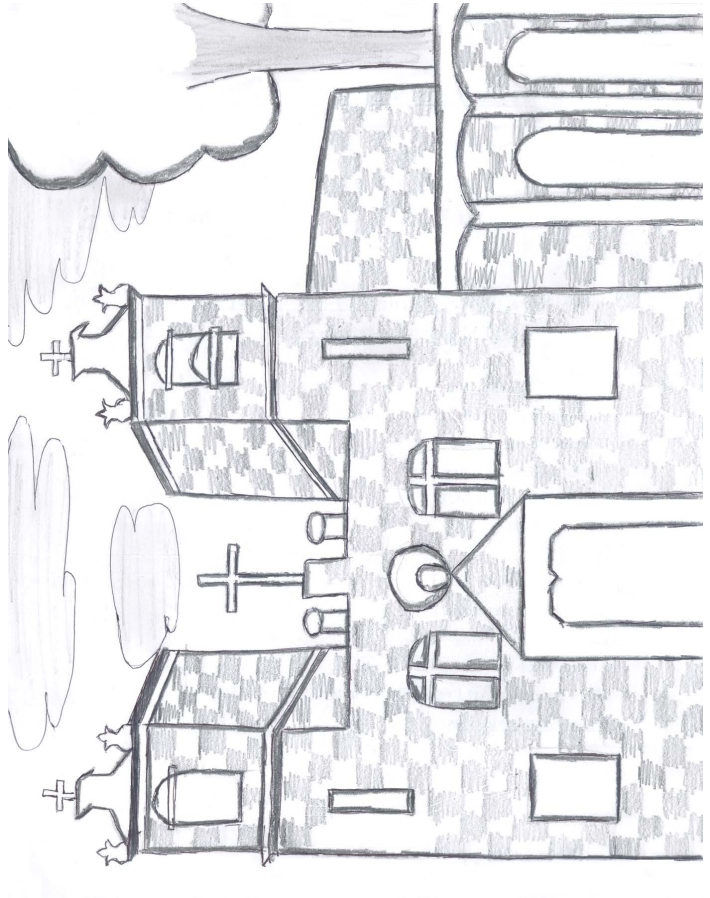
Assistant General Counsel

Texas Parks and Wildlife Department

Effective date: August 30, 2023

For further information, please call: (512) 389-4775





# ADOPTED RULES

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

## TITLE 4. AGRICULTURE

### PART 1. TEXAS DEPARTMENT OF AGRICULTURE

#### CHAPTER 1. GENERAL PROCEDURES SUBCHAPTER R. ZERO AGRICULTURAL PEST AND DISEASE GRANT PROGRAM

##### 4 TAC §§1.1200 - 1.1206

The Texas Department of Agriculture (Department) adopts new Texas Administrative Code, Title 4, Part 1, Chapter 1, Subchapter R, §§1.1200 - 1.1206 relating to the establishment, implementation, and administration of the Zero Agricultural Pest and Disease Grant Program (Program), including eligibility, use of funds, application, and reporting requirements.

Section 1.1200 outlines the purpose of the Program. Section 1.1201 provides the authority for and outlines the method of administration of the Program. Section 1.1202 delineates the applicant eligibility requirements to participate in the Program. Section 1.1203 describes allowable activities for use of funds in the Program. Sections 1.1204, 1.1205, and 1.1206 identify requirements related to Program administration, including the application process and requirements, and reporting requirements. The foregoing rules are adopted without changes to the proposal published in the June 30, 2023, issue of the *Texas Register* (48 TexReg 3444) and will not be republished.

##### SUMMARY OF COMMENTS AND AGENCY RESPONSE

The public comment period on the proposed rules began June 30, 2023 and ended July 31, 2023.

COMMENT: The Department received one comment from Plains Cotton Growers, Inc., which expressed strong support for the proposed rules and creation of the Program.

AGENCY RESPONSE: The Department appreciates the comment submitted in support of the proposed rules and creation of the Program.

The new rules are adopted pursuant to §12.016 of the Code, which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code and to implement Chapter 71, Subchapter E of the Code, which directs the Department to establish a plant pest and disease detection and surveillance program.

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

Filed with the Office of the Secretary of State on August 30, 2023.

TRD-202303213

Susan Maldonado

General Counsel

Texas Department of Agriculture

Effective date: September 19, 2023

Proposal publication date: June 30, 2023

For further information, please call: (512) 463-6591



## TITLE 22. EXAMINING BOARDS

### PART 21. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

#### CHAPTER 463. APPLICATIONS AND EXAMINATIONS

##### SUBCHAPTER B. LICENSING REQUIREMENTS

##### 22 TAC §463.8

The Texas Behavioral Health Executive Council adopts amendments to §463.8, relating to Licensed Psychological Associate. Section 463.8 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1700) and will not be republished.

Reasoned Justification.

The adopted amendments correct typographical errors in subsections (a)(3), (b)(3), and (c)(3). The adopted amendment to subsection (a)(2) will allow for the supervised experience from an internship, practicum, or the like to count towards licensure if it is obtained under an individual licensed as an LSSP, instead of only under the supervision of a psychologist. Subsection (c)(5) has been amended to allow a provisionally licensed psychologist to count supervision hours obtained towards the independent practice requirements as an LPA. Subsection (d) has been deleted to correspond with the adopted change to §463.11, which deletes the gap requirements for when supervised experience was obtained and when an application was submitted. Subsection (f) extends a grandfathering provision for degrees in psychology that began before August 31, 2019. And subsection (g) creates a way for applicants with deficiencies to petition for permission to remediate certain areas of deficiency.

List of interested groups or associations against the rule.

The Texas Association of School Psychologists

Summary of comments against the rule.

A commenter disagreed with this rule change because the commenter has been licensed as an LPA and LSSP since the 1990s and the commenter believes there should be a grandfathering provision added to the independent practice status supervised experience requirements for those licensees who may no longer have documentation of the supervision they received under a psychologist if it occurred a long time ago.

A commenter disagreed with this rule change because the commenter stated that the training and scope of practice for an LSSP and LPA are dissimilar. LSSPs specialize in knowledge of the school system and IDEA eligibility criteria and not the many diagnoses listed in the DSM. Therefore, LPAs are not competent to practice in a school setting, having an LSSP supervise an LPA would not remedy this type of deficiency in competence, and LSSPs are not trained to supervise LPAs beyond the scope of practice for an LSSP.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

A Commenter voiced support for these rule changes. The commenter opined that Texas has a shortage in its mental health workforce and the commenter believes some of these rule changes may help address some of the issues preventing otherwise qualified applicants from obtaining licensure.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenters. A grandfathering provision was not considered in the original proposal so adopting the rule with such an amendment would be outside the scope of the original proposal. Documentation of supervised experience is required for all applicants by §882.2 so a waiver of this requirement would not be possible.

The Executive Council acknowledges the differences in the education, training, and scope of practice between LSSPs and LPAs. The amended rule does not expand the scope of practice for LPAs, this rule amendment does not allow for LPAs to conduct the practice of school psychology in a school setting. What this rule amendment does is allow for applicants that have completed at least six hours of structured supervised experience, such as in internship or practicum, under the supervision of a licensed psychologist or an LSSP to be eligible to apply for an LPA. Before an LPA can independently conduct the practice of psychology, the LPA must obtain at least 3,000 hours of supervised experience delivering psychological services under the supervision of a licensed psychologist. Therefore, an LPA must have practiced under the supervision of a licensed psychologist for at least two years before an LPA can practice psychology independently, and the Executive Council, along with the Texas State Board of Examiners of Psychologists, believes this will ensure that future LPAs are competent to provide psychological services to the public.

The Executive Council appreciates the supportive comments.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

Filed with the Office of the Secretary of State on September 1, 2023.

TRD-202303223

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Effective date: September 21, 2023

Proposal publication date: March 31, 2023

For further information, please call: (512) 305-7706



## PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

### CHAPTER 681. PROFESSIONAL COUNSELORS

#### SUBCHAPTER B. RULES OF PRACTICE

##### **22 TAC §681.35**

The Texas Behavioral Health Executive Council adopts new §681.35, relating to Informed Consent. Section 681.35 is adopted without changes to the proposed text as published in

the March 31, 2023, issue of the *Texas Register* (48 TexReg 1703) and will not be republished.

#### Reasoned Justification.

This adopted new rule transfers the existing requirements for informed consent from current §681.41 to this new rule, and it adds new language in subsection (d). Subsection (d) is intended to create a standard by which informed consent can be provided by licensees to clients while licensees are employed by agencies or institutions, where obtaining signed documentation may not be possible or easily accomplished. The adopted new rule requires the same level of notice and public protection that is currently required, while also creating a regulation that is not overly burdensome or impossible to comply with for licensees.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

A commenter voiced opposition to this rule because the commenter opined that it was confusing. The commenter's questions centered around the new language in subsection (d), wondering if the written documentation required by this subsection must be made in a session note and whether it needs to be signed by the recipient of services. Further the commenter questioned whether this rule would allow a licensee to provide services to a minor child without a signed informed consent.

Another commenter disagreed with this rule because the commenter felt the rule creates an informed consent that will be multiple pages in length, that the added information is easily provided via public display in an office, and a counselor is not often certain which techniques could be used in the course of treating a client so when new or different techniques or treatments are used it will require additional informed consent which will in turn lead to larger storage requirements.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

A commenter, agreeing with the rule, questioned whether the rule waives the specific informed consent requirement for LPCs and LPC Associates, such as a licensee working at an inpatient medical facility that has a general medical consent but not a counseling specific informed consent.

A commenter agreed with the rule change but felt that subsection (c), regarding the need to obtain the appropriate documentation of legal authority for a parent or guardian to consent the services of a minor child, was either duplicative or insufficient. Additionally, the commenter felt subsection (d) sets up an unintended conflict when a client lacks the capacity to provide consent.

#### Agency Response.

The Executive Council declines to amend the rule as requested by the commenters. The requirements listed in subsections (a) through (c) of this rule are identical to those that are contained in current §681.41. Subsection (d) contains the only new rule language, and this language requires licensees to provide the same notice to clients as a typical signed informed consent. The only difference is if a licensee is employed by an agency or institution the signature of the client is not required but a licensee is still required to document that all the same required elements

of an informed consent were provided to the client and the client consented.

The rule does not specify where such documentation must be entered so long as it is maintained in the client's records. This new rule language does not modify who has legal authority to provide consent for services, a minor child still lacks the legal authority to provide consent for services so a legally authorized individual, such as a parent or guardian, is still required to provide consent.

The elements required to be in an informed consent have not changed, so the commenter's assertion that this rule will lengthen the requirements is inaccurate. One of the purposes of this rule is to ensure that a client is given sufficient notice of the agreement being entered into between the licensee and client, e.g., counseling purposes, goals, and techniques; payment arrangements; and the limits on confidentiality. If a licensee makes a material change to this agreement then an updated informed consent regarding the changes is required under the current rules and will continue to be required under this new rule.

This new rule does not waive the informed consent requirements for any LPCs and LPC-Associates, it only waives the requirement for the client's signature on an informed consent when a licensee is employed by an agency or institution.

Subsection (c) of this new rule contains the same language in current §681.41, and the Council does not find the language in subsection (c) to be unclear. Subsection (c) unambiguously states that if a licensee is providing services to a minor client that is named in a custody agreement or court order, then the licensee must obtain, review, and abide by the custody agreement or court order, as well as any applicable part of a divorce decree. Additionally, new subsection (d) does not modify the requirement that an individual must first have the legal authority to consent for service, so the Council does not see any unintended conflict caused by this subsection.

#### Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications neces-

sary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

Filed with the Office of the Secretary of State on September 1, 2023.

TRD-202303224

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

Effective date: September 21, 2023

Proposal publication date: March 31, 2023

For further information, please call: (512) 305-7706



## 22 TAC §681.36

The Texas Behavioral Health Executive Council adopts new §681.36, relating to Client Records. Section 681.36 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1704) and will not be republished.

Reasoned Justification.

This adopted new rule transfers the existing requirements for records from current §681.41 to this new rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

A commenter voicing opposition to this rule stated that subsection (c) puts unnecessary responsibility on a licensee when agencies and institutions own the client's records and thus should remain the property of the agency or institution.

Another commenter opposed this rule opining that it is unreasonable for clinicians to keep records until the client reaches 18 years and then five years after that, and the commenter would like for the requirement to change to 7 years for all clients, regardless of the age of the client. The commenter believes this requirement is too costly to comply with and the commenter cannot recall ever receiving a request for records from a family of a child five years after they had become an adult.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenters. While the wording of new subsection (c) may be slightly different than current §681.41, the requirements are the same. As this subsection states, licensees are required to maintain a client's records, but if a licensee is employed with an agency or institution and this employer maintains the client's records then the licensee is not required to maintain a duplicate set of the client's records.

The requirement of subsection (b) of this rule are the same as current §681.41. On November 19, 2020, the requirements for the retention of client records were amended from a 6 year requirement to the current 7 seven years from the date of termination of services, or 5 years after the client reaches the age of majority, whichever is greater. This change was not only done with the consent of the Texas State Board of Examiners of Professional Counselors but identical changes to the retention of records rules for all the other Boards under the Executive Council were also made. This was done to standardize the retention of records rules for all licensees under the Executive Council. And this was also done to align the record retention requirements with the Executive Council's rule that governs the timeliness of complaints, §884.1. Therefore, during the period of time that a complaint can be timely filed against a licensee the licensee is required to maintain the client's records. That way a licensee will still have the relevant client records pertaining to a complaint if one is timely filed. Any changes to the records retention period in a Board's rules must take all of these factors into consideration, and at this time the Executive Council does not see the need to change this requirement.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied



with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



## 22 TAC §681.37

The Texas Behavioral Health Executive Council adopts new §681.37, relating to Billing and Financial Arrangements. Section 681.37 is adopted with changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1706) and will be republished. The adopted changes make grammatical and technical corrections to subsection (a)(3) and (5) but substantially does not change the rule.

Reasoned Justification.

This adopted new rule transfers the existing requirements for billing and financial arrangements from current §681.41 to this new rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

A commenter opined that this rule appears to prohibit licensees from advertising on websites or in trade publications when it actually prohibits illegal quid-pro-quo referrals or kickbacks, the commenter feels subsection (b) is confusing and should be reworded.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenter. The language in subsection (b) is taken from current §681.41, and this language was taken from §503.401(a)(4) of the Occupations Code. This statute and rule does not prohibit licensees from advertising, but the wording of the rule was specifically chosen in an effort to correlate this rule with the statutory language, so the Executive Council does not see a need to change this language at this time.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.37. *Billing and Financial Arrangements.*

(a) Billing Requirements.

(1) A licensee must bill clients or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual written agreement.

(2) Relationships between a licensee and any other person used by the licensee to provide services to a client must be so reflected on billing documents.

(3) Upon the written request of a client, a client's guardian, or a client's parent (sole managing, joint managing or possessory conservator) if the client is a minor, a licensee must provide, in plain language, a written explanation of the types of treatment and charges for counseling treatment intervention previously made on a bill or statement for the client. This requirement applies even if the charges are to be paid by a third party.

(4) A licensee may not knowingly overcharge a client.

(5) A licensee may not submit to a client or a third party payor a bill for counseling treatment intervention the licensee knows or should know is improper, unreasonable, or unnecessary. However, nothing in this rule should be construed to prevent a licensee from submitting a bill for an unkept appointment.

(b) In accordance with §503.401(a)(4) of the Act, a licensee must not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage.

(c) A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in the Texas Health and Safety Code, §164.006, relating to soliciting and contracting with certain referral sources. Compliance with the Treatment Facilities Marketing Practices Act, Texas Health and Safety Code Chapter 164, will not be considered as a violation of state law relating to illegal remuneration.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



## 22 TAC §681.38

The Texas Behavioral Health Executive Council adopts new §681.38, relating to Conflicts, Boundaries, Dual Relationships, and Termination of Relationships. Section 681.38 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1707) and will not be republished.

### Reasoned Justification.

This adopted new rule transfers the existing requirements regarding conflicts, boundaries, dual relationships, and termination of relationships with clients from current §681.41 to this new rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

A commenter voiced opposition to this rule by stating that the prohibition of non-therapeutic relationships was too vague and restrictive for special populations and small communities, such as the deaf community. The commenter requested adding clarifying language to the rule that prohibits non-therapeutic relationships with current or former clients in which the therapist has power, authority, or detrimental influence over the client.

Another commenter voiced opposition to the prohibitions against non-therapeutic relationships with clients contained in subsection (d) of the rule. The commenter opined that the absolute prohibition against romantic or sexual relationships with clients is appropriate, but the commenter asserts that a growing body of research suggests that not all boundary crossing with clients is bad and in some instances can be helpful. The commenter requested amending the rule to focus on prohibiting harm that

could reasonably have been anticipated instead of having an absolute prohibition against all non-therapeutic relationships.

Lastly, a commenter voiced concern and confusion regarding subsection (b) of the rule, wondering what the purpose of this part of the rule was and asserting that it will require a licensee to inform prospective clients that all services are being provided because the licensee needs the income. Additionally, the commenter felt subsection (c) was too vague and asked for further guidance or examples of how to define and measure professional boundaries.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The Executive Council declines to amend the rule as requested by the commenters. With the exception of subsection (d), the language in this rule is identical to the language in current §681.41. While grammatical changes have been made to subsection (d) these changes were made for the purposes of clarity, the substance of this subsection has not changed, so its requirements and prohibitions are the same. Licensees engaging in non-therapeutic relationships with clients has been prohibited under §681.41 since at least 2003. And in 2010 the prohibition against non-therapeutic relationships, found in §681.41, was amended to the standard that it is today. A licensee may not engage in a non-therapeutic relationship with a client unless it begins more than two years after the end of the therapeutic relationship, the non-therapeutic relationship is consensual, not the result of exploitation by the licensee, and is not detrimental to the client. Additionally, a licensee may not engage in sexual contact with a client unless it begins more than five years after the end of the therapeutic relationship, the non-therapeutic relationship is consensual, not the result of exploitation by the licensee, and is not detrimental to the client.

The language in subsection (b) is identical to what is currently in §681.41, and this language has existed in the rule since at least 2010. This subsection allows licensees that are providing professional counseling services to a client to promote other activities, services, or products that either facilitate the counseling process or help achieve counseling goals, but if the licensee has a personal or business interest in these other activities, services, or products then the licensee must disclose the interest to the client and must not exert any undue influence over the client when promoting these activities, services, or products.

The language in subsection (c) is identical to what is currently in §681.41, and this language has existed in the rule since at least 2003. Previously the requirement for licensees to set and maintain professional boundaries was followed by a prohibition against dual relationships which was defined as non-therapeutic relationships. In 2010 this part of §681.41 was amended with the same language as stated in subsection (c) of this rule, and it was followed by the prohibitions against non-therapeutic relationships similar to those stated in subsection (d). If the commenter is looking for more guidance or information as to how to understand and comply with subsection (c) then the commenter can look to subsection (d).

At this time, the Texas State Board of Professional Counselors and the Executive Council do not find it necessary or appropriate

to change the standards listed in subsections (b), (c), or (d) which have all existed for a long time.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



**22 TAC §681.41**

The Texas Behavioral Health Executive Council adopts amended §681.41, relating to General Ethical Requirements. Section 681.41 is adopted without changes to the proposed text

as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1709) and will not be republished.

Reasoned Justification.

Subsections (e), (f), (h), (i), (j), (k), (l), (m), (n), (q), (r), (s), (t), (v), (w), and (x) have been deleted from this rule because these subsections have been moved to and adopted in separate rules to organize the rules of practice in a more accessible and intuitive manner. Additionally, subsection (u) was deleted because it was duplicative, the same requirement already exists in §681.45.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires

state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks  
Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



## 22 TAC §681.52

The Texas Behavioral Health Executive Council adopts amended §681.52, relating to Parenting Facilitation. Section 681.52 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1712) and will not be republished.

Reasoned Justification.

An amendment to §681.41 has been adopted, so a corresponding amendment to subsection (y) of this rule has been adopted.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

A commenter agreed with the proposed rule amendment but also opined that parent facilitators should not allow for the medical care of a child to be an issue for debate for the parents.

Agency Response.

Issues regarding the medical care of a child are beyond the scope of the proposed amendments to this rule. These adopted amendments update a rule citation in subsection (y) of the rule because of a change made to §681.41. Therefore the Executive Council declines to adopt any changes to this rule regarding any issues of potential debate between parents, such as the medical care of a child.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules nec-

essary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks  
Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



## SUBCHAPTER D. SCHEDULE OF SANCTIONS

### 22 TAC §681.205

The Texas Behavioral Health Executive Council adopts amended §681.205, relating to Schedule of Sanctions. Section 681.205 is adopted without changes to the proposed text as published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1715) and will not be republished.

Reasoned Justification.

Amendments to §681.41 and new §§681.35, 681.36, 681.37, and 681.38 have been adopted, so corresponding amendments to this rule must also be adopted.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

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For further information, please call: (512) 305-7706



## PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

### CHAPTER 882. APPLICATIONS AND LICENSING

#### SUBCHAPTER F. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, VETERANS, AND MILITARY SPOUSES

##### 22 TAC §882.61

The Texas Behavioral Health Executive Council adopts amendments to §882.61, relating to Special Licensing Provisions for Service Members and Military Spouses. Section 882.61 is adopted with changes to the proposed text as published in the July 14, 2023, issue of the *Texas Register* (48 TexReg 3797) and will be republished.

Reasoned Justification.

The adopted amendments better align this rule with both state and federal law regarding licensing exemptions for service members and military spouses. The rule is adopted with changes in response to recent amendments made to Section 55.0041 of the Occupations Code by S.B. 422, 88th Leg., R.S. (2023).

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

Lastly, the Executive Council adopts this rule pursuant to the authority found in §55.0041 of the Tex. Occ. Code which instructs licensing agencies to adopt rules to recognize the out-of-state license of a service member and a military spouse.

*§882.61. Special Licensing Provisions for Service Members and Military Spouses.*

(a) Notwithstanding §882.23 of this chapter and in accordance with §55.0041 of the Occupations Code and the Veterans Auto and Education Improvement Act of 2022 (Public Law No. 117-333), a service member or military spouse is authorized to practice marriage and family therapy, professional counseling, psychology, or social work without a license if the person meets each of the following requirements:

(1) the service member or military spouse notifies the Council on an agency approved form or as directed by agency staff, of the service member's or military spouse's intent to practice a particular profession in this state;

(2) the service member or military spouse provides verification of licensure in good standing in another jurisdiction in the similar scope of practice and in the discipline applied for in this state, and:

(A) has actively used the license during the two years immediately preceding the date of application; or

(B) holds a license that has licensing requirements that are substantially equivalent to the requirements for licensure in this state;

(3) the service member or military spouse submits proof of residency in this state (e.g. copy of a permanent change of station order) and a copy of the service member's or military spouse's military identification card; and

(4) the Council provides confirmation to the service member or military spouse that it has verified the service member's or military spouse's license in the other jurisdiction and that the service member or military spouse is authorized to practice a particular profession.

(b) In order to meet the requirements of subsection (a)(2)(B) of this section, a service member or military spouse must submit a copy of the law reflecting the current licensing standards for the relevant profession in the state where the service member or military spouse is licensed, with the relevant portions highlighted for easy reference. The Council shall then determine substantial equivalency based upon the determinations made by the member boards under §882.60(d) of this chapter.

(c) The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.

(d) A service member or military spouse authorized to practice under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.

(e) A service member or military spouse may practice under this rule while the service member or military spouse is stationed at a military installation in this state. If the service member or military spouse relied upon subsection (a)(2)(B) of this section to obtain authorization to practice, the authority shall extend only until the third

anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

(f) In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.

(g) Subsection (a)(2)(A) of this section does not apply to service members or military spouses that are licensed and able to operate in this state through an interstate licensure compact. Service members or military spouses eligible to participate in an interstate licensure compact may either apply to practice through the authority of the interstate licensure compact or through other applicable state law.

(h) Notwithstanding subsection (e) of this section, in the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a military spouse who relied upon subsection (a)(2)(B) of this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

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

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Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

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For further information, please call: (512) 305-7706

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**TITLE 31. NATURAL RESOURCES AND CONSERVATION**

**PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT**

**CHAPTER 65. WILDLIFE**

**SUBCHAPTER B. DISEASE DETECTION AND RESPONSE**

The Texas Parks and Wildlife Commission in a duly noticed meeting on August 24, 2023, adopted amendments to 31 TAC §§65.81, 65.82, and 65.99, concerning Disease Detection and Response. The amendments to §65.81 and §65.82 are adopted with changes to the proposed text as published in the July 21, 2023, issue of the *Texas Register* (48 TexReg 3975). These will be republished. The amendment to §65.99 is adopted without changes to the proposed text and will not be republished.

The change to §65.81, concerning Containment Zones; Restrictions, reduces the extent of the containment zone (CZ) proposed in Hunt County. Historically, when chronic wasting disease (CWD) has been detected in a deer breeding facility but not on any associated release sites, the department has considered the property on which the breeding facility is located to be a de

facto CZ because it is immediately subject to a quarantine and a herd plan issued by the Texas Animal Health Commission (TAHC) and is surrounded by a fence capable of retaining deer at all times. When CWD is detected in a free-ranging deer, the department has typically imposed a containment zone with a five-mile radius around the location of the free-ranging positive. When breeder deer are released, they are no longer breeder deer and are free-ranging because they are no longer in captivity within a deer breeding facility. However, the department considers high-fenced release sites with free-ranging positive deer to be different, for epidemiological purposes, from low-fenced locations where CWD is detected in free-ranging deer. Because the free-range positive deer in Hunt County were detected on release sites associated with the breeding facility where CWD was originally discovered, the department is confident that a two-mile CZ radius is sufficient because the likely source of the infected animals is known.

The change to §65.82, concerning Surveillance Zones; Restrictions, alters paragraph (1)(P) to replace colons with semicolons because colons have inadvertently been used as delimiters between coordinate pairs where semicolons should have been used. The change is nonsubstantive.

The amendments will function collectively to refine surveillance efforts as part of the agency's effort to manage CWD.

CWD is a fatal neurodegenerative disorder that affects some cervid species, including white-tailed deer, mule deer, elk, red deer, sika, and their hybrids (referred to collectively as susceptible species). It is classified as a TSE (transmissible spongiform encephalopathy), a family of diseases that includes scrapie (found in sheep), bovine spongiform encephalopathy (BSE, found in cattle and commonly known as "Mad Cow Disease"), and variant Creutzfeldt-Jakob Disease (vCJD) in humans.

Much remains unknown about CWD, although robust efforts to increase knowledge are underway in many states and countries. The peculiarities of its transmission (how it is passed from animal to animal), infection rate (the frequency of occurrence through time or other comparative standard), incubation period (the time from exposure to clinical manifestation), and potential for transmission to other species are still being investigated. Currently, there is scientific evidence to suggest that CWD has zoonotic potential; however, no confirmed cases of CWD have been found in humans. Consequently, both the Centers for Disease Control and Prevention and the World Health Organization strongly recommend testing animals taken in areas where CWD exists, and if positive, recommend not consuming the meat. What is known is that CWD is invariably fatal to certain species of cervids and is transmitted both directly (through animal-to-animal contact) and indirectly (through environmental contamination). If CWD is not contained and controlled, the implications of the disease for Texas and its multi-billion-dollar ranching, hunting, wildlife management, and real estate economies could be significant.

The department has engaged in several rulemakings over the years to address the threat posed by CWD, including rules to designate a system of zones in areas where CWD has been confirmed or could reasonably be expected. The purpose of those CWD zones is to determine the geographic extent and prevalence of the disease while containing it by limiting the unnatural movement of live CWD-susceptible species as well as the movement of carcass parts.

The department's response to the emergence of CWD in captive and free-ranging populations is guided

by the department's CWD Management Plan (Plan) <https://tpwd.texas.gov/huntwild/wild/diseases/cwd/plan.phtml>. Developed in 2012 in consultation with the Texas Animal Health Commission (TAHC), other governmental entities and conservation organizations, and various advisory groups consisting of landowners, hunters, deer managers, veterinarians, and epidemiologists, the Plan sets forth the department's CWD management strategies and informs regulatory responses to the detection of the disease in captive and free-ranging cervid populations in the state of Texas. The Plan is intended to be dynamic; in fact, it must be so in order to accommodate the growing understanding of the etiology, pathology, and epidemiology of the disease and the potential management pathways that emerge as it becomes better understood through time. The Plan proceeds from the premise that disease surveillance and active management of CWD once it is detected are absolutely critical to containing it on the landscape. Accordingly, the first step in the department's response to CWD detections is the timely establishment of management zones around locations where detection occurs. One type of management zone is the CZ, defined by rule as "a department-defined geographic area in this state within which CWD has been detected or the department has determined, using the best available science and data, CWD detection is probable." Within a CZ, the movement of live deer is subject to restrictions and the presentation of harvested deer at a department check station is required. In addition, deer carcass movement restrictions set forth in §65.88 of Subchapter B, Division 1 apply. In addition to CZs, current rules provide for surveillance zones (SZs), defined by rule as "a department-defined geographic area in this state within which the department has determined, using the best available science and data, that the presence of CWD could reasonably be expected." Within a SZ, the movement of live deer is subject to restrictions and the presentation of harvested deer at a department check station is required. In addition, deer carcass movement restrictions set forth in §65.88 of Subchapter B, Division 1 apply.

The Texas Parks and Wildlife Commission recently directed staff to develop guidelines for a standard operating procedure (SOP) with respect to the establishment and duration of the various management zones. In cases where CWD is discovered in a deer breeding facility but not on associated release sites, the department will not establish a SZ if the following can be verified: 1) the disease was detected early (i.e., it has not been in the facility long); 2) the transmission mechanism and pathway are known; 3) the facility was promptly depopulated following detection; and 4) there is no evidence that free-ranging deer populations have been compromised. If any of these criteria is not satisfied, a SZ will be established to consist of all properties that are wholly or partially located within two miles of the property where the positive breeding facility is located. However, in situations where CWD is detected in a free-ranging deer, the department has little choice but to formally impose a CZ in response. The SOP dictates that a CZ consist of all properties wholly or partially located within five miles of the property (or properties) where a low-fenced, free-ranging case of CWD was detected, and for CWD detections occurring on high-fenced release sites, all properties wholly or partially located within two miles of the property (or properties).

As noted previously in this preamble, the department has been engaged in a long-term effort to stem the spread of CWD; however, by 2021 it was apparent that more robust measures were warranted because CWD was still being detected in additional

deer breeding facilities, as well as on release sites associated with deer breeding facilities. The commission adopted those rules, which require higher rates of testing, ante-mortem (live-animal) testing of breeder deer prior to release, and enhanced recordkeeping and reporting measures, in December of 2021 (46 TexReg 8724). This year is the first full year of the applicability of those measures.

The amendment to §65.81, concerning Containment Zones; Restrictions, establishes new CZ 7 in Hunt and Kaufmann counties in response to recent detections of CWD in deer on release sites associated with a CWD-positive deer breeding facility. That facility is already within SZ 7, which was created in response to the initial detection of CWD on that premise. On March 17, 2023, the department received confirmation that CWD was present on a release site associated with the CWD-positive deer breeding facility for which SZ 7 was created. Two additional positives have been detected on an associated release site in Kaufman County (a 4.5-year-old male and a 5.5 year-old male) that is epidemiologically linked to the CWD-positive breeding facility in Hunt County. The amendment also establishes that the geographic areas described by the rule represent a radius surrounding each property where CWD has been detected, and that the zone includes all properties wholly or partially within those areas. The proposed amendment is intended to replace an emergency rule adopted on May 26, 2023 (48 TexReg 3009), which took effect immediately.

In addition, the amendment establishes new CZ 8 in Bexar County. On May 25, 2023, the department received confirmation that a free-ranging deer (a 6.5-year-old female) killed pursuant to a TTP (Trap, Transfer, and Process) permit in Bexar County had tested positive for CWD.

The amendment to §65.82, concerning Surveillance Zones; Restrictions, establishes new SZ 18 in Bexar County, new SZ 19 in Sutton County, new SZ 20 in Zavala County, new SZ 21 in Frio County, and new SZ 22 in Brooks County, all in response to the continued detection of CWD in deer breeding facilities. On May 3, 2023, the department received confirmation that a 3-year-old buck deer in a deer breeding facility in Sutton County had tested positive for CWD. In accordance with the department's CWD Management Plan and SOP, the department is establishing a SZ in a two-mile radius around the property where the Sutton County positive was detected. The proposed SZ in Bexar County is in response to the confirmation of CWD in Bexar County described earlier in this preamble in the discussion of the establishment of a CZ in Bexar County. On March 10, 2023, CWD was confirmed in three 2-year-old males within a deer breeding facility in Zavala County, and on April 5, 2023, CWD was confirmed in a 3-year-old male within a deer breeding facility in Frio County. On June 28, 2023, CWD was detected in a 2-year old female deer in Frio County and on July 7, 2023, CWD was detected in a 5-year-old female deer in a deer breeding facility in Brooks County. In keeping with the department's CWD Management Plan and the SOP, a SZ with a two-mile radius around each of those locations is established by the amendment.

The amendment also clarifies that the geographic areas described by the rule represent the radius around the property where CWD was detected, and that the zone includes all properties wholly or partially within those areas.

Finally, the amendment corrects typographical errors in the published delineations for SZ 11, which was established in a previous rulemaking (48 TeReg 2048). As published, some of the coordinate pairs describing the SZ lacked the negative sign in-

dicating that the locations being described are in the western hemisphere.

The amendment to §65.99, concerning Breeding Facilities Epidemiologically Connected to Deer Infected with CWD, adds new subsection (j) to require the euthanization of breeder deer within seven days of notification of confirmation of a positive ante-mortem CWD test result, the submission of post-mortem tissue samples (accompanied by both ears and required ear tags) of such deer within one day of euthanization, and daily facility inspections (with any mortalities to be immediately reported to the department, and the collection and submission of post-mortem tissue samples from test-eligible mortalities within one business day of collection). The amendment also retitles the section to reflect its applicability to deer breeding facilities in which CWD has been detected. From an epidemiological perspective, it is important to definitively assess the progress of disease in an individual animal as quickly as possible in order to determine the temporal parameters of disease transmission in the population. Immediate euthanization and post-mortem testing of all animals that test positive via ante-mortem testing gives the department and the regulated community the best chance of ensuring that disease transmission is mitigated as soon as possible in a breeding facility. Similarly, the requirement for daily inspections and immediate reporting and testing of mortalities is necessary to gain additional understanding of disease status within a positive facility. The rule also requires the submission of both ears and the required identification tags in order for the department to definitively establish the unique identity of the deer in question for future epidemiological investigation. Under current rule, a facility for which a positive test result is returned is automatically designated "not movement qualified" (NMQ) and is prohibited from transferring deer in or out of the facility; therefore, the amendment repeats that requirement simply for clarity and emphasis.

The department received 248 comments opposing adoption of all or part of the rules as proposed. Of those comments, 47 provided a reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated that there is no reason to "pile on more burdensome regulations" unless it can be proven that "these deer" died from CWD. The commenter continued by stating "With the low prevalence rate and the lack of clinical symptoms shown in these animals, I find it hard to continue to spend tax payers [sic] money on current regulations and additional regulations." The department disagrees with the comment and responds that the continued documented, definitive test results proving that CWD is present in certain captive deer populations necessitate the promulgation of additional regulations to control and if possible prevent the spread of the disease to additional captive and free-ranging populations. The department further responds that because CWD is invariably fatal, because deer infected with CWD are four times more likely to die from other causes (comorbidities including pneumonia and epizootic hemorrhagic disease (EHD), predation, hunter harvest, automobile collision, etc.), and because an infected animal sheds infectious prions for years before succumbing to the disease, waiting until a breeder deer dies from CWD would actually be the worst way to address the issue, since during the time between infection and mortality, an infected animal could possibly be transferred to multiple facilities, spreading the disease at each stop, up to and including release, where free-ranging deer could be infected and potentially spread the disease at landscape scale in those pop-



ulations. The department also responds that a low prevalence rate and the absence of clinical symptoms are not critical indices upon which to base disease detection response strategies *per se*, as once the disease is present, the threat of transmission to additional individuals and facilities is actual, and, as the empirical evidence in Texas demonstrates, will in fact occur. Finally, the department responds that the department's regulatory response to CWD occurs at very little cost to the public, none of which is a result of taxation at the state level. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that the current rules are working to control the disease and that more rules will only hinder small businesses that contribute \$1.7 billion to the Texas economy. The department disagrees with the comment and responds that the continued spread of CWD to additional deer breeding facilities and release sites directly refutes the assertion that CWD is under control, either due to agency regulations or otherwise. The department also responds that the rules are intended to preserve, not hinder, the profitability of deer breeding operations, and that the unchecked, continued spread of CWD will exert a far greater negative economic impact on hunting and hunting-related economies, which includes business models based on breeding and selling deer, than the cost of containing the disease and preventing its continued spread. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules make no sense because the department does not require CWD testing on low-fence properties, which would prove that CWD is already widespread and "unrelated to fence dimensions." The commenter went on to state that there is no way to contain or eradicate CWD "by over regulation" and that such thinking is idiotic. The commenter continued, stating that "TTT was regulated however you still did it and cwd was located in Bexar County" and that the entire herd should have been depopulated, which proves that the department imposes different rules "that fit your low fence owning friends [sic] agendas." The commenter also stated that the department is ruining people's lives and that cervids "do not live long enough for them to die from cwd". The department disagrees with the comment and responds that there is mandatory testing of all deer harvested by hunters in CZs and SZs (regardless of fence height), and despite non-scientific opinion to the contrary, mandatory testing of all hunter-harvested free-range deer populations is unnecessary at the current time because the department's continuing long-term surveillance effort utilizing hunter-harvested deer, road-kill, and naturally occurring mortality is sufficient to provide statistical confidence that CWD is not widespread in free-ranging populations across the state. The department once again cautions against drawing conclusions on the assumption that free-ranging populations and captive populations share the same epidemiological realities. They don't. Free-ranging populations and captive populations represent two interconnected, yet substantially different epidemiological universes that should not be confused; therefore, the issue is not "high fence versus low fence" but rather, the greater disease transmission risks that exist in the comparatively higher animal densities in deer breeding facilities and attendant live animal movement versus the lower disease transmission risks that exist in free-ranging animals with comparatively lower animal densities and attendant live animal movement. The department also responds that the positive CWD test result in Bexar County did not occur in a deer trapped under a Trap, Transport, and Transplant (Triple T) permit, but a deer trapped under a Trap, Transport, and Process

(TTP) permit, which is a terminal permit - all deer trapped under a TTP permit must be killed at the trap site or transferred within 20 hours to a processing facility. The department suspended the issuance of Triple T permits by rule in 2021 (46 TexReg 8724). In the case of the positive deer in the Bexar County TTP event, the herd in question is not comparable to most deer herds in the state, as it is an urban herd within a large metropolitan area, which makes complete depopulation impractical; however, in no way is the department's response to the CWD positive in Bexar County being driven by anyone's friends or the dimensions of fences. The department also responds that the assertion that cervids do not live long enough to die from CWD is patently false, as cervids have been observed and documented dying of CWD in Texas and elsewhere. No changes were made as a result of the comment.

One commenter opposed adoption and stated that CWD is not being spread exclusively by deer breeders and the department regulations "single out" deer breeders. The commenter also stated that no one at the department is a deer breeder and therefore are affected by the rules, that the Texas Supreme Court has ruled that breeder deer are private property and the department therefore has no authority to regulate them, and that no member of the Parks and Wildlife Commission has been confirmed by the Texas Senate. The department disagrees with the comments and responds that the department's efforts to contain and manage CWD are not confined to deer breeders but address all facets of disease surveillance and response. For instance, the establishment of CZs and SZs, which mandate check station requirements for hunter-harvested deer, and carcass movement restrictions that apply to all hunter-harvested deer, are measures that address disease management with respect to free-ranging deer. However, the department's efforts also must thoroughly address the ramifications presented by activities involving the human-induced movement of live deer, which has facilitated the rapid dissemination of CWD throughout the state since 2012, the vast majority of which is done by deer breeders. The department further responds that the department has a statutory duty to manage deer breeding activities in the state and there is no requirement for the dispensation of that duty to be contingent upon any commissioner or department employee being a member of the regulated community, in this case, to be the holder of a deer breeders permit. The department also disagrees that the Texas Supreme Court has ruled either that breeder deer are private property or that the department has no authority to regulate deer breeding and responds that white-tailed deer under any and all circumstances are the property of the people of the state and that there can be no question that Parks and Wildlife Code, Chapter 43, Subchapter L, delegates the authority for the regulation of deer breeding to the department. Finally, the department disagrees with the implication that official actions of the commission are in any way compromised by the confirmation status of any present, sitting commissioner, all of whom serve lawfully in accordance with the provisions of Article IV of the Texas Constitution, which provides for the confirmation or rejection by the Texas Senate of gubernatorial appointments. No changes were made as a result of the comment.

One commenter opposed adoption and stated that depopulating deer breeding facilities eliminates the ability "to observe and study for transmission." The commenter stated that the department is bankrupting families and businesses on a whim for a disease which is actually scapies [sic], which has been around for hundreds of years." The commenter also stated that the department's CWD management efforts are a waste of taxpayer's

money. The department disagrees with the comment and responds that depopulation actions (the euthanization of all deer within a breeding facility) are undertaken only when CWD is confirmed in a deer breeding facility (and are usually voluntary), because it is the most effective method to minimize to the greatest extent possible the further spread of CWD from the positive facility, and that deer breeders with positive deer breeding facilities are offered the opportunity to participate in scientific research. The department also responds that although the financial impacts resulting from the discovery of CWD in a deer breeding facility can, regrettably, be severe, this is an inherent risk of accepting deer from other deer breeding facilities, and the department urges all deer breeders to exercise care and due diligence regarding transfer activities. The department also responds that scrapie and CWD are not the same thing; however, they are both prion diseases classified as TSEs, are invariably fatal, and are managed in the same way. The department also responds that the length of time that humans have known about scrapie is irrelevant to the management of CWD. Finally, the department responds that the cost of the effort to contain and manage CWD, as noted in the response to a previous comment, is not funded by state taxes. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules will hurt small businesses. The department agrees that the rules as adopted, and as explained in the preamble of the proposed rules, can result in adverse financial effects on deer breeders with deer that test positive for CWD; however, the department has endeavored to minimize such expenses without compromising the goal of the rules, which is to protect captive and free-ranging populations of white-tailed and mule deer from the threat of CWD. The department also notes that most deer breeders, at the time of this rulemaking, do not appear to have CWD in their facilities. No changes were made as a result of the comment.

One commenter opposed adoption and stated that CWD isn't killing deer, department "already has the data," and that "politics should be eliminated." The department disagrees with the comment and responds it is a fixed scientific fact that CWD is a fatal disease of susceptible cervid species. The primary purpose of the rules as adopted is to detect and contain CWD; thus, the rules are not intended to collect scientific data (although such data is valuable), and that despite the persistent assertions to the contrary, there is absolutely no political factor driving the department's actions to protect captive and free-ranging white-tailed and mule deer populations from the threat of CWD. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there is no real science behind "these draconian policies put on deer breeders." The department disagrees with the comment and responds that the rules as adopted are necessary, are demonstrably based on the best available science concerning CWD management, and are developed in consultation with numerous veterinarians, wildlife biologists and disease specialists, epidemiologists, geneticists, and other members of the scientific community. No changes were made as a result of the comment.

One commenter opposed adoption and stated that deer breeding should be prohibited and all captive populations should be destroyed. The department disagrees with the comment and responds that under Parks and Wildlife Code, Chapter 43, Subchapter L, the department is required to issue a deer breeders permit to any qualified person, and further establishes the privileges of permittees who hold breeder deer. The commission has

no authority to modify or eliminate those statutory provisions. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules are "an attempt for more control over deer breeders and will likely result in some deer breeders being put out of business." The commenter stated that although the department has stated that ante-mortem testing is not accurate, the rules require breeders to euthanize their deer based on ante-mortem test results. The commenter also stated that the department is avoiding taking financial responsibility for the impact of the rules by stating that there is no way to determine the exact value of lost sales to deer breeders as a result of the rules. The commenter further stated that the rules "do nothing to determine what CWD is or how it is spread or should be controlled or treated and are instead intended to increase control over deer breeders without doing anything about the problem." The department disagrees with the commenter and responds that there is no reason for the department to seek greater control over deer breeders, as the Texas Legislature has designated the department as the sole regulatory authority in the state with respect to deer breeding and has delegated rulemaking authority to the department to regulate the possession of deer held under a deer breeders permit. The department recognizes that ante-mortem testing is less sensitive than post-mortem testing, but responds that positive detections from ante-mortem testing have to-date been confirmed by the National Veterinary Services Laboratories (NVSL). Further, while ante-mortem testing can miss earlier stages of infection with CWD, ante-mortem testing has played a vital role in the continued discovery of CWD in deer breeding facilities and has expedited disease management within those facilities to help prevent the additional spread of CWD. Additionally, ante-mortem testing assists in the determining the disease status for epidemiologically-linked herds that do not have all trace animals available for testing, allowing cleared facilities to return to normal operation. Conversely, the faster the agency can definitively determine that CWD is present in a breeding facility, the quicker the spread of CWD from that facility can be stopped. The department also notes that ante-mortem testing was accepted by the department at the request of the regulated community many years ago, before the techniques were widely accepted elsewhere as an approved testing methodology. The department disagrees that it is "avoiding taking responsibility" for the impact of the rules and responds that the department is not required to accept any financial responsibility, only to provide an analysis of the rules' adverse economic impacts to small and micro-businesses. It is a true statement that the department has no way to definitively determine the impact of the rules on sales prices of breeder deer, although there is anecdotal and public information to suggest that breeder deer prices vary from several hundred dollars for certain deer to many thousands of dollars for other deer, depending on whether the deer are male or female, to be release for hunting or to be retained primarily for breeding purposes. Finally, the department disagrees that the rules are intended to discover what CWD is, how it is spread, or how it should be controlled or treated. The purpose of the rules, as repeatedly stated by the department in multiple rulemakings, legislative testimony, and public available information, is to detect and contain CWD in order to prevent further spread of the disease. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there is insufficient evidence that CWD is a new phenomenon and that it has probably been present but undetected for many years because the department was fixated on testing in breeding facili-

ties. The department disagrees with the comment and responds that CWD was first identified in 1967 and was unknown prior to that time; thus, while it is impossible to definitively state that CWD did or did not exist prior to 1967, it can be said that CWD was unknown before that time. Regardless of whether CWD is a new or old phenomenon, CWD is still a fatal disease in susceptible cervid species that must be responsibly managed. The department further responds that the department has conducted a robust statewide surveillance effort on free-ranging deer populations since 2012, which has failed to identify a generalized distribution of CWD across the state; consequently, the department's substantial surveillance efforts do not support the notion that there is currently an undetected, high prevalence of CWD throughout Texas. No changes were made as a result of the comment.

One commenter opposed adoption and stated that deer breeding facilities are a major component of increased CWD transmission and rules that do not address that fact do nothing but highlight the department's malfeasance and are nothing but additional burdens on the hunters. The department disagrees with the comment and responds that although deer breeding facilities appear to be responsible for most CWD detections in Texas to date, CWD can and has been detected in free-ranging populations of white-tailed and mule deer; therefore, the department's regulatory response to manage the disease involves measures affecting both free-ranging and captive populations. The department also responds that it disagrees with any suggestion that the department has engaged in any sort of misconduct or malfeasance with respect to fighting CWD and notes that from the day CWD was first detected in Texas the department has spared no effort to effectively discharge its statutory duty to protect and conserve native deer populations. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the department's small and micro-business analysis was inadequate because it failed to account for variations in breeder deer values resulting from the pedigrees of individual deer. The commenter also stated that the department's analysis should include an independent appraisal of the financial impact to every deer breeder, and that the rules do not address the five-year window employed by the department when conducting disease trace-back investigations. The department disagrees with the comment and responds that the small and micro-business impact contained in the proposed rulemaking is compliant with the applicable requirements of Government Code, Chapter 2006, is not intended to accomplish any other purpose, nor purports to. As stated previously, the department does not require deer breeders to report financial data (such as purchase and sale prices), and therefore utilizes publicly available and anecdotal information to develop an estimate of the value of breeder deer, which, as stated, can range from several hundred to many thousands of dollars, which the department believes is an accurate statement. The department also responds that an independent appraisal of the financial impact of department rules on each deer breeder is not required under the Administrative Procedure Act and in any case, such an undertaking would be time-consuming and prohibitively expensive, unless undertaken at the expense of the regulated community. Finally, the rules do not address the five-year traceback window because the trace-back window is not germane to the subject of the rulemaking. No changes were made as a result of the comment.

One commenter opposed adoption and stated that there is too much inbreeding. The department neither agrees nor disagrees

with the comment and responds that the rules as proposed do not contemplate the regulation of deer breeders' practices with respect to consanguinity. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules will cause deer breeders to lose their investment "to advance genetics in the whitetail species." The commenter also stated that the department does not "know how broad the issue is in the wildlife across the state," and that disease management efforts for exotic species are not effective. The commenter also stated that "there is too much unknown to issue restrictions and mass depopulations." The department disagrees with the comment and responds that the rules as adopted alter reporting and testing timelines and do not affect any deer breeder's investment goals with respect to activities intended to influence the genetic composition of lawfully possessed breeder deer. The department also disagrees that the distribution of CWD across the state, in and of itself, is relevant in the context of the intent of the rules, which is to respond to the continued detection of CWD in deer breeding facilities by enhancing reporting and testing requirements in deer breeding facilities where CWD is discovered. In any case, the department's robust statewide surveillance effort on free-ranging deer populations since 2012, has not identified a generalized distribution of CWD across the state. The department also notes that the department's statutory authority to manage CWD is restricted to indigenous susceptible species and does not include exotic species. Finally, the department disagrees that the rules as proposed contemplated, implicated, or affected the measures available to the department when CWD is detected in a deer breeding facility, and particularly in cases of permittees who refuse to cooperate with the department in disease mitigation measures. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the five-mile radius around CZs is insufficient. The department disagrees with the comment and responds when CZs are established in response to the free-range positive deer detected on release sites associated with a breeding facility where CWD was discovered, the department is confident that a two-mile CZ radius is sufficient because the likely source of the infected animals is known. No changes were made as a result of the comment.

One commenter opposed adoption and stated that because the majority of CWD discoveries have been in deer breeding facilities and release sites associated with deer breeding facilities, the transportation of breeder deer for release should be prohibited. The department agrees that human-induced movement of deer across distances that deer would not range or wander under natural conditions is a significant component of the alarming spread of CWD, and that cessation of such movement would provide instant and beneficial results in terms of preventing the spread of CWD to new locations; however, the department also continues to believe that it is still possible, working with the regulated community to develop and implement effective surveillance measures, to contain the disease. In addition, the indefinite suspension of privileges granted to all deer breeder permit holders by statute could be problematic. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules impose "aggressive depopulation" and constitute "the first steps toward herd depopulation throughout Texas." The commenter stated that if the rules are adopted without "addressing unnecessary boundaries and requiring the recertification of post-mortem

sample takers," controversy will be created, leading to the overcrowding of court dockets and burdens on law enforcement organizations. The department disagrees that the rules as adopted require depopulation of any deer breeding facility. The rules require the euthanasia of and submission of tissue samples from individual breeder deer that test positive for CWD via an ante-mortem test, but do not require any captive herd to be euthanized. The department also responds that the rules apply to and are intended to apply *only* to individual deer breeding facilities where CWD is confirmed; the rules *do not* affect deer breeding facilities where CWD is not confirmed. The department infers that "addressing unnecessary boundaries" is intended to question the need for, size of, and/or regulations affecting CWD management zones, and disagrees, responding that the rapid spread of CWD clearly justifies precautionary measures to mitigate potential additional transmission. For this reason, the department creates, using the best available science and with the intention of minimizing adverse effects to landowners and hunters, CWD management zones. With respect to certification standards for persons who extract tissue samples for post-mortem CWD testing, the department disagrees that current standards are problematic and that in any case, those standards are not created and cannot unilaterally be changed by the department. Finally, the department disagrees that the rules will cause or contribute to crowding of court dockets anywhere in the state, as the department typically files fewer than 300 cases a year for violations involving deer breeders, the overwhelming majority of which do not go to trial. No changes were made as a result of the comment.

One commenter opposed adoption and stated that more regulations and barriers to hunters are not needed and that only deer breeders should be subjected to CWD containment rules. The department disagrees with the comment and responds that the rules as adopted, despite creating minor inconveniences for hunters, are necessary to contain the spread of CWD from areas where it is known to exist or could reasonably be expected to exist, and that restricting CWD management measures to deer breeders would be counter-productive, as it would not address the potential threat of CWD being spread by carcass parts. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the five-mile radius of the CZ in Hunt County is excessive. The department agrees with the comment and responds that to the extent that the site where CWD discovered in free-ranging deer is a high-fenced release site associated with a deer breeding facility, it is epidemiologically feasible to reduce the radius of the CZ in Hunt County to two miles. Changes have been made accordingly.

One commenter opposed adoption and stated that the rules are overreaching. The department disagrees with the comment and responds that the rules are necessary to protect the state's free-ranging and captive deer populations from the threat of CWD. No changes were made as a result of the comment.

Two commenters opposed adoption and stated that it is imperative for rules establishing SZs and CZs be accompanied by an expiration date. The commenters stated that the commission specifically directed for this to occur. The commenters also stated that the maps of the CWD management zones shown to the public are misleading because they do not include all affected properties. The commenter further stated "[T]he economic impact paragraph, within this proposal, completely undermines all future landowners this rule will effect [sic] as detections continue." The department disagrees with the comment and re-

sponds that the commission directed staff to develop a methodology for determining when CWD management zones could be dissolved, but did not direct staff to do so by rule. As a result, at the May 2023, commission meeting staff presented a clear and precise description of the criteria and conditions under which CWD zones would be dissolved. The department also disagrees with the assertion that maps used to provide visual depictions of zones are misleading. In determining the boundaries of CWD management zones, the department considers only the science of disease surveillance and detection, which as a matter of course involves a radius projecting from an index site, which describes a circle within which the presumed likelihood of disease detection is higher than that elsewhere beyond that circle. As a practical matter, it would be confusing for all concerned if the rules did not account for the fact that the circle describing the area of concern crosses property lines; therefore, the rules describe the circle of heightened probability of detection and state that all properties wholly or partially within the that circle are considered to be within the zone. In this way there is no confusion about who must comply with special CWD containment measures. This approach also has the virtue of precluding confusion and complaints resulting from an irregularly shaped zone that follows property lines. Finally, with respect to the department's analysis of economic impacts, the department disagrees that the economic analyses in the proposed rules are required to address anything other than the direct impacts of the rules on small and microbusinesses, rural communities, and persons required to comply, which the notice of proposed rulemaking addressed as required by the Administrative Procedure Act. The department also responds that any impacts to future landowners are purely a matter of conjecture and have far less to do with the rules than with the presence or absence of CWD on any given property. No changes were made as a result of the comments.

One commenter opposed adoption and stated that CWD regulations are "out of control and a blatant money grab." The department disagrees with the comment and responds that the department promulgates only those rules it finds necessary and prudent to respond to the threat of CWD and that administration and enforcement of the rules does not involve any financial benefit to the department. No changes were made as a result of the comment.

Fourteen commenters opposed adoption and stated that the rules do not allow deer breeders located within a CZ and free of CWD to remain in business. The commenters stated that a proposal to allow deer breeders located in a CZ and designated Movement Qualified (legally allowed to transfer breeder deer to other breeders and release sites) to "stay in business through the use of ante-mortem testing" was drafted by staff. The department disagrees that the rules as adopted force any deer breeder out of business, although deer breeders located within a CZ are prohibited from transferring deer outside the CZ. The department is aware of one deer breeder affected by the designation of the CZ in the rules as adopted, and that deer breeder has transferred deer to a release site within the CZ, which will still be permitted. The department also responds that staff drafted a proposed provision to allow deer breeders located within a CZ to transfer breeder deer outside the CZ following ante-mortem testing (provided the breeder is designated MQ); however, the commission declined to include the provision in the proposal and it was never published for public comment. No changes were made as a result of the comments.

One commenter opposed adoption and stated that the department should be spending more time and money on research to

better understand CWD and that the department's decisions are "reactionary and not based on science." The commenter further stated that the department's primary motivation is federal money and that publicizing CWD discourages hunting. The department disagrees with the comment and responds that the department is engaged in a number of research activities to better understand CWD, and that the entirety of the department's regulatory response to CWD is solidly grounded in the best available science and is by definition a reaction to finding CWD. The department also responds that there is no financial or budgetary incentive or benefit with respect to the federal government that accrues to the department as a result of its efforts to control CWD, and that any hesitancy of persons to hunt in an area where CWD exists is a result of CWD and not the department's public outreach efforts. The department further notes that failure to educate the public about CWD would be a breach of the public trust. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the proposed CWD management zones are being inaccurately described, landowners are not being notified of being within the zone, the zone is too large to accomplish the department's goals, the lack of discussion of economic impacts, and the absence of expiration dates for zones. The department disagrees with the comment and responds that, as described previously in another response to comment, the area of a zone is determined by science and includes properties partially within the zone in order to reduce confusion and enhance compliance and enforcement, that the department in fact notifies every landowner it can identify and contact, that the direct economic impacts to affected persons have been discussed and addressed as required by the Administrative Procedure Act, and as also discussed in a previous response to comment, the department has articulated the conditions and criteria under which zone designations will be terminated. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules requiring trace deer at release sites to be removed and tested within 60 days of notification by the department is irrational and serves no public interest in the absence of contact-tracing or further testing and will result in the death of thousands of healthy deer, the loss of an enormous investment by landowners in their deer herd, and the loss of hunting income from the deer and their offspring. The commenter further stated that to find and kill trace deer on a large ranch within 60 days is unreasonable. The department disagrees with the comment and responds that the rules as adopted are rational (because they are based on the best available science) and do serve a public purpose (to protect native wildlife and the economies that depend on them). The commenter contends that the rules are imposed in the absence of contact-tracing or further testing. The department disagrees and responds that a trace deer is a deer that has been identified, by contact-tracing, as being epidemiologically connected to a positive deer. Contact-tracing is initiated as a result of the detection of CWD. Therefore, when the department notifies a release site owner of trace status, it is because contact-tracing has revealed an epidemiological link between the release site and a location where CWD has been discovered or may be present but not yet detected. The department responds that the purpose of removing trace deer is to test them for CWD as part of an epidemiological investigation. The department also responds that the rules apply only to release sites that are epidemiologically connected to CWD-positive deer, not to all locations where breeder deer have been released and that landowners should be aware of the inherent risk in obtaining deer from deer breeders,

not because of the effect of department rules, but as a result of introducing a deadly communicable disease to free-ranging populations. The department also notes, first, that the rules as adopted do not affect landowners who do not obtain deer from deer breeders, second, that emergency rules currently in effect prohibit the removal of permanent identification, which should significantly facilitate the identification of trace deer at release sites, and last, that the department is able to authorize the removal of trace deer at any time of the year, and not just during hunting seasons.

One commenter opposed adoption and stated that the rules are unnecessary if CWD hasn't been found in deer that were never in a deer breeding facility. The department disagrees with the comment and responds that CWD can be transmitted from breeder deer to free-ranging deer and that is precisely why surveillance measures are necessary. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules do not contain expiration provisions for CWD management zones. The department disagrees with the comment and responds that, as discussed in previous responses to comments, the department has articulated the conditions and criteria under which zone designations will be terminated and need not do so by rule. No changes were made as a result of the comment.

One commenter opposed adoption and stated that shutting down all deer breeders is a knee-jerk reaction and, that many people rely on these facilities to sustain a living. The department disagrees that the rules have the effect of shutting down all deer breeders. No changes were made as a result of the comment.

One commenter opposed adoption and stated that CZs should consist of the property where CWD is discovered and all properties that border the positive property. The commenter stated the two-mile radius established by the department for a CZ does not take into account physical barriers such as high fences. The commenter further stated opposition to the inclusion of the entirety of a property in a zone if any portion of the property falls within a zone and the lack of expiration dates for zones. The commenter further stated that the "economic impact study" does not take into account all the extra time and manpower it will take for landowners within an SZ to "collect samples, keep records and waivers, cape deer, cape heads, and quarter all deer harvested on the property before they leave." The department disagrees with the comment and responds that, as described previously in another response to comment, the area of a zone is determined by the best available science and includes properties partially within the zone in order to reduce confusion and enhance compliance and enforcement. The department also responds that high fences, rivers, roadways and other seemingly impervious barriers are actually not, and, as previously discussed, the department has articulated the conditions and criteria under which zone designations will be terminated, which need not be specified by rule. The department also notes that the rules as adopted apply only to deer breeders and persons who harvest deer within CWD management zones and do not impose any requirements on a landowner who is not subject to the rules as a result of also being a deer breeder. No changes were made as a result of the comment.

One commenter opposed adoption and stated that the rules lack measures to allow movement of live breeder deer from within a CZ under a custom testing plan. The commenter also stated that statewide carcass disposal restrictions eliminate the need for SZs and that although the commission directed staff to pro-

vide a mechanism for determining when SZs are to be determined, the proposed rules contained no such provision. The department disagrees with the comment and responds that the commission in May of 2023 declined to consider a proposal to allow live breeder deer to be moved from within CZs. The department believes that such an authorization would present an unacceptable risk of transmitting CWD, since a CZ is an area where the department expects CWD to be present. Currently, there are no statewide carcass disposal rules in effect, only carcass movement restrictions pertaining to CWD zones in Texas and carcasses entering Texas from other states and countries where CWD has been discovered. Although the comment regarding statewide carcass disposal is not germane to rules adopted by the commission, the department disagrees that statewide carcass disposal restrictions eliminate the need for SZs, as SZs are created in response to CWD detections and in addition to carcass movement restrictions, impose check station requirements and limit human-induced live animal movement. Finally, the department disagrees that the department has not addressed the commission directive to provide parameters under which SZs can be terminated. At the May, 2023, commission meeting, staff clearly outlined the circumstances, conditions, and criteria that would have to be satisfied for an SZ to be terminated, and such standards need not be adopted by rule to be employed. No changes were made as a result of the comment.

The department received 228 comments supporting adoption of the rules as proposed.

The Texas Conservation Alliance, Nature Conservancy of Texas, Texas Chapter of the Wildlife Society, Texas Wildlife Association, and the Texas Foundation for Conservation commented in favor of adoption of the proposed rules.

The Texas Deer Association commented in opposition to adoption of the proposed rules.

## DIVISION 1. CHRONIC WASTING DISEASE (CWD)

### 31 TAC §65.81, §65.82

The amendments are adopted under the authority of Parks and Wildlife Code, Chapter 43, Subchapter C, which requires the commission to adopt rules to govern the collecting, holding, possession, propagation, release, display, or transport of protected wildlife for scientific research, educational display, zoological collection, or rehabilitation; Subchapter E, which requires the commission to adopt rules for the trapping, transporting, and transplanting of game animals and game birds, urban white-tailed deer removal, and trapping and transporting surplus white-tailed deer; Subchapter L, which authorizes the commission to make regulations governing the possession, transfer, purchase, sale, of breeder deer held under the authority of the subchapter; Subchapters R and R-1, which authorize the commission to establish the conditions of a deer management permit for white-tailed and mule deer, respectively; and §61.021, which provides that no person may possess a game animal at any time or in any place except as permitted under a proclamation of the commission.

#### §65.81. Containment Zones; Restrictions.

The areas described in paragraph (1) of this section are CZs and the provisions of this subchapter applicable to CZs apply on all properties lying wholly or partially within the described areas.

- (1) Containment Zones.

(A) Containment Zone 1: That portion of the state within the boundaries of a line beginning in Culberson County where U.S. Highway (U.S.) 62-180 enters from the State of New Mexico; thence southwest along U.S. 62-180 to F.M. 1111 in Hudspeth County; thence south on F.M. 1111 to I.H. 10 thence west along I.H. 10 to S.H. 20; thence northwest along S.H. 20 to Farm-to Market Road (F.M.) 1088; thence south along F.M. 1088 to the Rio Grande; thence northwest along the Rio Grande to the Texas-New Mexico border.

(B) Containment Zone 2: That portion of the state within the boundaries of a line beginning where I.H. 40 enters from the State of New Mexico in Deaf Smith County; thence east along I.H. 40 to U.S. 385 in Oldham County; thence north along U.S. 385 to Hartley in Hartley County; thence east along U.S. 87 to County Rd. 47; thence north along C.R. 47 to F.M. 281; thence west along F.M. 281 to U.S. 385; thence north along U.S. 385 to the Oklahoma state line.

(C) Containment Zone 3 is that portion of the state lying within the area designated as Containment Zone 3 as depicted in the following figure, more specifically described by the following latitude-longitude coordinate pairs: -99.37150859160, 29.63847446060; -99.37149088670, 29.63846662930; -99.37140891920, 29.63866345050; -99.37060541260, 29.63883435770; -99.36899250760, 29.63899824440; -99.36737228030, 29.63930489330; -99.36655962200, 29.63944762460; -99.36574537420, 29.63958327440; -99.36492961890, 29.63971182950; -99.36411243690, 29.63983327680; -99.36329390830, 29.63994760490; -99.36247411610, 29.64005480240; -99.36165314010, 29.64015485800; -99.36083106340, 29.64024776200; -99.36000796690, 29.64033350600; -99.35918393260, 29.64048347690; -99.35835904140, 29.64054768950; -99.35753337730, 29.64060471180; -99.35670702030, 29.64065453800; -99.35505256020, 29.64069716300; -99.35422462000, 29.64073258190; -99.35339631770, 29.64076793300; -99.35256773320, 29.64078179120; -99.35173895150, 29.64079557700; -99.35091005250, 29.64080214650; -99.35008112110, 29.64080150020; -99.34925223720, 29.64079363850; -99.34842348390, 29.64077856180; -99.34759494500, 29.64075627050; -99.34676670140, 29.64072676970; -99.34593883500, 29.64069005880; -99.34511142980, 29.64064614450; -99.34428456550, 29.64059502920; -99.34345832730, 29.64053671860; -99.34263279480, 29.64047121870; -99.34180805210, 29.64039853620; -99.34098417980, 29.64031867790; -99.34016125900, 29.64023165140; -99.33933937340, 29.64013746530; -99.33851860400, 29.64003613010; -99.33769903240, 29.63992765510; -99.33688073860, 29.63981205080; -99.33606380640, 29.63968932950; -99.33524831450, 29.63955950320; -99.33443434580, 29.63942258420; -99.33362197990, 29.63927858650; -99.33281129880, 29.63912752410; -99.33200238210, 29.63896941200; -99.33119531060, 29.63880426680; -99.33039016400, 29.63863210440; -99.32958702310, 29.63845294160; -99.32878596750, 29.63826679580; -99.32798707590, 29.63807368670; -99.32719042800, 29.63787363270; -99.32639610340, 29.63766665410; -99.32560418090, 29.63745277140; -99.32481473900, 29.63723200480; -99.32402785630, 29.63700437840; -99.32324361150, 29.63676991250; -99.32246208110, 29.63652863190; -99.32168334370, 29.63628056060; -99.32090747690, 29.63602572160; -99.32013455720, 29.63576414270; -99.31936466110, 29.63549584760;

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-99.46970163380,	29.63010121840;	-99.46904552450,	-99.39507119840,	29.64516461800;	-99.39425414710,
29.63054369050;	-99.46838439870,	29.63098043010;	29.64504227190;	-99.39343853200,	29.64491281920;
-99.46771832100,	29.63141139320;	-99.46704735980,	-99.39262443580,	29.64477627400;	-99.39181193840;
29.63183653740;	-99.466637157960,	29.63225581960;	29.64463264940;	-99.39100112150,	29.64448195930;
-99.46569104900,	29.63266919830;	-99.46500583440,	-99.39019206490,	29.64432421950;	-99.38938484940,
29.63307663410;	-99.46431600450,	29.63347808370;	29.64415944400;	-99.38857955460,	29.64398765130;
-99.46362162670,	29.63387351040;	-99.46292277160,	-99.38777626140,	29.64380885720;	-99.38697504940,
29.63426287180;	-99.46221950800,	29.63464613200;	29.64362307930;	-99.38617599740,	29.64343033690;
-99.46151190420,	29.63502325060;	-99.46080003310,	-99.385000318500,	29.64323064860;	-99.38458469190,
29.63539419160;	-99.46008396320,	29.63575891740;	29.64302403470;	-99.38379259670,	29.64281051560;
-99.45936376620,	29.63611739290;	-99.45863951380,	-99.38300297820,	29.64259011230;	-99.38221591500,
29.63646958120;	-99.45791127850,	29.63681544740;	29.64236284620;	-99.38143148570,	29.64212874020;
-99.45717913120,	29.63715495830;	-99.45644314560,	-99.38064976680,	29.64188781830;	-99.37987083690;
29.63748807890;	-99.45570339530,	29.63781477590;	29.64164010450;	-99.37909477380,	29.64138562170;
-99.45495995210,	29.63813501890;	-99.45421289080,	-99.37832165380,	29.64112439740;	-99.37755155360;
29.63844877380;	-99.45346228500,	29.63875601010;	29.64085645570;	-99.37678455060,	29.64058182410;
-99.45270821060,	29.63905669830;	-99.45195074140,	-99.37602071930,	29.64030053010;	-99.37526013830,
29.63935080690;	-99.45118995310,	29.63963830830;	29.64001260120;	-99.37450288000,	29.63971806680;
-99.45042592060,	29.63991917290;	-99.44965872060,	-99.37374902190,	29.63941695450;	-99.37299863830;
29.64019337290;	-99.44888842900,	29.64046088140;	29.63910929630;	-99.37225180380,	29.63879512070;
-99.44811512160,	29.64072167080;	-99.44733887620,	-99.37150859160,	29.63847446060.	
29.64097571700;	-99.44655976880,	29.64122299300;			
-99.44577787910,	29.64146347570;	-99.44499328210,			
29.64169714000;	-99.44420605650,	29.64192396280;			
-99.44341628140,	29.64214392260;	-99.44262403450,			
29.64235699620;	-99.44182939580,	29.64256316420;			
-99.44103244220,	29.64276240410;	-99.44023325350,			
29.64295469730;	-99.43943190980,	29.64314002420;			
-99.43862848980,	29.64331836610;	-99.43782307470,			
29.64348970630;	-99.43701574320,	29.64365402770;			
-99.43620657630,	29.64381131280;	-99.43539565390,			
29.64396154730;	-99.43458305710,	29.64410471440;			
-99.43376886570,	29.64424080260;	-99.43295316160,			
29.64436979610;	-99.43213602600,	29.64449168250;			
-99.43131753850,	29.64460645040;	-99.43049778240,			
29.64471408840;	-99.42967683740,	29.64481458510;			
-99.42885478660,	29.64490793090;	-99.42803171100,			
29.64499411700;	-99.42720769240,	29.64507313300;			
-99.42638281280,	29.64514497390;	-99.42555715320,			
29.64520963000;	-99.42473079760,	29.64526709620;			
-99.42390382590,	29.64531736670;	-99.42307632200,			
29.64536043630;	-99.42224836800,	29.64539630000;			
-99.42142004480,	29.64542495540;	-99.42059143620,			
29.64544639930;	-99.42019538000,	29.64545320040;			
-99.41984517350,	29.64549604270;	-99.41902310740,			
29.64558932470;	-99.41820001720,	29.64567544610;			
-99.41737598480,	29.64575439900;	-99.41655109110,			
29.64582617500;	-99.41572542010,	29.64589076790;			

(D) Containment Zone 4: That portion of the state lying within the boundaries of a line beginning in Val Verde County at the International Bridge and proceeding northeast along Spur 239 to U.S. 90; thence north along U.S. 90 to the intersection of U.S. 277/377, thence north along U.S. 277/377 to the U.S. 277/377 bridge at Lake Amistad (29.496183°, -100.913355°), thence west along the southern shoreline of Lake Amistad to International boundary at Lake Amistad dam, thence south along the Rio Grande River to the International Bridge on Spur 239.

(E) Containment Zone 5: That portion of the state within the boundaries of a line beginning at the intersection of County Road (C.R.) 3600 and E. Division St. in Slaton in Lubbock County; thence west along E Division St. to S. New Mexico St.; thence northwest along S. New Mexico St. to Railroad Ave.; thence northwest along Railroad Ave. to Industrial Dr.; thence northwest along Industrial Dr. to U.S. Highway (U.S.) 84; thence northwest along U.S. 84 to State Highway (S.H.) Spur 331; thence northwest along S.H. 331 to S.H. Loop 289; thence north along S.H. Loop 289 to Farm to Market (F.M.) 40; thence east along FM 40 to C.R. 3650; thence south along C.R. 3650 to C.R. 6840; thence east along C.R. 6840 to C.R. 3700; thence south along C.R. 3700 to C.R. 3600; thence south along C.R. 3600 to E. Division St.

(F) Containment Zone 6. Containment Zone 6 is that portion of the state lying within the area designated as Containment Zone 6 as depicted in the following figure, more specifically described by the following latitude-longitude coordinate

pairs: -99.64149620530, 30.33874131980;	-99.64368509530, 30.33901321630;	-99.64149516520, 30.42230298220;	30.42229851800;	-99.63885349220, 30.42230575200;
-99.64802278630, 30.33933428830;	-99.65015302980, 30.34033981470;	-99.62890505410, 30.42231983860;	-99.63719834400, 30.42231930720;	-99.62857293300, 30.42231983940;
-99.65429077770, 30.34101996710;	-99.65628057710, 30.34272051420;	-99.62853562830, 30.42231989880;	-99.62857258110, 30.42231989810;	-99.62853525040, 30.42232597020;
-99.65429077770, 30.34181466700;	-99.65820622800, 30.34373363190;	-99.62442926150, 30.42232542820;	-99.62470336720, 30.42232542820;	-99.62223849030, 30.42205280100;
-99.66005948830, 30.34484968550;	-99.66351745180, 30.34737107880;	-99.62005802410, 30.42173125720;	-99.62005802410, 30.42173125720;	-99.61576530140, 30.42072459720;
-99.66510735200, 30.34876562900;	-99.66797497780, 30.35179262020;	-99.61789720740, 30.42128788980;	-99.61367144290, 30.42004379510;	-99.60963355960, 30.41834182150;
-99.66924042170, 30.35341210660;	-99.67046477880, 30.35460588970;	-99.61162460530, 30.41924840030;	-99.60770683680, 30.41732794490;	-99.60407907050, 30.41499611640;
-99.67147782260, 30.3566602360;	-99.67188955110, 30.35651392490;	-99.60585269270, 30.41621111470;	-99.60239356740, 30.41368815750;	-99.59931538690, 30.41081614710;
-99.67307523230, 30.35657758260;	-99.67320399680, 30.35807240520;	-99.60080340260, 30.41229284120;	-99.59793589010, 30.40926440230;	-99.5952558690, 30.40596264510;
-99.67419784160, 30.35859625790;	-99.67490548510, 30.35931074510;	-99.59667081880, 30.40764425470;	-99.59450509380, 30.40422677810;	-99.59285223420, 30.40062221490;
-99.67503636190, 30.36002520870;	-99.67559374500, 30.36115489090;	-99.59361370580, 30.40244408940;	-99.59223291930, 30.39876895810;	-99.59140679900, 30.39500014900;
-99.67626717380, 30.36128196820;	-99.67635731860, 30.36230808630;	-99.59174942070, 30.39689225700;	-99.59120651520, 30.39313280380;	-99.59115375540, 30.38774221940;
-99.67702442120, 30.36343779160;	-99.67786171250, 30.36406546940;	-99.59114919160, 30.39242219590;	-99.59118380940, 30.38560486270;	-99.59124320070, 30.37846075860;
-99.67809406440, 30.36429367690;	-99.67830297560, 30.36455843800;	-99.59119753520, 30.37849282500;	-99.59124342770, 30.37656217650;	-99.59155907020, 30.37279998160;
-99.67837167020, 30.36489829520;	-99.67891470550, 30.36606391440;	-99.59132973720, 30.37467255410;	-99.59193043630, 30.37095247640;	-99.59309227100, 30.36736416610;
-99.67926295430, 30.36671044570;	-99.67976457160, 30.36784958850;	-99.59244223560, 30.36913794860;	-99.59387775000, 30.36563872200;	-99.59584099880, 30.36236215260;
-99.68033394380, 30.36848209490;	-99.68110363450, 30.36932507690;	-99.68069940250, 30.36923041450;	-99.59701035040, 30.36082505220;	-99.59969947650, 30.35798608380;
-99.68115288840, 30.37031201670;	-99.68186455470, 30.37089670500;	-99.68164128190, 30.37079983660;	-99.60120773080, 30.35669636630;	-99.60451935700, 30.35493733740;
-99.68190772670, 30.37219104650;	-99.68252472940, 30.37250197030;	-99.68244431460, 30.37240318770;	-99.60540738080, 30.35491852200;	-99.60546294390, 30.35480272720;
-99.68256168900, 30.37353270560;	-99.68339519710, 30.37501266300;	-99.68292311190, 30.37497458840;	-99.60555613110, 30.35342446360;	-99.60867299970, 30.35093887330;
-99.68340763060, 30.37638495130;	-99.68388655430, 30.37656326040;	-99.68385461430, 30.37648115870;	-99.61037554920, 30.34984218270;	-99.61331695410, 30.34880216210;
-99.68392076900, 30.37725784890;	-99.68482271700, 30.38093217980;	-99.68419881580, 30.37907927560;	-99.61216459030, 30.34922963580;	-99.61734141820, 30.34609451280;
-99.68530790520, 30.38280862860;	-99.68585440850, 30.38659995700;	-99.68565229720, 30.38470058780;	-99.6155249780, 30.34650953120;	-99.61808901110, 30.34551720800;
-99.68591336530, 30.38849860270;	-99.6859995700, 30.388560139020;	-99.68582890890, 30.39038839380;	-99.61915992100, 30.34311791310;	-99.62361034360, 30.34253992590;
-99.686256168900, 30.39226123790;	-99.68560139020, 30.39226123790;	-99.68472164090, 30.39592410690;	-99.62473042750, 30.34165492410;	-99.62866995560, 30.34022372110;
-99.68728910920, 30.39942452120;	-99.68407316160, 30.39769844280;	-99.68237283390, 30.40109494840;	-99.63072498160, 30.33968364210;	-99.63496162850, 30.33896607510;
-99.68015983740, 30.40270256770;	-99.68132825340, 30.40270256770;	-99.67887258500, 30.40570213190;	-99.63712512170, 30.33879165670;	-99.64149620530,
-99.68015983740, 30.40424049180;	-99.67747200500, 30.40708122550;	-99.67435530910, 30.40956851340;		
-99.67596409470, 30.40837186230;	-99.67265253920, 30.41066604980;	-99.66920922530, 30.41337003040;	(G) Containment Zone 7 is that portion of Hunt and Kaufman counties lying within the area described by the following coordinate pairs: -96.21307574700, 32.88628523600;	
-99.67086307820, 30.41155292840;	-99.66558968940, 30.41391929180;	-99.66336153640, 30.41640629650;	-96.20878832410, 32.88691496930;	-96.20833517450, 32.88708616840;
-99.66497058320, 30.41520979110;	-99.66165850930, 30.41750367980;	-99.65800006350, 30.41938271650;	-96.20608501420, 32.88708316420;	-96.20319512210, 32.88705825720;
-99.65986879620, 30.41849723880;	-99.65606031690, 30.42015631680;	-99.65200129780, 30.42135511900;	-96.20316014840, 32.88706426980;	-96.20167339110, 32.88753691790;
-99.65405786830, 30.42081472460;	-99.64989941800, 30.42177518250;	-99.64559591810, 30.42224764220;	-96.19943743730, 32.88765822990;	-96.20167339110, 32.88753691790;
-99.64776123680, 30.42207311640;	-99.64341274240,		-96.19718725170, 32.88765822990;	-96.19493247890, 32.88752745980;
			-96.19268278300, 32.88727593810;	-96.18823712910,

32.88690158560;	-96.18606022490,	32.88640600670;	32.80000788580;	-96.24874563300,	32.80181017000;
-96.18392642380,	32.88579132530;	-96.18184487020,	-96.24932611190,	32.80364844750;	-96.24976300680,
32.88506017580;	-96.17982448400,	32.88421569150;	32.80551484840;	-96.25005443860,	32.80740138180;
-96.17787392220,	32.88326149160;	-96.17600154190,	-96.25019915060,	32.80929997010;	-96.25019710670,
32.88220166520;	-96.17421536430,	32.88104075390;	32.81077493690;	-96.25033341330,	32.81086347520;
-96.17252304040,	32.87978373220;	-96.17216880890,	-96.25202553530,	32.81211954980;	-96.25361679750,
32.87949869970;	-96.16088264560,	32.87028576710;	32.81346637030;	-96.25434916400,	32.81414956490;
-96.15964590550,	32.86922294100;	-96.15816291830,	-96.25658430220,	32.81630215040;	-96.25733559200,
32.86779010970;	-96.15679419540,	32.86627847710;	32.81705074460;	-96.25870518730,	32.81856137630;
-96.15554559540,	32.86469451970;	-96.15442246160,	-96.25995491930,	32.82014439890;	-96.26107940040,
32.86304502350;	-96.15342959890,	32.86133705510;	32.82179303720;	-96.26207381070,	32.82350023430;
-96.15257125330,	32.85957793100;	-96.15185109410,	-96.26293388660,	32.82525868270;	-96.26365593870,
32.85777518650;	-96.15127219790,	32.85593654350;	32.82706085490;	-96.26423686800,	32.82889903580;
-96.15083703580,	32.85406987710;	-96.15054746290,	-96.26467417900,	32.83076535600;	-96.26496599070,
32.85218318200;	-96.15040471050,	32.85028453810;	32.83265182490;	-96.26511104490,	32.83455036520;
-96.15040938100,	32.84838207630;	-96.15056144540,	-96.26510871160,	32.83645284750;	-96.26495899170,
32.84648394320;	-96.15086024360,	32.84459826640;	32.83835112520;	-96.26466251750,	32.84023706900;
-96.15130448740,	32.84273311960;	-96.15189226620,	-96.26444576540,	32.84115198280;	-96.26422054970,
32.84089648850;	-96.15239458100,	32.83965568000;	32.84210260210;	-96.26363497270,	32.84393973470;
-96.15262105530,	32.83909623580;	-96.15348772680,	-96.26290828630,	32.84574059800;	-96.26204359500,
32.83734006850;	-96.15448856310,	32.83563550410;	32.84749747830;	-96.26104459530,	32.84920284990;
-96.15561927300,	32.83398983910;	-96.15687501030,	-96.25991555960,	32.85084940720;	-96.25866131800,
32.83241011730;	-96.15825039420,	32.83090310000;	32.85243009640;	-96.25728723810,	32.85393814540;
-96.15874685070,	32.83040588310;	-96.16087123890,	-96.25579920150,	32.85536709310;	-96.25420357910,
32.82832581930;	-96.16291633780,	32.82631938760;	32.85671081690;	-96.25389909000,	32.85694746240;
-96.16334362920,	32.82588075510;	-96.16336281750,	-96.25387224930,	32.85696875910;	-96.25278879320,
32.82586107510;	-96.16485179760,	32.82443314930;	32.85796450120;	-96.25253226630,	32.85819768140;
-96.16644815350,	32.82309048490;	-96.16814504940,	-96.25093654850,	32.85954136300;	-96.24924007780,
32.82183882760;	-96.16993522000,	32.82068353380;	32.86079406070;	-96.24745011980,	32.86195040690;
-96.17078716570,	32.82020483890;	-96.17022483350,	-96.24722653740,	32.86207676050;	-96.24715724780,
32.81879731790;	-96.16964581720,	32.81695870860;	32.86224835750;	-96.24629210730,	32.86400511450;
-96.16921046950,	32.81509205500;	-96.16892064640,	-96.24529264320,	32.86571034710;	-96.24416313010,
32.81320535170;	-96.16877758010,	32.81130667900;	32.86735675050;	-96.24290840010,	32.86893727140;
-96.16878187460,	32.80940416750;	-96.16893350220,	-96.24153382280,	32.87044513860;	-96.24004528200,
32.80750596430;	-96.16923180490,	32.80562019700;	32.87187389160;	-96.23844915070,	32.87321740870;
-96.16967549660,	32.80375494010;	-96.17026266910,	-96.23767496680,	32.87380943400;	-96.23616188620;
32.80191817940;	-96.17099080020,	32.80011778550;	32.87493168000;	-96.23523916150,	32.87559216820;
-96.17185676480,	32.79836144470;	-96.17285684850,	-96.23394346960,	32.87644435690;	-96.23248087060,
32.79665669640;	-96.17398676320,	32.79501083070;	32.87735983850;	-96.23002988870,	32.87893001900;
-96.17524166610,	32.79343089250;	-96.17661618000,	-96.22922725170,	32.87942891390;	-96.22755311520,
32.79192364400;	-96.17810441680,	32.79049553590;	32.88037709160;	-96.22598258010,	32.88121137030;
-96.17935192570,	32.78943090880;	-96.18603823560,	-96.22365500140,	32.88247551090;	-96.22316024590,
32.78401084400;	-96.18638627220,	32.78373259670;	32.88273922280;	-96.22120604280,	32.88368808800;
-96.18808218640,	32.78248064910;	-96.18987135660,	-96.21918243730,	32.88452704720;	-96.21709810020,
32.78132505330;	-96.19174612370,	32.78027075420;	32.88525250510;	-96.21496196330,	32.88586135270;
-96.19369846330,	32.77932226330;	-96.19572001950,	-96.21307574700,	32.88628523600.	
32.77848363910;	-96.19780214120,	32.77775846990;			
-96.19993591900,	32.77714985840;	-96.20211222260,			
32.77666040860;	-96.20432174080,	32.77629221470;			
-96.20655502020,	32.77604685190;	-96.20880250630,			
32.77592537020;	-96.21105458400,	32.77592828910;			
-96.21330161840,	32.77605559620;	-96.21553399640,			
32.77630674690;	-96.21774216720,	32.77668066660;			
-96.21991668340,	32.77717575540;	-96.22204824110,			
32.77778989520;	-96.22412771980,	32.77852045830;			
-96.22614622120,	32.77936431880;	-96.22809510710,			
32.78031786600;	-96.22996603670,	32.78137701980;			
-96.23175100170,	32.78253724800;	-96.23344236100,			
32.78379358580;	-96.23476599830,	32.78490204770;			
-96.24067862670,	32.79012861100;	-96.24094553140,			
32.79036720730;	-96.24242855880,	32.79179917510;			
-96.24379757570,	32.79330998750;	-96.24504671750,			
32.79489317850;	-96.24617063160,	32.79654197190;			
-96.24716450080,	32.79824931040;	-96.24802406360,			

(H) Containment Zone 8. Containment Zone 8 is that portion of Bexar County within the boundaries of a line beginning at the intersection of Bitters Road and U.S. Highway 281 in Bexar County; thence north along U.S. 281 to State Highway (SH) North Loop 1604 ; thence west along SH North Loop 1604 to Blanco Road; thence south along Blanco Road to Bitters Road; thence east to U.S. Highway 281.

(I) Existing CZs may be modified and additional CZs may be designated as necessary by the executive director as provided in §65.84 of this title (relating to Powers and Duties of the Executive Director).

(2) Restrictions.

(A) Except as provided in this section or §65.87 of this title (relating to Exception), no person within a CZ shall conduct, authorize or cause any activity involving the movement of a susceptible species under a permit issued pursuant to Parks and Wildlife Code, Chapter 43, Subchapter C, E, L, R, or R-1. Such prohibited activity,

includes, but is not limited to transportation, introduction, removal, authorizing the transportation, introduction or removal of, or causing the transportation, introduction or removal of a live susceptible species into, out of, or within a CZ.

(B) If any portion of a deer breeding facility or release site is within a CZ, the entirety of the deer breeding facility or release site is in the CZ.

(C) If the department receives an application for a deer breeder permit for a new facility that is to be located within an area designated as a CZ, the department will issue the permit but will not authorize the possession of susceptible species within the facility so long as the CZ designation exists.

(D) Deer that escape from a deer breeding facility within a CZ may not be recaptured unless specifically authorized under a herd plan.

(E) A deer breeding facility that is located in a CZ and designated by the department as MQ under the provisions of Division 2 of this subchapter may:

(i) receive deer from any facility in the state that is authorized to transfer deer; and

(ii) release or transfer breeder deer within the CZ.

(F) Except as authorized by §65.83 of this title (relating to Special Provisions) breeder deer may not be transferred to or from a deer breeding facility that is:

(i) located within a CZ; and

(ii) subject to the provisions of §65.99 of this title (relating to Breeding Facilities Epidemiologically Connected to Deer Infected with CWD).

(G) Breeder deer released within a CZ must be tested as provided in this subparagraph. If breeder deer are released during a "hunting year" (as defined in §65.90 of this title (relating to Definitions)), harvest at the release site must be equal to or greater than the number of breeder deer released at that site before the last day of the hunting year, otherwise the harvest and reporting requirements of this subparagraph must be met before the last day of the hunting year immediately following the release.

(H) The owner of a release site located within a CZ shall comply with the requirements of §65.93 of this title (relating to Harvest Log).

(I) A person who fails to comply with the requirements of subparagraph (G) of this paragraph commits an offense as provided in Parks and Wildlife Code, §43.367 and §65.89 of this division, and the department shall not authorize the additional release of breeder deer to that release site.

#### §65.82. *Surveillance Zones; Restrictions.*

The areas described in paragraph (1) of this section are SZs and the provisions of this subchapter applicable to SZs apply on all properties lying wholly or partially within the described areas.

##### (1) Surveillance Zones.

(A) Surveillance Zone 1: That portion of the state lying within a line beginning where U.S. 285 enters from the State of New Mexico in Reeves County; thence southeast along U.S. 285 to R.M. 652; thence west along R.M. 652 to Rustler Springs Rd./FM 3541 in Culberson County; thence south along Rustler Springs Rd./F.M. 3541 to F.M. 2185; thence south along F.M. 2185 to Nevel Road; thence west along Nevel Road to County Road 501; thence south along County

Road 501 to Weatherby Road; thence south along Weatherby Road to F.M. 2185; thence southwest along to F.M. 2185 to S.H. 54; thence south on S.H. 54 to U.S. 90; thence south along U.S. 90 to the Culberson County line; thence southwest along the Culberson County line to the Rio Grande River in Hudspeth County; thence north along the Rio Grande to F.M. 1088; thence northeast along F.M. 1088 to S.H. 20; thence southeast along S.H. 20 to I.H. 10; thence southeast along I.H. 10 to F.M. 1111; thence north on F.M. 1111 to U.S. 62/180; thence east and north along U.S. 62/180 to the New Mexico state line in Culberson County.

(B) Surveillance Zone 2. That portion of the state lying within a line beginning at the New Mexico state line where U.S. 60 enters Texas; thence northeast along U.S. 60 to U.S. 87 in Randall County; thence south along U.S. 87 to S.H. 217 in Canyon; thence east along S.H. 217 to F.M. 1541; thence north along F.M. 1541 to Loop 335; thence east and north along Loop 335 to S.H. 136; thence northwest along S.H. 136 to N. Lakeside Dr.; thence north along N. Lakeside Dr. to E. Willow Creek Dr.; thence west along E. Willow Creek Dr. to Denton St.; thence north along Denton St. to E. Cherry; thence west along E. Cherry to N. Eastern St.; thence south along N. Eastern St. to E. Willow Creek Dr.; thence west along E. Willow Creek Dr. to U.S. 87; thence north along U.S. 87 to the City of Dumas; thence along the city limits of Dumas to U.S. 287 in Moore County; thence north along U.S. 287 to the Oklahoma state line.

(C) Surveillance Zone 3. That portion of the state not within the CZ described in §65.81(1)(C) of this title (relating to Containment Zones; Restrictions) lying within a line beginning at the intersection of F.M. 1250 and U.S. Highway 90 in Hondo in Medina County; thence west along U.S. Highway 90 to the Sabal River in Uvalde County; thence north along the Sabinal River to F.M. 187; thence north along F.M. 187 to F.M. 470 in Bandera County; thence east along F.M. 470 to Tarpley in Bandera County; thence south along F.M. 462 to 18th Street in Hondo; thence east along 18th Street to State Highway 173; thence south along State Highway 173 to U.S. Highway 90; thence west along U.S. Highway 90 to Avenue E (F.M. 462); thence south along Avenue E (F.M. 462) to F.M. 1250; thence west along F.M. 1250 to U.S. Highway 90.

(D) Surveillance Zone 4: That portion of the state lying within a line beginning in Val Verde County at the confluence of Sycamore Creek and the Rio Grande River (29.242341°, -100.793906°); thence northeast along Sycamore Creek to U.S. 277; thence northwest on U.S. 277 to Loop 79; thence north along Loop 79 to the Union Pacific Railroad; thence east along the Union Pacific Railroad to Liberty Drive (north entrance to Laughlin Air Force Base); thence north along Liberty Drive to U.S. 90; thence west along U.S. 90 to Loop 79; thence north along Loop 79 to the American Electric Power (AEP) Ft. Lancaster-to-Hamilton Road 138kV transmission line (29.415542°, -100.847993°); thence north along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to a point where the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line turns northwest (29.528552°, -100.871618°); thence northwest along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to the AEP Ft. Lancaster-to-Hamilton Road maintenance road (29.569259°, -100.984758°); thence along the AEP Ft. Lancaster-to-Hamilton Road maintenance road to Spur 406; thence northwest along Spur 406 to U.S. 90; thence south along U.S. 90 to Box Canyon Drive; thence west along Box Canyon Drive to Bluebonnet Drive; thence southwest along Bluebonnet Drive to Lake Drive; thence south along Lake Drive to Lake Amistad (29.513298°, -101.172454°), thence southeast along the International Boundary to the International Boundary at the Lake Amistad dam; thence southeast along the Rio Grande River to the confluence of Sycamore Creek (29.242341°, -100.793906°).

(E) Surveillance Zone 5: That portion of the state lying within the boundaries of a line beginning on U.S. 83 at the Kerr/Kimble County line; thence north along U.S. 83 to I.H. 10; thence northwest along I.H. 10 to South State Loop 481; thence west along South State Loop 481 to the city limit of Junction in Kimble County; thence following the Junction city limit so as to circumscribe the city of Junction before intersecting with F.M. 2169; thence east along F.M. 2169 to County Road (C.R.) 410; thence east along C.R. 410 to C.R. 412; thence south along C.R. 412 to C.R. 470; thence east along C.R. 470 to C.R. 420; thence south along C.R. 420 to F.M. 479; thence east along F.M. 479 to C.R. 443; thence south along C.R. 443 to U.S. 290; thence west along U.S. 290 to I.H. 10; thence southeast along I.H. 10 to the Kerr/Kimble County line; thence west along the Kerr/Kimble County line to U.S. 83.

(F) Surveillance Zone 6: That portion of the state within the boundaries of a line beginning at the intersection of State Highway (S.H.) 207 and Farm to Market (F.M.) 211 in Garza County; thence west along F.M. 211 to U.S. Highway (U.S.) 87 in Lynn County; thence north along U.S. 87 to F.M. 41 in Lubbock County; thence west along F.M. 41 to F.M. 179; thence north along F.M. 179 to F.M. 2641; thence east along F.M. 2641 to U.S. 62/82; thence east along U.S. 62/82 to S.H. 207 in Crosby County; thence south along S.H. 207 to F.M. 211 in Garza County.

(G) Surveillance Zone 7: That portion of the state lying within the boundaries of a line beginning at the intersection of S.H. 205 and U.S. Hwy. 80 in Kaufman County; thence east along U.S. 80 to North 4th Street in Wills Point in Van Zandt County; thence north along North 4th Street to F.M. 751; thence north along F.M. 751 to the south shoreline of Lake Tawakoni in Hunt County; thence west and north along the Lake Tawakoni shoreline to the confluence of Caddo Creek; thence northwest along Caddo Creek to West Caddo Creek; thence northwest along West Caddo Creek to I.H. 30; thence southwest along I.H. 30 to F.M. 548 in Rockwall County; thence southeast along F.M. 548 to S.H. 205 in Kaufman County; thence southeast along S.H. 205 to US Hwy. 80.

(H) Surveillance Zone 8. SZ 8 is that portion of Duval County lying within the area described by the following latitude-longitude coordinate pairs: -98.27174932070, 27.95642982020; -98.27388849940, 27.95652170740; -98.27812373230, 27.95673759350; -98.28020166610, 27.95753714120; -98.28423375210, 27.95811738240; -98.28617065090, 27.95962639760; -98.28984475060, 27.96054871560; -98.29156622620, 27.96270925800; -98.29424069340, 27.96393823800; -98.30642858790, 27.97549504130; -98.30836946820, 27.97594346320; -98.30970296670, 27.97883952330; -98.31202734290, 27.98040208240; -98.31300826060, 27.98372284990; -98.31458654760, 27.98546684490; -98.31517714670, 27.98908476310; -98.31594858710, 27.99094319850; -98.31612610990, 27.99471927320; -98.31606092310, 27.99662074460; -98.31581847640, 28.00040987900; -98.31491902360, 28.00228131520; -98.31426585420, 28.00593788410; -98.31256656960, 28.00770735470; -98.31152771970, 28.01109080170; -98.310269028330, 28.0130909380710; -98.30770916090, 28.01567052860;

28.01677477150; -98.29446157480, 28.02742312300; -98.29287488890, 28.02870162410; -98.29119732650, 28.02988528270; -98.28943607290, 28.03096902640; -98.28569299860, 28.03281863930; -98.28372721490, 28.03357658150; -98.28212906620, 28.03409614390; -98.28209992850, 28.03411284900; -98.28025876110, 28.03509401150; -98.27835296060, 28.03596433010; -98.27436947480, 28.03736424880; -98.27230885930, 28.03788784910; -98.26809399880, 28.03857112010; -98.26595781780, 28.03872786210; -98.26167369230, 28.0386820320; -98.25954410930, 28.03845205790; -98.25535549920, 28.03765176380; -98.25331442320, 28.03707104520; -98.24938242580, 28.03556089930; -98.24750835300, 28.03463794430; -98.24398417140, 28.03247603080; -98.24234915950, 28.03124633730; -98.23083475970, 28.02104737240; -98.23050872200, 28.02075285160; -98.21934417220, 28.01773612680; -98.22651595000, 28.01629151040; -98.22443392620, 28.01296921000; -98.22358098620, 28.01122456380; -98.22226946880, 28.00760561600; -98.22181649430, 28.00574681570; -98.22132576720, 28.00197033470; -98.22129010010, 28.00006882730; -98.22163888140, 27.99627995700; -98.22202182030, 27.99440881740; -98.22319656450, 27.99075315070; -98.22398332570, 27.98898427370; -98.22593876580, 27.98560225960; -98.22709906180, 27.98400359850; -98.22975996750, 27.98102514990; -98.23106012000, 27.97982198190; -98.24845806380, 27.96461741060; -98.25004429250, 27.96333954100; -98.25348165010, 27.96107334930; -98.25531806430, 27.96009472380; -98.25918709720, 27.95846733190; -98.26120315840, 27.95782552820; -98.26535527320, 27.95689942250; -98.26747356090, 27.95661908260; -98.27174932070, 27.95642982020.

(I) Surveillance Zone 9. SZ 9 is that portion of Gillespie County lying within the area described by the following latitude-longitude coordinate pairs: -99.17353593810, 30.39743442450; -99.17375688290, 30.39743648560; -99.18650306740, 30.39764152210; -99.18868707390, 30.39784203650; -99.19298645340, 30.39861174960; -99.19508343130, 30.39917766510; -99.19912713940, 30.40065946870; -99.20105656550, 30.40156903680; -99.20468931010, 30.40370605310; -99.20637707890, 30.40492435720; -99.20893862350, 30.40712458840; -99.20895081010, 30.40713624540; -99.21010719770, 30.40753808480;



-99.21210135430, 30.40924552080; -99.21766438250, 30.41260030250; -99.22243529740, 30.41679026140; -99.22480835100, 30.41908146200; -99.22986607570, 30.42300910870; -99.23347804140, 30.42634143400; -99.23593618490, 30.43032414290; -99.23861104520, 30.43567560700; -99.24006153660, 30.44130898650; -99.24031522990, 30.44837008950; -99.23991143100, 30.45377900510; -99.23837249220, 30.45922521070; -99.23561412610, 30.46423639880; -99.23174218850, 30.46861990940; -99.22690540570, 30.47220718960; -99.22128967060, 30.47486028580; -99.21511089570, 30.47647715950; -99.21067632870, 30.47678656200; -99.21064811580, 30.47693085820; -99.21044461600, 30.47802870800; -99.20558507580, 30.48096772130; -99.19918067420, 30.48266109800; -99.19454350000, 30.48463122570; -99.18811953420, 30.48551900460; -99.18153637020, 30.48529028750; -99.17504722140, 30.48395387180; -99.16890167570, 30.48156116010; -99.16383762300, 30.47759395960; -99.15703384190, 30.47509362850; -99.15343468090, 30.47116317790; -99.14929684530, 30.46650186960; -99.14788832480, 30.46607258170; -99.14534587130, 30.46195024290;	30.40833614830; -99.21588805010, 30.41138216910; -99.22094502920, 30.41531014690; -99.22474340580, 30.41796172760; -99.22827324780, 30.42161056390; -99.23273841830, 30.42537038200; -99.23478898920, 30.42863897130; -99.23785131870, 30.43385000730; -99.23971853280, 30.43941309750; -99.24031868570, 30.44347512650; -99.24014183540, 30.45190278830; -99.23902486900, 30.45744807400; -99.23666346750, 30.46262665880; -99.23314821010, 30.46723945750; -99.22861408870, 30.47110910870; -99.22323533540, 30.47408680570; -99.21721872840, 30.47605802930; -99.21079563440, 30.47678656200; -99.21064811580, 30.47693085820; -99.20677396330, 30.47958005360; -99.20228690650, 30.48241824050; -99.19660637810, 30.48409187060; -99.19029096560, 30.48534632510; -99.18373283570, 30.48549092560; -99.17718423650, 30.48452011010; -99.17089704850, 30.48247121970; -99.16511307110, 30.47975512380; -99.16032575160, 30.47530577870; -99.15502735320, 30.47256263720; -99.15056328030, 30.46812628830; -99.14790445390, 30.46609361990; -99.14672695110, 30.46350628560; -99.14293356470,	-99.21403105790, 30.41026231130; -99.21935245120, 30.41391149870; -99.22381687330, 30.41792590210; -99.22658493020, 30.42029947810; -99.23135659370, 30.42448912760; -99.23426138900, 30.42701533530; -99.23695842220, 30.43206363690; -99.23923434200, 30.43753262050; -99.24026187630, 30.44321216980; -99.24022535810, 30.45000946140; -99.23953857940, 30.45563007650; -99.23758423530, 30.46095387400; -99.23444070000, 30.46577619740; -99.23022865440, 30.46991163820; -99.22510992410, 30.47320117520; -99.21928126630, 30.47551830030; -99.21296680130, 30.47677389450; -99.21066064460, 30.47679653780; -99.20864883670, 30.47902245240; -99.20247846250, 30.48105261060; -99.19861514510, 30.48343422190; -99.19243535100, 30.48504997540; -99.18593036330, 30.48556727370; -99.17935038070, 30.48496621930; -99.17294849400, 30.48326993120; -99.16697092580, 30.48054365280; -99.16050915070, 30.47747402290; -99.15671572630, 30.47387466140; -99.15194452980, 30.46968228000; -99.14815064510, 30.46611914430; -99.14786511870, 30.46498723950; -99.14407960270, 30.46032577810;	-99.14191266110, 30.45689968290; -99.13964163080, 30.45142925030; -99.13861988230, 30.44603637950; -99.13856040750, 30.44354532120; -99.13864757930, 30.43787930220; -99.13887258090, 30.42670615000; -99.13996435970, 30.42250973950; -99.14092566160, 30.41696565550; -99.14329133930, 30.41178912120; -99.14680919670, 30.40717899290; -99.15134394780, 30.40331234110; -99.15672131320, 30.40033766070; -99.16273471980, 30.39836917910; -99.16915322740, 30.39748248000; and	30.45863985060; -99.14026316860, 30.45328664480; -99.13881823260, 30.44765245290; -99.13855946250, 30.44380220330; -99.13859897620, 30.43800444810; -99.13878668950, 30.42859929050; -99.13947963620, 30.42308994480; -99.14041023510, 30.41878314930; -99.14236931130, 30.41346114070; -99.14551604940, 30.40864131110; -99.14972939930, 30.40450879450; -99.15484740360, 30.40122230270; -99.16067342780, 30.39890804060; -99.16698370960, 30.39765487080; -99.17353593810, 30.39743442450.	-99.14102125860, 30.45511272950; -99.13915929960, 30.44954850150; -99.13856414440, 30.44408935820; -99.13856402530, 30.44172302860; -99.13864952570, 30.43027345620; -99.13910492460, 30.42483023090; -99.14003555800, 30.42063381830; -99.14157962280, 30.41518911770; -99.14434175290, 30.41018021600; -99.14821565470, 30.40579951960; -99.15305238720, 30.40221527910; -99.15866609560, 30.39956513830; -99.16484115140, 30.39795085930; -99.17134042280, 31.73442055060; -96.66104090900, 31.73466418940; -96.66758833200, 31.73612579150; -96.67375953710, 31.73863433690; -96.67931753350, 31.74209349980; -96.68404882080, 31.74547369050; -96.69729893530, 31.76095532870; -96.70065270400, 31.76606227520; -96.70281656340, 31.77156597240; -96.70370717380, 31.77725496460; -96.70329008530, 31.78291064030; -96.70158109530, 31.78831563060; -96.69864567720, 31.79326216650; -96.69459649460, 31.79756007230; -96.68958909370, 31.80104408660; -96.68017875870, 31.80576803130; -96.67452621960, 31.80796426980; -96.66808086110,
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(J) Surveillance Zone 10. SZ 10 is that portion of Limestone County lying within the area described by the following latitude-longitude coordinate pairs:

-96.66587166950,	31.80909135460;	-96.66364779630,	-99.61782652640,	29.35209215220;	-99.61693676500,
31.80922074180;	-96.66141877320,	31.80922560890;	29.35035577580;	-99.61617856340,	29.34857213070;
-96.65919415410,	31.80910593500;	-96.65698347370,	-99.61555516190,	29.34674885720;	-99.61506922320,
31.80886223310;	-96.65479620720,	31.80849554770;	29.34489376500;	-99.61503820540,	29.34475276260;
-96.65264172870,	31.80800745030;	-96.65052927190,	-99.61494624750,	29.34432910810;	-99.61463086570,
31.80740003290;	-96.64846788960,	31.80667589860;	29.34259114510;	-99.61442547730,	29.34069635380;
-96.64646641510,	31.80583815100;	-96.64453342460,	-99.61436197100,	29.33879385100;	-99.61444061050,
31.80489038020;	-96.64267719970,	31.80383664790;	29.33689178380;	-99.61466105070,	29.33499829680;
-96.64090569260,	31.80268146970;	-96.63922649130,	-99.61487321080,	29.33380912050;	-99.61491150300,
31.80142979580;	-96.63764678780,	31.80008698950;	29.33362019190;	-99.61506063110,	29.33293256890;
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31.79753453160;	-96.63512907170,	31.79752070170;	29.32926106910;	-99.61697106210,	29.32748208660;
-96.63511132560,	31.79751246930;	-96.63344919050,	-99.61732421150,	29.32676913270;	-99.61746690720,
31.79668870300;	-96.63159325040,	31.79563480890;	29.32649127370;	-99.617661697400,	29.32547330120;
-96.62982203250,	31.79447947590;	-96.62814312390,	-99.61904740670,	29.32379784010;	-99.61962570840,
31.79322765480;	-96.62656371510,	31.79188470960;	29.32295977640;	-99.61999500570,	29.32244439010;
-96.62509056930,	31.79045639480;	-96.62372999360,	-99.62056993200,	29.32166962830;	-99.62184101280,
31.78894883010;	-96.62248781220,	31.78736847480;	29.32012634080;	-99.62322450720,	29.31865919810;
-96.62219922950,	31.78696681040;	-96.61946413820,	-99.62471448910,	29.31727447850;	-99.62532991110,
31.78308965490;	-96.61863431950,	31.78184492480;	29.31675242370;	-99.62534908130,	29.31673657650;
-96.61764443320,	31.78013955960;	-96.61678727190,	-99.62536140450,	29.31671616190;	-99.62601184830,
31.77838253570;	-96.61606650000,	31.77658137960;	29.31568933250;	-99.62716487010,	29.31407645020;
-96.61548519690,	31.77474380640;	-96.61504584440,	-99.62843574650,	29.31253310120;	-99.62981903270,
31.77287768670;	-96.61475031560,	31.77099101280;	29.31106589070;	-99.63130880370,	29.30968109780;
-96.61459986770,	31.76909186490;	-96.61459513600,	-99.63289867970,	29.30838464850;	-99.63458185310,
31.76718837570;	-96.61473613210,	31.76528869640;	29.30718209080;	-99.63635111800,	29.30607857030;
-96.61502224360,	31.76340096120;	-96.61545223660,	-99.63819890080,	29.30507880900;	-99.64011729290,
31.76153325270;	-96.61602426190,	31.75969356750;	29.30418708460;	-99.64209808410,	29.30340721240;
-96.61673586220,	31.75788978150;	-96.61758398340,	-99.64413279780,	29.30274252910;	-99.64621272750,
31.75612961660;	-96.61856498750,	31.75442060760;	29.30219587850;	-99.64832897350,	29.30176959930;
-96.61967466820,	31.75277006970;	-96.62090826930,	-99.65047248120,	29.30146551530;	-99.65263407970,
31.75118506780;	-96.62226050510,	31.74967238560;	29.30128492740;	-99.65480452090,	29.30122860820;
-96.62372558250,	31.74823849730;	-96.62529722690,	-99.65487587710,	29.30122887060;	-99.65900846590,
31.74688953930;	-96.62696870810,	31.74563128450;	29.30124789310;	-99.66110711120,	29.30131575240;
-96.62873286980,	31.74446911720;	-96.63058215960,	-99.66326739090,	29.30150809000;	-99.66540870640,
31.74340801060;	-96.63111303750,	31.74313020830;	29.30182382290;	-99.66752189610,	29.30226160050;
-96.64027391640,	31.73843371330;	-96.64166940590,	-99.66959791860,	29.30281954970;	-99.67162789070,
31.73775591030;	-96.64366469470,	31.73690995180;	29.30349528360;	-99.67360312630,	29.30428591090;
-96.64572041930,	31.73617729780;	-96.64782778280,	-99.67551517240,	29.30518804900;	-99.67735584590,
31.73556108310;	-96.64997776830,	31.73506394410;	29.30619783800;	-99.67911726860,	29.30731095730;
-96.65216117680,	31.73468800780;	-96.65436866660,	-99.67954559440,	29.30760570470;	-99.67956313490;
31.73443488260;	-96.65659079340,	31.73430565150;	29.30761798010;	-99.67958463450,	29.30762363200;
-96.65881805040,	31.73430086730.		-99.68080891950,	29.30796826400;	-99.68283907760,

(K) Surveillance Zone 11. SZ 11 is that portion of Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.65125892840, 29.37997244440; -99.64901351840, 29.37941401480; -99.64845146960, 29.37926298170; -99.64642007180, 29.37858685430; -99.64444354350, 29.37779577780; -99.64253035400, 29.37689314240; -99.64068870050, 29.37588281650; -99.63892647290, 29.37476913010; -99.63725118790, 29.37355685560; -99.63567011690, 29.37225118790; -99.63418993490, 29.37085772200; -99.63281701150, 29.37085772200; -99.63155722420, 29.36783162880; -99.63041596490, 29.36621196710; -99.62939811680, 29.36453038250; -99.62890579820, 29.36359183460; -99.628806121330, 29.36305789800; -99.62638629870, 29.36053968750; -99.62480553320, 29.36007754550; -99.62429303370, 29.36007754550; -99.62381874180, 29.35964253520; -99.62273207700, 29.35860163960; -99.62135950160, 29.35712622890; -99.62010005700, 29.35557532250; -99.61895913350, 29.35395556520; -99.61862150420, 29.35342798500;

29.35209215220; -99.61693676500, 29.34857213070; -99.61506922320, 29.34475276260; -99.61463086570, 29.34069635380; -99.61444061050, 29.33499829680; -99.61491150300, 29.33293256890; -99.61619893460, 29.32748208660; -99.61746690720, 29.32547330120; -99.61962570840, 29.32244439010; -99.62184101280, 29.31865919810; -99.62532991110, 29.31673657650; -99.62601184830, 29.31407645020; -99.62981903270, 29.30968109780; -99.63458185310, 29.30607857030; -99.64011729290, 29.30340721240; -99.64621272750, 29.30176959930; -99.65263407970, 29.30122860820; -99.65900846590, 29.30131575240; -99.66540870640, 29.30226160050; -99.67162789070, 29.30428591090; -99.67735584590, 29.30731095730; -99.67956313490, 29.30762363200; -99.68283907760, 29.30943427250; -99.68856764940, 29.31245883550; -99.69358506110, 29.31636804540; -99.69769853840, 29.32101177380; -99.70074995830, 29.32269276880; -99.70150952680, 29.32621166020; -99.70262193270, 29.32803449350; -99.70296999200, 29.33176795100; -99.70358951980, 29.33347053880; -99.70360402460, 29.33904533040; -99.7036928260, 29.34094778790; -99.70337367010, 29.34474356080; -99.70306776070, 29.34634027440; -99.70306776070, 29.34634027440; -99.70322752220, 29.35169864370; -99.70315061320, 29.35360077700; -99.70293185960, 29.35737149930; -99.70257218990, 29.35737149930; -99.70207313650, 29.35922393950; -99.70066598480, 29.36282334130;

-99.69976389890, 29.36623103210; -99.69631147760, 29.37085665520; -99.69184845020, 29.37474283200; -99.68654631520, 29.37774011850; -99.68060890300, 29.37973324070; -99.67426453180, 29.38064553800; -99.66982079290, 29.38068663350; -99.65912069230, 29.38076767780; -99.65264385560, 29.37997244440.	29.36455488500; -99.69758197780, 29.36938868150; -99.69343856370, 29.37353947830; -99.68839492950, 29.37684766210; -99.68264494370, 29.37918600620; -99.67640969900, 29.38046457390; -99.66992899700, 29.38070171930; -99.65998003010, 29.38083583350; -99.65478687690, 29.38025930250;	and	-99.69873442870, 29.36784460200; -99.69492836580, 29.37224223310; -99.69016483510, 29.37584713740; -99.68462691200, 29.37852068160; -99.67852751480, 29.38016003970; -99.67210120720, 29.38070215650; -99.66706723200, 29.38082841100; -99.65694891120, 29.38057522580; -99.65125892840, 29.35865599960; -99.77654795040, 29.35808571740; -99.77208135310, 29.35752567680; -99.76150088920, 29.35316049340; -99.75621890060, 29.35068405070; -99.75578417860, 29.34976222060; -99.75171611030, 29.34559196180; -99.74793743590, 29.34074314620; -99.74526534270, 29.33540220140; -99.74380237120, 29.32977444280; -99.74360454380, 29.32407617420; -99.74442827720, 29.32000902450; -99.74564085140, 29.31554334500; -99.74833937880, 29.31052099920; -99.75214058830, 29.30681596510; -99.75294286840, 29.30597555990; -99.75645093470, 29.30182269650; -99.76148825540, 29.29851161350; -99.76723138150, 29.29616945840; -99.77345973130, 29.29488616370; -99.77993413720,	-99.77870973050, 29.35839957190; -99.77229013500, 29.35759382560; -99.76950128130, 29.35653331420; -99.76341473700, 29.35416907480; -99.75789524790, 29.35083779270; -99.75590513520, 29.35050683250; -99.75319761790, 29.34706596280; -99.74908037830, 29.34242376670; -99.74602583040, 29.33722482790; -99.74415123500, 29.33166901430; -99.74352844740, 29.32596987690; -99.74418118380, 29.32121228410; -99.74500563660, 29.31732310920; -99.74731130490, 29.31213499550; -99.75075920470, 29.30750877390; -99.75290419310, 29.30672668630; -99.75496305260, 29.30312071770; -99.75972053550, 29.29951320330; -99.76525173210, 29.29683615670; -99.77134418030, 29.29519237180; -99.77776391730, 29.29470343340;	29.35858993800; -99.77440502380, 29.35764971960; -99.77161614530, 29.35708963240; -99.76539177170, 29.35506989950; -99.75965842840, 29.35204847750; -99.75602127760, 29.35059296970; -99.75477991510, 29.34845803730; -99.75034173590, 29.34404235000; -99.74691779940, 29.33900768850; -99.74463958670, 29.33354761580; -99.74359448130, 29.32787201480; -99.74382243630, 29.32219901500; -99.74475467770, 29.31914317660; -99.74641050820, 29.31381150270; -99.74949032280, 29.30897642190; -99.75285889630, 29.30677371780; -99.75358175440, 29.30450698290; -99.75803902900, 29.30061847410; -99.76333462190, 29.29761799010; -99.76926509830, 29.29562074760; -99.77560269990, 29.29470343340;
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(L) Surveillance Zone 12. SZ 12 is that portion of

Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.77993413720, 29.29464496260;  
-99.77999034560, 29.29464510230;  
29.29465668420, -99.78570768690,  
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29.29522634520, -99.79212324670,  
-99.79419984340, 29.29621793300;  
29.29689166050, -99.79820666000,  
-99.80011973380, 29.29858058260;  
29.29958855110, -99.80372431010,  
-99.80540038360, 29.30190995680;  
29.30321346090, -99.80846425390,  
-99.80983893070, 29.30607820520;  
29.30762718570, -99.81224435170,  
-99.81326478910, 29.31092524480;  
29.31266020720, -99.81491926470,  
-99.81554620640, 29.31626489670;  
29.31811919260, -99.81619440440,  
-99.81620949950, 29.31895453670;  
29.31903087490, -99.81624122360,  
-99.81673088120, 29.32091292640;  
29.32279131760, -99.81729043030,  
-99.81735790960, 29.32658814880;  
29.32849033120, -99.81706679240,  
-99.81670942610, 29.33226153590;  
29.33411440730, -99.81557868360,  
-99.81481013500, 29.33771504250;  
29.33944738320, -99.81288309310,  
-99.81173284150, 29.34273903720;  
29.34428424870, -99.80908346550,  
-99.80850269810, 29.34629485420;  
29.34630490290, -99.80678761820,  
-99.80657185830, 29.34814076870;  
29.34814121170, -99.80655435420,  
-99.80597612830, 29.34869270430;  
29.34927473890, -99.80510057730,  
-99.80509532990, 29.34952733970,  
29.35017550490, -99.80278735350,  
-99.80110549990, 29.35267895590;  
29.35378480570, -99.79749021490,  
-99.79557227110, 29.35568107880;  
29.35646337560, -99.79155683370,  
-99.78947654670, 29.35767954000;  
29.35810819530, -99.78521537310,  
-99.78305274890, 29.35859747360;

(M) Surveillance Zone 13. SZ 13 is that portion of

Zavala County lying within the area described by the following latitude-longitude coordinate pairs: -99.51049107440, 28.95090385000;  
-99.51265315760, 28.95097450990;  
28.95116935630, -99.51693848750,  
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28.95248804470, -99.52313272620,  
-99.52509964250, 28.95395887460;  
28.95486311300, -99.52883593070,  
-99.53058931150, 28.95698990850;  
28.95820336540, -99.53382905030,  
-99.53530153730, 28.96090445770;  
28.96238053420, -99.53792024330,  
-99.53905524430, 28.96555218970;  
28.96723419420, -99.54095224290,  
-99.54170610720, 28.97075459030;  
28.97257791240, -99.54280840750,  
-99.54315210890, 28.97631180980;  
28.97820639890, -99.54341747360,  
-99.54343981590, 28.99442460320;  
28.99442463760, -99.54344055730,  
-99.54344055730, 28.99490532000;

29.00913749330;	-99.54346227850,	29.00929697630;	28.95100290820;	-99.51005235880,	28.95090470190;	and
-99.54338251590,	29.01119871480;	-99.54316142200,	-99.51049107440,	28.95090385000.		
29.01309179740;	-99.54279993550,	29.01496811680;				
-99.54229959650,	29.01681963700;	-99.54166254020,				
29.01863842790;	-99.54089148760,	29.02041669900;				
-99.53998973420,	29.02214683280;	-99.53896113620,				
29.02382141780;	-99.53781009360,	29.02543328000,				
-99.53654153170,	29.02697551360;	-99.53516088010,				
29.02844151090;	-99.53367404930,	29.02982499060;				
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29.03232106340;	-99.52864225940,	29.03342296040;				
-99.52679851360,	29.03442099340;	-99.52488440590,				
29.03531088530;	-99.52290813750,	29.03608882220,				
-99.52087817660,	29.03675147010;	-99.51880322220,				
29.03729598890;	-99.51669216630,	29.03772004480;				
-99.51455405640,	29.03802182020;	-99.51239805620,				
29.03820002170;	-99.51072236680,	29.03825261230;				
-99.50919518970,	29.03826649830;	-99.50904828420,				
29.03826754640;	-99.50752105150,	29.03827545390;				
-99.50737410440,	29.03827592700;	-99.50594924450,				
29.03827772570;	-99.49566969890,	29.03834613070;				
-99.49566961900,	29.03834613120;	-99.49473223360,				
29.03835232920;	-99.49296109140,	29.03836402210;				
-99.49267466830,	29.03836599620;	-99.49226342180,				
29.03836658380;	-99.49009940990,	29.03829557020;				
-99.48794532360,	29.03810029240;	-99.48581039530,				
29.03778158750;	-99.48370377490,	29.03734082160;				
-99.48163449060,	29.03677988360;	-99.47961141030,				
29.03610117790;	-99.47764320340,	29.03530761330;				
-99.47573830340,	29.03440259080;	-99.47390487190,				
29.03338989820;	-99.47215076360,	29.03227414790;				
-99.47048349240,	29.03105984880;	-99.46891019950,				
29.02975229550;	-99.46743762220,	29.02835709100;				
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29.02028719840;	-99.46103678340,	29.01850289030;				
-99.46041840690,	29.01667912560;	-99.45993707700,				
29.01482371620;	-99.45959484740,	29.01294460890;				
-99.45939317560,	29.01104985160;	-99.45933255420,				
29.00924911650;	-99.45935507090,	28.99505803090;				
-99.45935583340,	28.99457733840;	-99.45937664990,				
28.98145463430;	-99.45937701260,	28.98135307940;				
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28.96683180190;	-99.46503964370,	28.96522066420;				
-99.46630853350,	28.96367920000;	-99.46768930330,				
28.96221400650;	-99.46917603890,	28.96083135410;				
-99.47076237320,	28.95953715970;	-99.47244151420,				
28.95833696140;	-99.47420627300,	28.95723589490;				
-99.47604909550,	28.95623867160;	-99.47701631460,				
28.95577153470;	-99.47709898860,	28.95573317030;				
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-99.48263268430,	28.95318333200;	-99.48466116220,				
28.95252132910;	-99.48673449980,	28.95197739660;				
-99.48884382600,	28.95155386170;	-99.49098011560,				
28.95125253620;	-99.49313422850,	28.95107470940;				
-99.49485788860,	28.95102194360;	-99.49502543280,				
28.95102065940;	-99.49502565540,	28.95102065770;				
-99.49734003590,	28.95100290910;	-99.49734015720,				

(N) Surveillance Zone 14. SZ 14 is that portion of Gonzales County lying within the area described by the following latitude-longitude coordinate pairs: -97.34738886370, 29.67430305070; -97.34956514000, 29.67441090950; -97.35172868790, 29.67499772410; -97.35387025060, 29.67499772410; -97.35598066570, 29.67547416940; -97.35805090330, 29.67678295250; -97.36007210500, 29.67678295250; -97.36203562200, 29.67760969090; -97.36344026450, 29.68054764910; -97.36785199430, 29.68054764910; -97.37349566950, 29.68333935710; -97.37441330130, 29.68333935710; -97.37623673470, 29.68485356730; -97.37797816230, 29.68599871170; -97.37963012940, 29.68599871170; -97.38118556330, 29.68857461580; -97.38263780340, 29.68999435240; -97.38398063020, 29.68999435240; -97.38520829140, 29.69306704200; -97.38631552700, 29.69470684450; -97.38729759140, 29.69470684450; -97.38815027430, 29.69815830180; -97.38886991860, 29.69995518270; -97.38945343610, 29.69995518270; -97.38989832080, 29.70365282110; -97.39026266000, 29.70553774820; -97.39036514230, 29.70933950030; -97.39038506360, 29.70933950030; -97.39026233020, 29.71124004620; -97.38999745930, 29.71124004620; -97.38959157700, 29.71499981830; -97.38904641350, 29.71684294230; -97.38836429570, 29.71684294230; -97.38754813810, 29.72041622810; -97.38660142920, 29.72213108370; -97.38595242280, 29.72213108370; -97.38220355930, 29.72884796740; -97.38177930530, 29.72947308130; -97.38058405070, 29.72947308130; -97.37927199520, 29.73258597850; -97.37784875500, 29.73402843720; -97.37632042320, 29.73402843720; -97.37538655020, 29.73665449830; -97.37297508580, 29.737117240840; -97.36929323460, 29.73986508800; -97.36734561530, 29.74072224340; -97.36533789550, 29.74072224340; -97.36327867850, 29.74209427340; -97.36117678870, 29.74260326760; -97.35904123400, 29.74260326760; -97.35470584520, 29.74339751660; -97.35395662340, 29.74339751660; -97.35391959260, 29.74341740220; -97.35353636310, 29.74341740220; -97.35297508580, 29.74342561530; -97.35142802800, 29.74389052030; -97.34926791980, 29.74415553740; -97.34709256670, 29.74415553740; -97.34292666220, 29.74420534870; -97.34491129220, 29.74420534870; -97.34273344530, 29.74361814360; -97.34273344530, 29.74361814360; -97.33631349820, 29.74314139630; -97.33424195660, 29.74314139630; -97.33221956880, 29.74183182020; -97.33025500110, 29.74100460400; -97.32817197670, 29.74100460400; -97.32492046280, 29.73821149370; -97.32328126040, 29.73821149370; -97.32153955710, 29.73612060890; -97.31988750120, 29.73487771260; -97.31833216850, 29.73487771260; -97.31688021910, 29.73212266760; -97.31553786970, 29.73062232410; -97.31431086630, 29.72904855710; -97.31320446000, 29.72740810920; -97.31222338460, 29.72570800840; -97.31137183620, 29.72570800840; -97.31065345530, 29.72215820450; -97.31007131160, 29.72032370730; -97.30962789070, 29.72032370730; -97.30932508360, 29.71657477650; -97.30916417900, 29.71467639890; -97.30914585750, 29.71467639890; -97.30927018910, 29.71087243300; -97.3095366310, 29.70898313350; -97.30994404040,

29.70711309150;	-97.31049065840,	29.70527031350;	29.74254510330;	-97.33221956880,	29.74183182020;
-97.31117413930,	29.70346268880;	-97.31199154940,	-97.33025500110,	29.74100460400;	-97.32835667130,
29.70169795550;	-97.31217595120,	29.70135934680;	29.74006700000;	-97.32817197670,	29.73996795620;
-97.31222357740,	29.70078121370;	-97.31248993580,	-97.32492046280,	29.73821149370;	-97.32328126040,
29.69889191370;	-97.31289724330,	29.69702186780;	29.73726652240,	-97.32153955710,	29.73612060890;
-97.31344374800,	29.69517908270;	-97.31412710220,	-97.31988750120,	29.73487771260;	-97.31833216850,
29.69337144740,	-97.31494437290,	29.69160670040,	29.73354315930,	-97.31688021910,	29.73212266760;
-97.31589205450,	29.68989239580;	-97.31696608360,	-97.31553786970,	29.73062232410;	-97.31431086630,
29.68823587180;	-97.31816185660,	29.68664421850;	29.72904855710;	-97.31320446000,	29.72740810920;
-97.31947424980,	29.68512424820;	-97.32089764100,	-97.31222338460,	29.72570800840;	-97.31137183620,
29.68368246600;	-97.32242593380,	29.68232504200;	29.72395553780;	-97.31065345530,	29.72215820450;
-97.32405258360,	29.68105778520;	-97.32577062580,	-97.31007131160,	29.72032370730;	-97.30962789070,
29.67988611850;	-97.32757270550,	29.67881505540;	29.71845990380;	-97.30932508360,	29.71657477650;
-97.32945110910,	29.67784917880;	-97.33139779700,	-97.30916419900,	29.71467639890;	-97.30914585750,
29.67699262150;	-97.33340443820,	29.67624904830;	29.71277290060;	-97.30927018910,	29.71087243300;
-97.33546244590,	29.67562164070;	-97.33756301380,	-97.30953663310,	29.70898313350;	-97.30994404040,
29.67511308290;	-97.33969715420,	29.67472555070;	29.70711309150;	-97.31049065840,	29.70527031350;
-97.34185573630,	29.67446070210;	-97.34402952450,	-97.31117413930,	29.70346268880;	-97.31199154940,
29.67431967010;	-97.34541017760,	29.67429468660;	29.70169795550;	-97.3127595120,	29.70135934680;
-97.34658982240,	29.67429468660;	-97.34738886370,	-97.31222357740,	29.70078121370;	-97.31248993580,
29.67430305070;	-97.34738886370,	29.67430305070;	29.69889191370;	-97.31289724330,	29.69702186780;
-97.34956514000,	29.67441090950;	-97.35172868790,	-97.31344374800,	29.69517908270;	-97.31412710220,
29.67464279800;	-97.35387025060,	29.67499772410;	29.69337144740;	-97.31494437290,	29.69160670040;
-97.35598066570,	29.67547416940;	-97.35805090330,	-97.31589205450,	29.68989239580;	-97.31696608360,
29.67607009540;	-97.36007210500,	29.676782095250;	29.68823587180;	-97.31816185660,	29.68664421850;
-97.36203562200,	29.67760969090;	-97.36344026450,	-97.31947424980,	29.68512424820;	-97.32089764100,
29.67828952150;	-97.36785199430,	29.68054764910;	29.68368246600;	-97.32242593380,	29.68232504200;
-97.37349566950,	29.68333935710;	-97.37441330130,	-97.32405258360,	29.68105778520;	-97.32577062580,
29.68381029960;	-97.37623673470,	29.68485356730;	29.67988611850;	-97.32757270550,	29.67881505540;
-97.37797816230,	29.68599871170;	-97.37963012940,	-97.32945110910,	29.67784917880;	-97.33139779700,
29.68724083300;	-97.38118556330,	29.68857461580;	29.67699262150;	-97.33340443820,	29.67624904830;
-97.38263780340,	29.68999435240;	-97.38398063020,	-97.33546244590,	29.67562164070;	-97.33756301380,
29.69149396710;	-97.38520829140,	29.69306704200;	29.67511308290;	-97.33969715420,	29.67472555070;
-97.38631552700,	29.69470684450;	-97.38729759140,	-97.34185573630,	29.67446070210;	-97.34402952450,
29.69640635590;	-97.38815027430,	29.69815830180;	29.67431967010;	-97.34541017760,	29.67429468660;
-97.38886991860,	29.69995518270;	-97.38945343610;	-97.34658982240,	29.67429468660;	and
29.70178930650;	-97.38989832080,	29.70365282110;	29.67430305070.		-97.34738886370,
-97.39020266000,	29.70553774820;	-97.39036514230,			
29.70743601730;	-97.39038506360,	29.70933950030;			
-97.39026233020,	29.71124004620;	-97.38999745930,			
29.71312951620;	-97.38959157700,	29.71499981830;			
-97.38904641350,	29.71684294230;	-97.38836429570,			
29.71865099380;	-97.38754813810,	29.72041622810;			
-97.38660142920,	29.72213108370;	-97.38595242280,			
29.72316308890;	-97.38220355930,	29.72884796740;			
-97.38177930530,	29.72947308130;	-97.38058405070,			
29.73106535480;	-97.37927199520,	29.73258597850;			
-97.37784875500,	29.73402843720;	-97.37632042320,			
29.73538655020;	-97.37469354430,	29.73665449830;			
-97.37297508580,	29.73782684800;	-97.37117240840,			
29.73889857550;	-97.36929323460,	29.73986508800;			
-97.36734561530,	29.74072224340;	-97.36533789550,			
29.74146636830;	-97.36327867850,	29.74209427340;			
-97.36117678870,	29.74260326760;	-97.35904123400;			
29.74299116940;	-97.35688116690,	29.74325631620;			
-97.35470584520,	29.74339757160;	-97.35399482360,			
29.74341672900;	-97.35395662340,	29.74341740220;			
-97.35391959260,	29.74342561530;	-97.35356363310,			
29.74350274660;	-97.35142802800,	29.74389052030;			
-97.34926791980,	29.74415553740;	-97.34709256670,			
29.74429666220;	-97.34491129220,	29.74431328970;			
-97.34273344530,	29.74420534870;	-97.34056836010,			
29.74397330180;	-97.33842531620,	29.74361814360;			
-97.33631349820,	29.74314139630;	-97.33424195660,			

(O) Surveillance Zone 15. SZ 15 is that portion of Hamilton County lying within the area described by the following latitude-longitude coordinate pairs:-98.29832003980, 31.45683100770; -98.30053821980, 31.45692253220; -98.30274467610, 31.45747704170; 31.45713818440; -98.30492996880, 31.45747704170; -98.30708474830, 31.45793765430; -98.30919979520, 31.45890238740; 31.45851805150; -98.31038657960, 31.45890238740; -98.31669362400, 31.46106097640; -98.31757314480, 31.46218621200; 31.46137429580; -98.31958188490, 31.46218621200; -98.32152441100, 31.46310897320; -98.32339240950, 31.46310897320; -98.32517788510, 31.46527078000; -98.32687319450, 31.46650057530; -98.32847107970, 31.46923165910; 31.46782275430; -98.32996469850, 31.46923165910; -98.33134765430, 31.47072126000; -98.33261402310, 31.47391673150; 31.47228518200; -98.33375837890, 31.47391673150; -98.33477581750, 31.47560892520; -98.33566197690, 31.47914604320; 31.47735451990; -98.33641305640, 31.47914604320; -98.33665925550, 31.47982827930; -98.33754324230, 31.48238870550; -98.33827257370, 31.48389250930; -98.33842953420, 31.48417632520; -98.33930781770, 31.48769889290; 31.48590739450; -98.34005903390, 31.48769889290; -98.34067193630, 31.48952865460; -98.34114389300, 31.49327150360; 31.49138884620; -98.34147287490, 31.49327150360; -98.34160904900, 31.49463708250; -98.34170157760, 31.49719937850; 31.49532212280; -98.34188349310, 31.49719937850; -98.34192289780, 31.49910272210; -98.34181693100, 31.50289566260; 31.50100419770; -98.34156603790,

-98.34117128430, 31.50661623610; -98.33914371920, 31.51192273140; -98.33591793200, 31.51671969180; -98.33161776530, 31.52082268480; -98.32640843370, 31.52407393790; -98.32082827200, 31.52752824970; -98.31286111820, 31.52881293140; -98.30635490640, 31.52965569210; -98.29969807570, 31.52938158670; -98.29314667580, 31.52800115810; -98.28774691130, 31.52514180700; -98.28116090930, 31.52351677690; -98.27569722330, 31.52129630560; -98.27272702750, 31.51872393490; -98.26794004490, 31.51450121010; -98.26414793460, 31.50961178110; -98.26149634400, 31.50539419920; -98.26067048630, 31.50187219680; -98.26016347140, 31.49996785120; -98.25948771030, 31.49843651180; -98.25919780050, 31.49668975590; -98.25891856200, 31.49227169770; -98.25924095380, 31.48660586630; -98.26085383060, 31.48117533010; -98.26369500620, 31.47618872550; -98.26679534130, 31.47403170990; -98.26759061030, 31.47098385370; -98.27119215720, 31.46640082660; -98.27581557080, 31.46256778850; -98.28128316800, 31.45963194470; -98.28738491320, 31.45770603260; -98.29388647760, 31.45686400240; and	31.50476901650; -98.33995753360, 31.51020077060; -98.33711958970, 31.51518918890; -98.33316111930, 31.51954248720; -98.32823417660, 31.52309327520; -98.32252812310, 31.52558836290; -98.31495277810, 31.52828819900; -98.30855295060, 31.52949814630; -98.30191796040, 31.52959728710; -98.29530301480, 31.52858180830; -98.28896254810, 31.52682831360; -98.28322840220, 31.52432927850; -98.27720782970, 31.52177212490; -98.27451294920, 31.51995442490; -98.26943352290, 31.51599147340; -98.26529158280, 31.51130451620; -98.26224624910, 31.50607376110; -98.26103720500, 31.50362150500; -98.26019757910, 31.50163099480; -98.25959479380, 31.49858334420; -98.25934393530, 31.49681330150; -98.25908513530, 31.49417506840; -98.25898844640, 31.48847897680; -98.26017565520, 31.48294620920; -98.26261728780, 31.47778934150; -98.26621934470, 31.47405293180; -98.26682929990, 31.47264847450; -98.26987039700, 31.46785333050; -98.27417112320, 31.46375238870; -98.27937922070, 31.46050314930; -98.28529459750, 31.45823038810; -98.29169006320, 31.45702137520;	-98.34063435240, 31.50842940960; -98.33819638750, 31.51358791540; -98.33459655670, 31.51817286660; -98.32997310320, 31.52200797380; -98.32450369570, 31.52494575960; -98.31529088300, 31.52764487610; -98.31072479060, 31.52921682410; -98.30414007870, 31.52968878630; -98.29748993910, 31.52904260950; -98.29103016340, 31.52730314750; -98.28364524440, 31.52502741460; -98.27915118130, 31.52259339180; -98.27487098790, 31.52108725890; -98.27103146470, 31.51740106160; -98.26655742540, 31.51293665660; -98.26313137410, 31.50786570290; -98.26125158690, 31.504772707340; -98.26022400310, 31.50175088800; -98.25975004400, 31.49917801640; -98.25946171780, 31.49775949680; -98.25918143380, 31.49594870230; -98.25888082590, 31.49037028660; -98.25963725850, 31.48475897480; -98.26166887360, 31.47945391800; -98.26489740930, 31.47465892070; -98.26681607220, 31.47400646050; -98.26866816410, 31.46938318870; -98.27262778230, 31.46503189320; -98.27755408420, 31.46148316170; -98.28325777710, 31.45887327570; -98.28951978000, 31.45730245280; -98.29609962590, 31.45683100770.	(P) Surveillance Zone 16. SZ 16 is that portion of Washington County lying within the area described by the following latitude-longitude coordinate pairs:	-96.38037260510, 30.18214344400; -96.38400921490, 30.18279594060; -96.39035021980, 30.18462868620; -96.39623828560, 30.18671848320; -96.39866130040, 30.18897655180; -96.40359798240, 30.19300844530; -96.40759590570, 30.19774966280; -96.41050137400, 30.20301809350; -96.41220259500, 30.20861134490; -96.41263399690, 30.21431450920; -96.41177877780, 30.21990841710; -96.41096545730, 30.22237430900; -96.40845390570, 30.22748999610; -96.40480644620, 30.23201543880; -96.40016316260, 30.23577663130; -96.39470249320, 30.23862893460; -96.38863437490, 30.24043452890; -96.38615699110, 30.24090834500; -96.37956349050, 30.24137020050; -96.37505342490, 30.24137001960; -96.36854114770, 30.24025687660; -96.36232156110, 30.23807358680; -96.35663385910, 30.23490412300; -96.35169672940, 30.23087037740; -96.34769993250, 30.22612746380; -96.34479700450, 30.22085774120; -96.34343696920, 30.21760464660; -96.34235846540, 30.21195002190; -96.34236067920, 30.20625919600; -96.34364379300, 30.20075085120; -96.34615828960,	-96.37818600590, 30.18204179120; -96.38183665460, 30.18242462620; -96.38827512360, 30.18390033310; -96.39434033840, 30.18642213800; -96.39737630640, 30.18781788400; -96.40204803700, 30.19157739740; -96.40637787030, 30.19610119620; -96.40966208600, 30.20121552930; -96.41177436110, 30.20672393420; -96.41263334350, 30.21241477560; -96.41220580560, 30.21806937060; -96.41101164340, 30.22057139600; -96.40942300250, 30.22584103440; -96.40614067850, 30.23058382600; -96.40181127600, 30.23461741630; -96.39660114190, 30.23778669750; -96.39071055710, 30.23996978450; -96.38629454620, 30.24053684440; -96.38196210040, 30.24135890920; -96.37724607410, 30.24149463060; -96.37069161440, 30.24074981350; -96.36434713430, 30.23891588970; -96.35845664370, 30.23606339620; -96.35324664800, 30.23230203860; -96.34891742260, 30.22777646210; -96.34563530760, 30.22266067780; -96.34389250760, 30.21884607860; -96.34264385410, 30.21384976040; -96.34221658270, 30.20814659660; -96.34307582360, 30.20255339060; -96.34518833940, 30.19728504830;
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-96.34725466570, 30.19405399940; -96.35125277970, 30.18976713200; -96.35618961250, 30.18629626920; -96.36187547380, 30.18377469850; -96.36809197190, 30.18229924380; -96.37460038870, 30.18191180110; -96.37818600590,	30.19563662030; -96.34980737900, 30.19111296190; -96.35445074300, 30.18735362180; -96.35990993970, 30.18450297110; -96.36597526150, 30.18267047270; -96.37241378070, 30.18192648840; -96.37683307230, 30.18191727260.	-96.34847276860, 30.19254395910; -96.35280278010, 30.18851222870; -96.35801194480, 30.18534469510; -96.36390013580, 30.18316299340; -96.37024121010, 30.18205089490; -96.37543874540, 30.18190253200; and	-99.44320943980, 29.10354755920; -99.44050047300, 29.10856193160; -99.43669228400, 29.11295058280; -99.43193115070, 29.11654476010; -99.42640005730, 29.11920624220; -99.42031166020, 29.12083266630; -99.41390009990, 29.12136147470; -99.40741197850, 29.12108400340; -99.40251013140, 29.12020893200; -99.39692726580, 29.11951498450; -99.39208582570, 29.11878495860; -99.39030879050, 29.11844583150; -99.38415189480, 29.11676055630; -99.37825320000, 29.11404484310; -99.37299738280, 29.11040313980; -99.36858649000, 29.10597549460; -99.36519001260, 29.10093215840; -99.36293837570, 29.09546702720; -99.36191794140, 29.08994922900; -99.36185467960, 29.07578925090; -99.36181412440, 29.07395394560; -99.35996290590, 29.05151383450; -99.35447317470, 29.04816615360; -99.34976394830, 29.04398236110; -99.34601621140, 29.03912333880; -99.34337391420, 29.03377590650; -99.34193845200, 29.02814562890; -99.34159159730, 29.01448359810; -99.34190016700, 29.00881352730; -99.34341031690, 29.00336799740; -99.34612161900, 28.99835621990; -99.34992973660, 28.99397070990;	29.10176981960; -99.44153164780, 29.10695090510; -99.43807560240, 29.11156821080; -99.43361346610, 29.11544420020; -99.42831670420, 29.11842982040; -99.42238894130, 29.12041024530; -99.41605812460, 29.12130930250; -99.40956774260, 29.12109241020; -99.40258843590, 29.12049289310; -99.39720636010, 29.11983524550; -99.39268286130, 29.11891917020; -99.39045903820, 29.11874683620; -99.38622233660, 29.11744085500; -99.38015877260, 29.11505890390; -99.37466481900, 29.11171196250; -99.36995169740, 29.10752874790; -99.36620054230, 29.10267011960; -99.36355543540, 29.09732288220; -99.36211787960, 29.09169259290; -99.36185979240, 29.08021473100; -99.36179620430, 29.07448936090; -99.36175088250, 29.05242064490; -99.35622623990, 29.04938202090; -99.35123509490, 29.04546052690; -99.34714890980, 29.04080696470; -99.34412466880, 29.03560026380; -99.34227846760, 29.03004059000; -99.34168122720, 29.01485148010; -99.34167515240, 29.01068926250; -99.34276961840, 29.00514504220; -99.34508991910, 28.99996630610; -99.34854672320, 28.99535199330; -99.35300709280,	-99.44243592570, 29.10527705730; -99.43934681240, 29.11010323470; -99.43520277930, 29.11424442740; -99.43016303870, 29.11754139050; -99.42442131010, 29.11986732830; -99.41819836900, 29.12113278080; -99.41173354390, 29.12128907380; -99.40734269290, 29.12050255500; -99.40022873300, 29.11986780900; -99.39479084050, 29.11907267790; -99.39061688830, 29.11876559300; -99.38833026020, 29.11800341720; -99.38212781660, 29.11596543670; -99.37641926310, 29.11292760000; -99.37142409650, 29.10900674050; -99.36733431850, 29.10435363570; -99.36430705180, 29.09914719730; -99.36245850800, 29.09358758100; -99.36185899190, 29.08759977730; -99.36179776570, 29.07529295510; -99.36183449240, 29.05314344710; -99.35805876720, 29.05049951080; -99.35280708100, 29.04685711910; -99.34839994020, 29.04242895520; -99.34500669170, 29.03738529000; -99.34275763650, 29.03192003230; -99.34173903770, 29.02661114840; -99.34159144090, 29.01258198750; -99.34226551310, 29.00696281270; -99.34418485810, 29.00163928550; -99.34727553530, 28.99681591830; -99.35141865190, 28.99267797910;
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(Q) Surveillance Zone 17. SZ 17 is that portion of Frio County lying within the area described by the following latitude-longitude coordinate pairs: -99.36629569600, 28.98651965640; -99.36840629430, 28.98609813390; -99.37269881140, 28.98579884880; -99.37457900900, 28.98557124320; -99.39799461810, 28.98551013930; -99.40015738770, 28.98558273420; -99.40444364680, 28.98551013400; -99.40565241680, 28.98609962140; -99.41157132410, 28.98635346730; -99.41178777770, 28.98633916050; -99.41178777770, 28.98641151840; -99.41823694490, 28.98633916050; -99.41823694490, 28.98692793590; -99.42034217650, 28.98736978610; -99.42443173500, 28.98861132590; -99.42639856270, 28.98940570370; -99.43013426680, 28.99132469590; -99.43188715450, 28.99244109950; -99.43512551540, 28.99496385740; -99.43659712350, 28.99635941630; -99.43921371050, 28.99938905900; -99.44034748040, 29.00101017660; -99.44224170010, 29.00621474970; -99.44299402840, 29.00621474970; -99.44409299640, 29.00989405570; -99.44443491580, 29.01177320230; -99.44450033510, 29.01225994290; -99.44451689260, 29.01232305610; -99.44510123690, 29.01710165360; -99.44530263880, 29.01710165360; -99.44536322080, 29.01937485230; -99.44536280650, 29.01952934800; -99.44505808980, 29.02323295270; -99.44475641780, 29.02488125950; -99.44476616610, 29.03179688030; -99.44468445450, 29.03369857700; -99.44418253550, 29.03703079390; -99.44426315140, 29.03734169010; -99.44480661260, 29.04111566980; -99.44486682400, 29.04277115730; -99.44487857900, 29.04574805500; -99.44490723130, 29.05326855560; -99.44508224310, 29.07245061810; -99.44506121900, 29.07293976660; -99.44507752830, 29.08488228240; -99.44507803550, 29.08504920050; -99.44507605350, 29.09204195900; -99.44499429730, 29.09394371200; -99.44475814030, 29.09593795000; -99.44471522370, 29.09622413730; -99.44384888400, 29.09995145360;

-99.35468825800, 28.99147933290; -99.35645495010, 30.51949435570; -100.49198622700, 30.52110660970;  
 28.99037990030; -99.35829960680, 28.98938438550; -100.49303148500, 30.52278162490; -100.49394799900,  
 -99.36021433260, 28.98849704820; -99.36219093310, 30.52451223180; -100.49473183900, 30.52629102250;  
 28.98772168490; -99.36422094970, 28.98706161290; and -100.49537964100, 30.52811038240; -100.49588862500,  
 -99.36629569600, 28.98651965640. -100.49625660300, 30.53183951430; -100.49634171900,  
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 30.53434339780; -100.49815176300, 30.53612216840;  
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 -100.49989414400, 30.54346534740; -100.49989542400,  
 30.54348042090; -100.49990473300, 30.54349320810;  
 -100.50049997100, 30.54434266150; -100.50154563100,  
 30.54601760880; -100.50246252100, 30.54774815650;  
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 30.55134621530; -100.50440410300, 30.55319832370;  
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 30.55696908540; -100.50507923900, 30.55877167030;  
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 30.56223237970; -100.50642720400, 30.56401110150;  
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 30.60773915390; -100.50381753900, 30.60942226020;  
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 30.61259609970; -100.50000105200, 30.61407323520;  
 -100.49850359200, 30.61546863510; -100.49690377700,  
 30.61677632020; -100.49520845600, 30.61799068730;  
 -100.49342489200, 30.61910653240; -100.49156072400,  
 30.62011907390; -100.48962393900, 30.62102397260;  
 -100.48762283600, 30.62181735040; -100.48556598800,  
 30.62249580710; -100.48346221100, 30.62305643500;  
 -100.48132052000, 30.62349683140; -100.47915009300,  
 30.62381510870; -100.47696023300, 30.62400990270;  
 -100.47476032500, 30.62408037860; -100.47472254900,  
 30.62408050040; -100.44498450900, 30.62415852420;  
 -100.44282177400, 30.62410375530; -100.44063011400,  
 30.62392471330; -100.43845670000, 30.62362205270;  
 -100.43631084600, 30.62319707060; -100.43420174800,  
 30.62265158850; -100.43213844700, 30.62198794420;  
 -100.43012978200, 30.62120898200; -100.42818436200,  
 30.62031804030; -100.42631052100, 30.61931893740;  
 -100.42451628800, 30.61821595490; -100.42280934900,  
 30.61701381930; -100.42119701500, 30.61571768220;  
 -100.41968619100, 30.61433309750; -100.41828334600,  
 30.61286599790; -100.41699448400, 30.61132266930;  
 -100.41582512400, 30.60970972410; -100.41478026800,  
 30.60803407260; -100.41386438700, 30.60630289320;  
 -100.41308139500, 30.60452360190; -100.41243464000,  
 30.60270382040; -100.41192688500, 30.60085134330;  
 -100.41156029500, 30.59897410500; -100.41133643300,  
 30.59708014530; -100.41125624900, 30.59517757510;  
 -100.41125613600, 30.59499196440; -100.41125854200,  
 30.59420991440; -100.41110919100, 30.59408980140;  
 -100.40959885400, 30.59270509820; -100.40819648000,

(R) Surveillance Zone 18. Surveillance Zone 18 is that portion of Bexar County within the boundaries of a line beginning at the intersection of Northwest Military Highway (FM 1535) and Interstate Highway (IH) Loop 410 in Bexar County; thence east along IH-Loop 410 to Wetmore Road; thence north along Wetmore Road to Bulverde Road; thence north along Bulverde Road to Evans Road; thence west along Evans Road to Stone Oak Parkway; thence west and south along Stone Oak Parkway to Huebner Road; thence west along Huebner Road to Northwest Military Highway; thence south along Northwest Military Highway (FM 1535) to IH-Loop 410.

(S) Surveillance Zone 19. Surveillance Zone 19 is that portion of Sutton County lying within the area described by the following latitude/longitude pairs: -100.38319766000, 30.44241372940;  
 -100.38330542300, 30.44241355570; -100.42117692500, 30.44239956000;  
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 -100.42976401700, 30.44336213680; -100.43186914400, 30.44390768770;  
 -100.43787554600, 30.443593360500, 30.44535022730; -100.43976401700, 30.44336213680;  
 -100.43787554600, 30.44624104410; -100.43974612300, 30.44535022730;  
 -100.44153733100, 30.44834273020; -100.44324150100, 30.44954460660;  
 -100.44485133800, 30.45222473320; -100.44635994800, 30.45369151420;  
 -100.44904810900, 30.45523452170; -100.45021614400, 30.45684715180;  
 -100.45217511600, 30.45852250230; -100.45295765400, 30.46203244240;  
 -100.45360422900, 30.46385200730; -100.45411206400, 30.46203244240;  
 -100.45447897800, 30.46758141210; -100.454776087200, 30.46947528510;  
 -100.45478433200, 30.47137781700; -100.45472144800, 30.47328086130;  
 -100.45452752600, 30.47509012860; -100.45391299100, 30.47945343010;  
 -100.47936729020; -100.45390046300, 30.47945343010;  
 -100.45383755000, 30.47985820110; -100.45350524000, 30.48336316860;  
 -100.48188828820; -100.45321897700, 30.48336316860;  
 -100.45309954100, 30.48378046470; -100.45255326700, 30.485218229600;  
 30.48608960620; -100.45218229600, 30.48743815460;  
 -100.45155276100, 30.48926224410; -100.45078679300, 30.49209451190;  
 30.49104676600; -100.45024507000, 30.49209451190;  
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 30.49239158080; -100.45533277600, 30.49434604980;  
 -100.45664103400, 30.49495875510; -100.46097526200, 30.49434604980;  
 30.49709718790; -100.46102130400, 30.49711994450;  
 -100.46104970100, 30.49713402160; -100.46429912600, 30.49876225840;  
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 -100.48020479900, 30.50786526470; -100.48113280600, 30.50786526470;  
 30.50868308970; -100.48233083700, 30.50979558270; -100.48113280600, 30.50979558270;  
 -100.48373315400, 30.51126197420; -100.48502174400, 30.51126197420;  
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30.58107525580; -100.40214445600, 30.58038747370;  
-100.40214118900, 30.58037597300; -100.40213092100,  
30.58036814140; -100.40067662700, 30.57919085870;  
-100.39916667600, 30.57780603290; -100.39776468000,  
30.57633870970; -100.39647664200, 30.57479517590;  
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30.57254771140; -100.39343371700, 30.57234174320;  
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30.56770626780; -100.37887523500, 30.56660264670;  
-100.37716978900, 30.56539990390; -100.37555894300,  
30.56410319350; -100.37404959300, 30.56271807190;  
-100.37264820300, 30.56125047400; -100.37136077300,  
30.55970668810; -100.37019281200, 30.55809332830;  
-100.36914931800, 30.55641730670; -100.36900755400,  
30.55616761220; -100.36900235600, 30.55615834480;  
-100.36899156300, 30.55615400070; -100.36839994900,  
30.55590980050; -100.36645647500, 30.55501792180;  
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30.54902889080; -100.35656701700, 30.54756111750;  
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30.54440366460; -100.35306944400, 30.54272751270;  
-100.35215530300, 30.54099589540; -100.35137399200,  
30.53921623050; -100.35072885100, 30.53739614120;  
-100.35022263600, 30.53554342360; -100.34985750600,  
30.53366601300; -100.34963501600, 30.53177195000;  
-100.34956251500, 30.53035267880; -100.34950933200,  
30.52802466460; -100.34950292900, 30.52754133180;  
-100.34951779300, 30.52657937390; -100.34955057300,  
30.52563084750; -100.34958794400, 30.52191021560;  
-100.34949165600, 30.51758389540; -100.34948675000,  
30.51728228350; -100.34946547600, 30.51521227780;  
-100.34946431400, 30.51504532100; -100.34952931600,  
30.51314232480; -100.34973719200, 30.51125373430;  
-100.34968365200, 30.50474357910; -100.34968296800,  
30.50462837800; -100.34968286100, 30.50448127570;  
-100.34970783100, 30.49307201500; -100.34972638900,  
30.47148975220; -100.34979151500, 30.46970039620;  
-100.35000002300, 30.46780515970; -100.35035117000,  
30.46592579320; -100.35084344400, 30.46407034340;  
-100.35147473000, 30.46224675380; -100.35224231700,  
30.46046283130; -100.35314291200, 30.45872621260;  
-100.35417265300, 30.45704433130; -100.35532712400,  
30.45542438630; -100.35660138000, 30.45387331130;  
-100.35798996000, 30.45239774460; -100.35948691700,  
30.45100400120; -100.36108583900, 30.44969804550;  
-100.36277988100, 30.44848546630; -100.36456179000,  
30.44737145220; -100.36642393900, 30.44636077010;  
-100.36835835600, 30.44545774450; -100.37035676400,  
30.44466623930; -100.37241061000, 30.44398964090;  
-100.37451110500, 30.44343084410; -100.37664926300,  
30.44299223980; -100.37881593500, 30.44267570450;  
-100.38100185200, 30.44248259220; -100.38319766000, and  
30.44241372940.

(T) Surveillance Zone 20. Surveillance Zone 20 is that portion of Zavala County lying within the area described by the following latitude/longitude pairs: -99.52095361740, 28.97441019490; -99.52311623060, 28.97448067590; -99.52526897870, 28.97499337100; -99.52740265120, 28.97499337100; -99.52950811930, 28.97543339180; -99.53157637450, 28.97667137530; -99.53359856710, 28.97667137530; -99.53556604390, 28.97746404140; -99.53747038530, 28.97937977980; -99.53930344110, 28.97937977980; -99.54079805130, 28.98031997940; -99.54275023520, 28.98479624760; -99.544750957250, 28.98479624760; -99.54785821340, 28.98503676640; -99.54985879760, 28.98503676640; -99.55117763500, 28.98740872890; -99.55275134850, 28.98871522560; -99.55422454890, 28.99158529700; -99.5559092700, 28.99158529700; -99.55684463020, 28.99313658910; -99.55798028710, 28.99643851830; -99.55899303100, 28.99643851830; -99.55987852050, 28.99817502260; -99.56063295830, 28.99817502260; -99.56125310750, 29.00178197670; -99.5613303930, 29.0024439980; -99.56133273200, 29.00205268890; -99.56134113470, 29.00205699800; -99.56316032010, 29.00306084540; -99.56491494500, 29.00306084540; -99.56658293370, 29.00538843320; -99.56815714520, 29.00696474920; -99.56963083870, 29.00696474920; -99.56815714520, 29.00808875970; -99.56956449910, 29.00956449910; -99.57225188400, 29.01111565180; -99.57338800760, 29.01111565180; -99.57440120520, 29.01441734800; -99.57528713360, 29.01615375970; -99.57604199350, 29.01615375970; -99.57666254630, 29.01976057820; -99.57714612760, 29.02161554480; -99.57749065930, 29.02349433950; -99.57769465810, 29.02349433950; -99.57775724230, 29.02729116930; -99.57772470190, 29.02847435840; -99.57699091100, 29.04294971910; -99.57694433240, 29.04366831230; -99.57672381830, 29.04743793060; -99.57636285890, 29.04743793060; -99.57586299210, 29.04928961410; -99.57522635090, 29.05288710960; -99.57445565480, 29.05288710960; -99.57355419770, 29.05461751170; -99.57252583440, 29.05461751170; -99.57137496390, 29.05790459290; -99.57010651080, 29.05790459290; -99.57010651080, 29.05944718950; -99.56872590420, 29.05944718950; -99.56723905460, 29.06229747690; -99.5665232830, 29.06229747690; -99.56565295460, 29.06397252060; -99.56479446060, 29.06589684590; -99.56036280920, 29.06689538650; -99.55844836940, 29.06689538650; -99.56778580290, 29.06856427920; -99.55647170940, 29.06856427920; -99.55444129910, 29.06922747890; -99.55236583940, 29.06922747890; -99.55025422470, 29.07019718500; -99.54811550470, 29.07019718500; -99.5479349060, 29.07049953530; -99.54379349060, 29.07073275620; -99.54368347780, 29.07073219700; -99.54367904450, 29.07073219700; -99.54367063640, 29.07073211210; -99.54160516640, 29.07071811880; -99.54160514960, 29.07071811880; -99.52332601820, 29.07059281150; -99.52135033460, 29.07059281150; -99.5204080320, 29.07057910890; -99.51799445770, 29.07050011140; -99.51583960170, 29.07030530790; -99.51370387460, 29.07030530790; -99.51159642960, 29.06954676480; -99.50952629870, 29.06954676480; -99.50830800830, 29.06898627650; -99.50750235340, 29.06898627650; -99.506362747560, 29.06751486720; -99.506362747560, 29.06661025240; -99.50003813640, 29.06661025240; -99.49679577500, 29.06326862160; -99.49532230960, 29.06326862160; -99.49395587710, 29.05908989710; -99.49395587710, 29.05908989710;

29.05753792740; -99.49156702490, 29.05591723590; -99.57010651080, 29.05944718950; -99.56872590420,  
-99.49055482810, 29.05423476600; -99.48967006650, 29.06091357850; -99.56723905460, 29.06229747690;  
29.05249772550; -99.48891652330, 29.05071355550; -99.56565232830, 29.06359295460; -99.56397252060,  
-99.48829741880, 29.04888989860; -99.48781539740, 29.06479446060; -99.56220682630, 29.06589684590;  
29.04703456610; -99.48747251550, 29.04515550450; -99.56036280920, 29.06689538650; -99.55844836940,  
-99.48727023360, 29.04326076130; -99.48720908600, 29.06778580290; -99.55647170940, 29.06856427920;  
29.04153365310; -99.48714960630, 29.00389591390; -99.55444129910, 29.06922747890; -99.55236583940,  
-99.48714992990, 29.00372071510; -99.48723078590, 29.06977255960; -99.55025422470, 29.07019718500;  
29.00181901970; -99.48745294280, 28.99992604640; -99.54811550470, 29.07049953530; -99.54595884550,  
-99.48781544110, 28.99804990050; -99.48831672060, 29.07067831450; -99.54379349060, 29.07073275620;  
28.99619861470; -99.48895462750, 28.99438011460; -99.54368347780, 29.07073219700; -99.54367063640,  
-99.48972642320, 28.99260218540; -99.49062879650, 29.07073216800; -99.54367063640, 29.07073211210;  
28.99087243770; -99.49165787810, 28.98919827580; -99.54160516640, 29.07071811880; -99.54160514960,  
-99.49280925660, 28.98758686540; -99.49407799810, 29.07071811870; -99.52332601820, 29.0705281150;  
28.98604510340; -99.49545866710, 28.98457958820; -99.52135033460, 29.07057910890; -99.52004080320,  
-99.49694534970, 28.98319659170; -99.49853167920, 29.07057000940; -99.51799445770, 29.07050011140;  
28.98190203210; -99.50021086350, 28.98070144930; -99.51583960170, 29.07030530790; -99.51370387460,  
-99.50114533140, 28.98009924160; -99.50172517340, 29.06998707100; -99.51159642960, 29.06954676480;  
28.97973911690; -99.5025554970, 28.97923985210; -99.50952629870, 29.06898627650; -99.50750235340,  
-99.50439849840, 28.97824220210; -99.50631167050, 29.06830800830; -99.5055326650, 29.06751486720;  
28.97735264740; -99.50828687840, 28.97657499420; -99.50362747560, 29.06661025240; -99.50179314610,  
-99.51031566940, 28.97591256950; -99.51238936210, 29.06559804090; -99.50003813640, 29.06448257060;  
28.97536820760; -99.51449908360, 28.97494423730; -99.49836996440, 29.06326862160; -99.49679577500,  
-99.51663580730, 28.97464247240; -99.51879039130, 29.06196139610; -99.49532230960, 29.06056649560;  
28.97446420410; and -99.52095361740, 28.97441019490.

(U) Surveillance Zone 21. Surveillance Zone 21 is that portion of Frio County lying within the area described by the following latitude/longitude pairs: -99.52095361740, 28.97441019490;  
-99.52311623060, 28.97448067590; -99.52526897870, 28.97441019490;  
28.97467534550; -99.52740265120, 28.97499337100; -99.52526897870, 28.97441019490;  
-99.52950811930, 28.97543339180; -99.53157637450, 28.97499337100;  
28.97599352540; -99.53359856710, 28.97667137530; -99.53157637450, 28.97499337100;  
-99.53556604390, 28.97746404140; -99.53747038530, 28.97667137530;  
28.97836813240; -99.53930344110, 28.97937977980; -99.53747038530, 28.97667137530;  
-99.54079805130, 28.98031997940; -99.54725023520, 28.98479624760; -99.54725023520, 28.97667137530;  
28.98462158470; -99.54750957250, 28.98479624760; -99.54985879760, 28.98479624760;  
-99.54785821340, 28.98503676640; -99.54985879760, 28.98479624760;  
28.98643601770; -99.55117763500, 28.98740872890; -99.54985879760, 28.98479624760;  
-99.55275134850, 28.98871522560; -99.55422454890, 28.98740872890;  
28.99010940370; -99.55559092700, 28.99158529700; -99.55422454890, 28.98740872890;  
-99.55684463020, 28.99313658910; -99.55798028710, 28.99158529700;  
28.99475664080; -99.55899303100, 28.99643851830; -99.55798028710, 28.99158529700;  
-99.55987852050, 28.99817502260; -99.56063295830, 28.99643851830;  
28.99995872050; -99.56125310750, 29.00178197670; -99.56063295830, 28.99643851830;  
-99.56133033930, 29.00204439980; -99.56133273200, 29.00178197670;  
29.00205268890; -99.56134113470, 29.00205699800; -99.56133273200, 29.00178197670;  
-99.56316032010, 29.00306084540; -99.56491494500, 29.00205699800;  
29.00417540170; -99.56658293370, 29.00538843320; -99.56491494500, 29.00205699800;  
-99.56815714520, 29.00669474920; -99.56963083870, 29.00538843320;  
29.00808875970; -99.57099770330, 29.00956449910; -99.56963083870, 29.00538843320;  
-99.57225188400, 29.01111565180; -99.57338800760, 29.00956449910;  
29.01273557930; -99.57440120520, 29.01441734800; -99.57338800760, 29.00956449910;  
-99.57528713360, 29.01615375970; -99.57604199350, 29.01441734800;  
29.01793738150; -99.57666254630, 29.01976057820; -99.57604199350, 29.01441734800;  
-99.57714612760, 29.02161554480; -99.57749065930, 29.01976057820;  
29.02349433950; -99.57769465810, 29.02538891840; -99.57749065930, 29.01976057820;  
-99.57775724230, 29.02729116930; -99.57772470190, 29.02538891840;  
29.02847435840; -99.57699091100, 29.04294971910; -99.57772470190, 29.02538891840;  
-99.57694433240, 29.04366831230; -99.57672381830, 29.04294971910;  
29.04556148440; -99.57636285890, 29.04743793060; -99.57672381830, 29.04294971910;  
-99.57586299210, 29.04928961410; -99.57522635090, 29.04743793060;  
29.05110860430; -99.57445565480, 29.05288710960; -99.57522635090, 29.04743793060;  
-99.57355419770, 29.05461751170; -99.57252583440, 29.05288710960;  
29.05629239790; -99.57137496390, 29.05790459290; -99.57252583440, 29.05288710960;

29.05944718950; -99.56723905460, 29.06359295460; -99.56397252060,  
29.06589684590; -99.56220682630, 29.06689538650; -99.55844836940,  
29.06856427920; -99.55647170940, 29.06922747890; -99.55236583940,  
29.07019718500; -99.55025422470, 29.07049953530; -99.54595884550,  
29.07073275620; -99.54379349060, 29.07073219700; -99.54367063640,  
29.07073211210; -99.54367063640, 29.07071811880; -99.54160514960,  
29.0705281150; -99.52332601820, 29.07057910890; -99.52004080320,  
29.07050011140; -99.51799445770, 29.07030530790; -99.51370387460,  
29.06954676480; -99.51159642960, 29.06998707100; -99.5159642960,  
29.06898627650; -99.50750235340, 29.06830800830; -99.5055326650,  
29.06751486720; -99.50661025240; -99.50179314610,  
29.06448257060; -99.50003813640, 29.06326862160; -99.49679577500,  
29.06056649560; -99.49532230960, 29.06056649560;  
29.05908989710; -99.49270232760, 29.05591723590;  
29.05591723590; -99.49156702490, 29.05591723590;  
-99.49055482810, 29.05423476600; -99.48967006650, 29.05071355550;  
29.05249772550; -99.48891652330, 29.04888989860; -99.48781539740,  
29.04515550450; -99.48747251550, 29.04888989860;  
-99.48727023360, 29.04326076130; -99.48720908600, 29.04153365310;  
-99.48714960630, 29.04153365310; -99.48714992990, 29.00389591390;  
-99.48714992990, 29.00372071510; -99.48723078590, 29.00181901970;  
-99.48745294280, 28.99992604640; -99.48781544110, 28.99804990050;  
28.99619861470; -99.48895462750, 28.99438011460; -99.48972642320,  
28.98919827580; -99.49165787810, 28.98758686540; -99.49280925660,  
28.98604510340; -99.49545866710, 28.98319659170; -99.49694534970,  
28.98190203210; -99.50021086350, 28.98070144930; -99.50114533140,  
28.98009924160; -99.50172517340, 28.97995872050; -99.5025554970,  
28.97923985210; -99.50362747560, 28.97824220210; -99.50439849840,  
28.97735264740; -99.50828687840, 28.97657499420; -99.51031566940,  
28.97591256950; -99.51238936210, 28.97591256950;  
-99.51449908360, 28.97494423730; -99.51663580730, 28.97464247240;  
-99.51879039130, 28.97446420410; and -99.52095361740, 28.97441019490.

(V) Surveillance Zone 22. Surveillance Zone 22 is that portion of Brooks County lying within the area described by the following latitude/longitude pairs: -98.29086210400,  
27.13309526320; -98.29298351340, 27.13318675140;  
-98.29509370080, 27.13340214440; -98.29718363780,  
27.13340214440; -98.29924438240, 27.13420043260;  
-98.30126711720, 27.13477991270; -98.30324318710,  
27.13547648180; -98.30516413610, 27.13628715970;  
-98.30702174350, 27.13720847820; -98.30880805890,  
27.13823649530; -98.31051543630, 27.13936681250;  
-98.31213656700, 27.14059459330; -98.31366451020,  
27.14191458410; -98.31509272330, 27.14332113650;  
-98.31641508980, 27.1448082130; -98.31762594530,  
27.14636950440; -98.31872010190, 27.14799827390;

-98.31969287050, 27.15143015780; -98.32184384650, 27.15690215130; -98.32278519400, 27.16222641940; -98.32281627820, 27.16578038920; -98.32280037230, 27.16953161680; -98.32279424650, 27.17294980850; -98.32268306530, 27.17708490600; -98.32155103950, 27.18260877060; -98.31921851020, 27.18775790440; -98.31577496030, 27.19233434840; -98.31135263580, 27.19616213270; -98.30612147660, 27.19909405350; -98.30028258750, 27.20101734650; -98.29406049790, 27.20185803440; -98.28090559250, 27.20192618550; -98.27603329720, 27.20128001670; -98.26985606110, 27.19954249910; -98.26409868090, 27.19678046530; -98.25898254400, 27.19310014730; -98.25470432240, 27.18864308070; -98.25142840520, 27.18358064980; -98.24928058450, 27.17810748610; -98.24834323640, 27.17300440700; -98.24827454730, 27.16283530280; -98.24899855110, 27.15723401090; -98.25094202870, 27.15193857480; -98.25403012140, 27.14715242380; -98.25814404380, 27.14305939200; -98.26312566530, 27.13981666780; -98.26715049100, 27.13855607030; -98.26809786590, 27.13819236990; -98.26935182210, 27.13779009250;	27.14968756850; -98.32125809990, 27.15504518700; -98.32260903940, 27.16067526280; -98.32281627820, 27.16501136240; -98.32281357250, 27.16953161050; -98.32279424650, 27.17127224060; -98.32278477250, 27.17519678400; -98.32206488280, 27.18079885270; -98.32012480560, 27.18609576520; -98.31703892460, 27.19088389270; -98.31292571630, 27.19497913510; -98.30794321390, 27.19822401010; -98.30228293980, 27.20049372120; -98.29616253810, 27.20170096820; -98.29045520520, 27.20192944920; -98.27814490760, 27.20161877470; -98.27187997410, 27.20023964940; -98.26595706090, 27.19780919280; -98.26060393700, 27.19442088670; -98.25602640760, 27.19020504180; -98.25240039160, 27.18532377450; -98.24986516040, 27.17996476140; -98.24851799720, 27.17433401290; -98.24827071300, 27.16473335220; -98.24861935320, 27.15907758780; -98.25016238740, 27.15365684800; -98.25288004980, 27.14867938800; -98.25666776770, 27.14433640040; -98.26137991960, 27.14079468050; -98.26627186270, 27.13880096040; -98.26783677100, 27.13839484540; -98.26885450170, 27.13789170920; -98.27045143240;	-98.32054008090, 27.15321858260; -98.32229480580, 27.15878152550; -98.32282607750, 27.16501134840; -98.32281357260, 27.16578040250; -98.32280037230, 27.17127223070; -98.32278834300, 27.17329865210; -98.32244276160, 27.17895493190; -98.32090342480, 27.18437693280; -98.31818841420, 27.18935622950; -98.31440193150, 27.19370138180; -98.30968942710, 27.19724530500; -98.30423202010, 27.19985170630; -98.29823953510, 27.20142033800; -98.29194242330, 27.20189407770; -98.28026777950, 27.20183447240; -98.27394199850, 27.20081965050; -98.26787893260, 27.19873118790; -98.26231175450, 27.19564941430; -98.25745451960, 27.19169285560; -98.25349392360, 27.18701366460; -98.25058212200, 27.18179175790; -98.24883089060, 27.17622788660; -98.24830351420, 27.16530377910; -98.24837767100, 27.16094735350; -98.24951363340, 27.15542451560; -98.25184921270, 27.15027705100; -98.25529449960, 27.14570269330; -98.25971700610, 27.14187713240; -98.26494677060, 27.13919216490; -98.26771406470, 27.13850433430; -98.26859139800, 27.13808680220; -98.26961686170, 27.13748232940;	-98.27057696050, 27.13733678020; -98.27162094450, 27.13692885280; -98.27309571530, 27.13631179840; -98.27529930980, 27.13595568160; -98.28040390160, 27.13396821540; -98.28662193290, 27.13312807110; 27.13743812460; -98.27132970040, 27.13708092100; -98.27237944390, 27.13661545590; -98.27427026360, 27.13596939010; -98.28028733250, 27.13449150950; -98.28452131260, 27.13328503490; -98.27086650950, 27.13717829740; -98.27208657360, 27.13683546540; -98.27412316130, 27.13626866980; -98.27534656750, 27.13452608020; -98.28244567520, 27.13356548290; -98.28873854870, 27.13309526320.
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(W) Existing SZs may be modified and additional SZs may be designated as necessary by the executive director as provided in §65.84 of this title (relating to Powers and Duties of the Executive Director).

(2) Restrictions.

(A) Except as provided in §65.87 of this title (relating to Exception) and subparagraph (B) of this paragraph, no person within a SZ may conduct, authorize or cause any activity involving the movement of a susceptible species, into, out of, or within a SZ under a permit issued pursuant to Parks and Wildlife Code, Chapter 43, Subchapter C, E, L, R, or R-1. Such prohibited activity includes, but is not limited to transportation, introduction, removal, authorizing the transportation, introduction or removal, or causing the transportation, introduction or removal of a live susceptible species into, out of, or within a SZ.

(B) Breeder Deer.

(i) Except as provided in Division 2 of this subchapter, a breeding facility that is within a SZ may:

(I) transfer to or receive breeder deer from any other deer breeding facility in this state that is authorized to transfer deer; and

(II) transfer breeder deer in this state for purposes of liberation, including to release sites within the SZ.

(ii) Deer that escape from a breeding facility within a SZ may not be recaptured unless specifically authorized under a herd plan.

(C) Breeder deer from a deer breeding facility located outside a SZ may be released within a SZ if authorized by Division 2 of this subchapter.

(D) Except as authorized by §65.83 of this title (relating to Special Provisions) breeder deer may not be transferred to or from a deer breeding facility that is:

(i) located within a SZ; and

(ii) subject to the provisions of §65.99 of this title (relating to Breeding Facilities Epidemiologically Connected to Deer Infected with CWD).

(E) Permits to Transplant Game Animals and Game Birds (Triple T permit). The department may authorize the release of susceptible species in a SZ under the provisions of a Triple T permit issued by the department under the authority of Parks and Wildlife Code, Chapter 43, Subchapter E and the provisions of Subchapter C of this chapter, but the department will not authorize the trapping of deer within a SZ for purposes of a Triple T permit.

(F) Deer Management Permit (DMP). The department may issue a DMP for a facility in a SZ; however, any breeder deer introduced to a DMP facility in a SZ must be released to the property

for which the DMP is issued and may not be transferred anywhere for any purpose.

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

Filed with the Office of the Secretary of State on August 30, 2023.

TRD-202303215

Todd S. George

Assistant General Counsel

Texas Parks and Wildlife Department

Effective date: September 19, 2023

Proposal publication date: July 21, 2023

For further information, please call: (512) 389-4775



## DIVISION 2. CHRONIC WASTING DISEASE - COMPREHENSIVE RULES

### 31 TAC §65.99

The amendment is adopted under the authority of Parks and Wildlife Code, Chapter 43, Subchapter C, which requires the commission to adopt rules to govern the collecting, holding, possession, propagation, release, display, or transport of protected wildlife for scientific research, educational display, zoological collection, or rehabilitation; Subchapter E, which requires the commission to adopt rules for the trapping, transporting, and transplanting of game animals and game birds, urban white-tailed deer removal, and trapping and transporting surplus white-tailed deer; Subchapter L, which authorizes the commission to make regulations governing the possession, transfer, purchase, sale, of breeder deer held under the authority of the subchapter; Subchapters R and R-1, which authorize the commission to establish the conditions of a deer management permit for white-tailed and mule deer, respectively; and §61.021, which provides that no person may possess a game animal at any time or in any place except as permitted under a proclamation of the commission.

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

Filed with the Office of the Secretary of State on August 30 2023.

TRD-202303216

Todd S. George

Assistant General Counsel

Texas Parks and Wildlife Department

Effective date: September 19, 2023

Proposal publication date: July 21, 2023

For further information, please call: (512) 389-4775



## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

#### CHAPTER 211. ADMINISTRATION

##### 37 TAC §211.36

The Texas Commission on Law Enforcement (Commission) adopts the new 37 Texas Administrative Code Chapter 211, §211.36, concerning Advisory Committee Operations and Procedures, with changes to the proposed text as published in the July 7, 2023, issue of the *Texas Register* (48 TexReg 3637). The rule will not be republished.

This new rule conforms with Texas Occupations Code § 1701.165.

No comments were received regarding adoption of this new rule.

The new rule is adopted under Texas Occupations Code § 1701.151, General Powers of the Commission; Rulemaking Authority and § 1701.165, Advisory Committees.

No other code, article, or statute is affected by this adoption.

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

Filed with the Office of the Secretary of State on September 1, 2023.

TRD-202303218

John Beauchamp

Interim Executive Director

Texas Commission on Law Enforcement

Effective date: October 1, 2023

Proposal publication date: July 7, 2023

For further information, please call: (512) 936-7700



# TABLES & GRAPHICS

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Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

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Figure: 19 TAC §101.3041(b)(1)

State of Texas Assessments of Academic Readiness Grades 3–8 Assessments Performance Standards

English Assessment [Assessments]	Approaches Grade Level Performance	Meets Grade Level Performance	Masters Grade Level Performance
Grade 3 Mathematics	1360	1471 [1486]	1600 [1596]
Grade 4 Mathematics	1462 [1467]	1557 [1589]	1690 [1670]
Grade 5 Mathematics	1515 [1500]	1634 [1625]	1776 [1724]
Grade 6 Mathematics	1616 [1536]	1745 [1653]	1889 [1772]
Grade 7 Mathematics	1703 [1575]	1793 [1688]	1965 [1798]
Grade 8 Mathematics	1754 [1595]	1859 [1700]	2009 [1854]
Grade 3 Reading Language Arts	1345	1467 [1468]	1596 [1555]
Grade 4 Reading Language Arts	1414 [1434]	1552 [1550]	1663 [1633]
Grade 5 Reading Language Arts	1475 [1470]	1592 [1582]	1700 [1662]
Grade 6 Reading Language Arts	1535 [1517]	1634 [1629]	1749 [1718]
Grade 7 Reading Language Arts	1564 [1567]	1669 [1674]	1771 [1753]
Grade 8 Reading Language Arts	1592 [1587]	1698 [1700]	1803 [1783]
[Grade 4 Writing]			
[Grade 7 Writing]			
Grade 5 Science	3550	4000	4380 [4402]
Grade 8 Science	3550	4000	4619 [4406]
Grade 8 Social Studies	3550	4000	4352 [4268]

Spanish Assessment [Assessments]	Approaches Grade Level Performance	Meets Grade Level Performance	Masters Grade Level Performance
Grade 3 Mathematics	1360	1471 [1486]	1600 [1596]
Grade 4 Mathematics	1462 [1467]	1557 [1589]	1690 [1670]
Grade 5 Mathematics	1515 [1500]	1634 [1625]	1776 [1724]
Grade 3 Reading Language Arts	1318	1447 [1444]	1515 [1532]
Grade 4 Reading Language Arts	1408 [1413]	1488 [1539]	1581 [1636]
Grade 5 Reading Language Arts	1431 [1461]	1556 [1582]	1662 [1701]
[Grade 4 Writing]			
Grade 5 Science	3550	4000	4380 [4402]

Figure 19 TAC §101.3041(b)(2)

**State of Texas Assessments of Academic Readiness Alternate 2 Grades 3–8 Assessments Performance Standards (Conversion Table  
Reading, Mathematics, Science, and Social Studies)**

Assessment	Level I: Developing Academic Performance	Level II: Satisfactory Academic Performance	Level III: Accomplished Academic Performance
Grade 3 Reading Language Arts	< 300	300	388 [384]
Grade 4 Reading Language Arts	< 300	300	380 [384]
Grade 5 Reading Language Arts	< 300	300	374 [387]
Grade 6 Reading Language Arts	< 300	300	370 [374]
Grade 7 Reading Language Arts	< 300	300	378 [374]
Grade 8 Reading Language Arts	< 300	300	371 [379]
Grade 3 Mathematics	< 300	300	375
Grade 4 Mathematics	< 300	300	387
Grade 5 Mathematics	< 300	300	379
Grade 6 Mathematics	< 300	300	373
Grade 7 Mathematics	< 300	300	375
Grade 8 Mathematics	< 300	300	365
[Grade 4 Writing]	[< 300]	[300]	[363]
[Grade 7 Writing]	[< 300]	[300]	[359]
Grade 5 Science	< 300	300	387
Grade 8 Science	< 300	300	382
Grade 8 Social Studies	< 300	300	372

Figure 19 TAC §101.3041(c)(1)

**State of Texas Assessments of Academic Readiness End-of-Course Assessments Performance Standards\***

Assessment	2012–2015 Satisfactory Performance	2016–2022 Approaches Grade Level Performance	Approaches Grade Level Performance	Meets Grade Level Performance	Masters Grade Level Performance
Algebra I [Algebra I]	3489 [3500]	3541	3550 [3550]	4000 [4000]	4345 [4322] [4411]
Biology	3516 [3500]	3550	3550	4000	4531 [4576]
English I	3775 [3750]	3775	3775	4000	4606 [4691]
English II [English II]	3766 [3750]	3775	3775 [3775]	4000 [4000]	4734 [4831] [4546]
U.S. History	3486 [3500]	3536	3550	4000	4424 [4440]

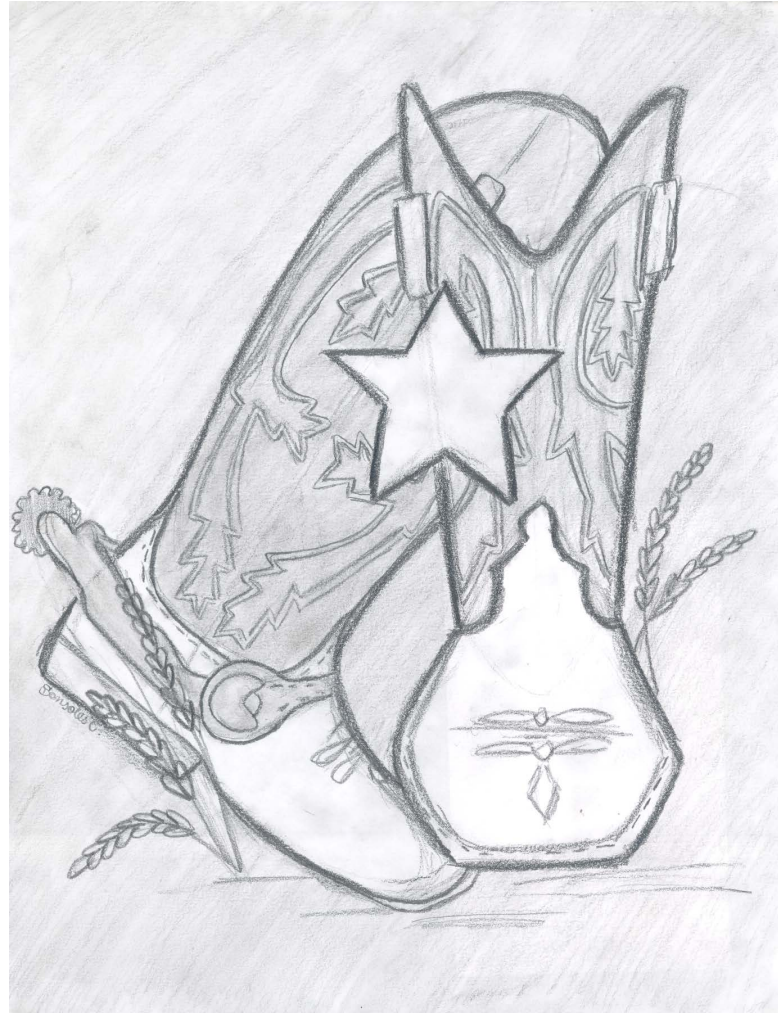
\*The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career. Standards apply beginning with students first enrolled in Grade 9 or below in 2011–2012.



Figure: 19 TAC §101.3041(c)(2)

State of Texas Assessments of Academic Readiness Alternate 2 End-of-Course Assessments Performance Standards ~~(Conversion Table  
Algebra I, Biology, English I, and U.S. History)~~

Assessment	Level I: Developing Academic Performance	Level II: Satisfactory Academic Performance	Level III: Accomplished Academic Performance
Algebra I	< 300	300	361
Biology	< 300	300	383
English I	< 300	300	365 <del>(367)</del>
English II	< 300	300	370 <del>(366)</del>
U.S. History	< 300	300	368



# IN ADDITION

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

## Texas Animal Health Commission

### Correction of Error

The Texas Animal Health Commission adopted new 4 TAC §40.3 in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4839). Due to an error by the Texas Register, the text for 4 TAC §40.3(g)(3)(A) was published incorrectly. The word "commissions" should have been "commission's".

The correct text for subparagraph (A) is as follows:

(A) To appeal the decision of the executive director, the herd owner must file a notice of appeal within 15 days of the decision in writing with the executive director at the commission's office in Austin. The notice of appeal must specifically state the issues for consideration on appeal.

TRD-202303241

## Office of Consumer Credit Commissioner

### Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, 303.008, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/11/23 - 09/17/23 is 18.00% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/11/23 - 09/17/23 is 18.00% for commercial<sup>2</sup> credit.

The monthly ceiling as prescribed by §303.005<sup>3</sup> and §303.009 for the period of 09/01/23 - 09/30/23 is 18.00%.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 10/01/23 - 12/31/23 is 18.00% for consumer<sup>1</sup> credit.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 10/01/23 - 12/31/23 is 18.00% for commercial<sup>2</sup> credit.

The annualized ceiling as prescribed by §303.008 and §303.009<sup>4</sup> for the period of 10/01/23 - 12/31/23 is 18.00% for consumer<sup>1</sup> credit.

The annualized ceiling as prescribed by §303.008 and §303.009<sup>4</sup> for the period of 10/01/23 - 12/31/23 is 18.00% for commercial<sup>2</sup> credit.

<sup>1</sup> Credit for personal, family, or household use.

<sup>2</sup> Credit for business, commercial, investment, or other similar purpose.

<sup>3</sup> Only for variable rate commercial transactions, as provided by §303.004(a).

<sup>4</sup> Only for open-end credit as defined in §301.002(14), as provided by §303.007.

TRD-202303247

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: September 6, 2023

## Texas Council for Developmental Disabilities

### Request for Applications: TCDD Building Capacity for Culturally Competent Family Supports

The Texas Council for Developmental Disabilities (TCDD) announces the availability of funds for activities to support specific capacity-building and information-sharing activities lead by an organization who is considered a leader and trusted source for the cultural group with which they seek to connect. Activities will support individuals with developmental disabilities (DD) and families of individuals with DD to become active participants and advocates in the delivery of community-based services. Projects will also improve understanding of the different values, cultures, and customs that exist in Texas and inform how these factors may influence best practices in service delivery. This work is viewed as a necessary step towards TCDD's mission to create change so that all people with DD are fully included in their communities.

TCDD has approved funding for up to five organizations for up to five years. Funding is approved for up to \$125,000 per year. Funds available for this project are provided to TCDD by the Administration for Community Living (ACL), U.S. Department of Health and Human Services, with 100% federal funding pursuant to the Developmental Disabilities Assistance and Bill of Rights Act. Funding for the project is dependent on the results of a review process established by TCDD and on the availability of funds. Non-federal matching funds of at least 25% of total project costs are required for projects. Non-federal matching funds at a reduced rate of 10% of the total project costs are required for project activities conducted in federally designated poverty areas.

Additional information concerning this Request for Applications (RFA) and TCDD is available at <https://tcdd.texas.gov/grants-rfas/funding-available-for-grants/>. All questions pertaining to this RFA should be directed in writing to TCDD via email at [apply@tcdd.texas.gov](mailto:apply@tcdd.texas.gov) or via telephone at (512) 437-5432.

Deadline: Proposals must be submitted through <https://tcdd.smap.org/prog/1st/>. Proposals are due by 11:59 p.m. on November 17, 2023. Proposals will not be accepted outside of these due dates.

TRD-202303258

Beth Stalvey

Executive Director

Texas Council for Developmental Disabilities

Filed: September 6, 2023

### Request for Applications: TCDD Storytelling Project: Understanding the Experience of Individuals with DD and their Families

The Texas Council for Developmental Disabilities (TCDD) announces the availability of funds for activities to collect, summarize, and distribute stories and personal experiences of people with developmental disabilities (DD). The project will seek professional writers and photographers to connect with people with DD including young adults, college students, adults, employees, entrepreneurs, siblings, parents,

and others about their experiences across multiple issue areas related to TCDD Public Policy Priorities and other topics in the TCDD State Plan. Activities will also include technical assistance to TCDD state plan sub-grantees on collecting and summarizing both individual and system change stories within their projects.

TCDD has approved funding for one organization for up to five years. Funding is approved for up to \$300,000 per year. Funds available for this project are provided to TCDD by the Administration for Community Living (ACL), U.S. Department of Health and Human Services, with 100% federal funding pursuant to the Developmental Disabilities Assistance and Bill of Rights Act. Funding for the project is dependent on the results of a review process established by TCDD and on the availability of funds. Non-federal matching funds of at least 25% of total project costs are required for projects. Non-federal matching funds at a reduced rate of 10% of the total project costs are required for project activities conducted in federally designated poverty areas.

Additional information concerning this Request for Applications (RFA) and TCDD is available at <https://tcdd.texas.gov/grants-rfas/funding-available-for-grants/>. All questions pertaining to this RFA should be directed in writing to TCDD via email at [apply@tcdd.texas.gov](mailto:apply@tcdd.texas.gov) or via telephone at (512) 437-5432.

Deadline: Proposals must be submitted through <https://tcdd.smapply.org/prog/1st/>. Proposals are due by 11:59 p.m. on November 17, 2023. Proposals will not be accepted outside of these due dates.

TRD-202303259

Beth Stalvey

Executive Director

Texas Council for Developmental Disabilities

Filed: September 6, 2023

## Texas Education Agency

### Correction of Error

The Texas Education Agency (TEA) adopted an amendment to 19 TAC §127.17 in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4851). The amendment was effective September 10, 2023.

Due to an error by the Texas Register, incorrect information was published in the signature block at the end of the adoption. The correct information should have been published as follows:

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: September 10, 2023

Proposal publication date: May 12, 2023

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

TRD-202303250

## 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 **October 16, 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 **October 16, 2023**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: City of Hudson; DOCKET NUMBER: 2021-1501-MWD-E; IDENTIFIER: RN101517878; LOCATION: Hudson, Angelina County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.65 and §305.125(2) and TWC, §26.121(a)(1), by failing to maintain authorization to discharge wastewater into or adjacent to any water in the state; PENALTY: \$2,125; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: FLORES, MATTHEW; DOCKET NUMBER: 2023-1026-WOC-E; IDENTIFIER: RN110701299; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Miles Caston, (512) 239-4593; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(3) COMPANY: Fort Bend County Municipal Utility District Number 50; DOCKET NUMBER: 2022-1053-WQ-E; IDENTIFIER: RN105143002; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §281.25(a)(4) and TWC, §26.121(a)(1), by failing to obtain authorization under the Multi-Sector General Permit Number TXR05FT71; PENALTY: \$1,575; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: GRANDE 2151 LLC; DOCKET NUMBER: 2023-1094-WQ-E; IDENTIFIER: RN111752499; LOCATION: Tyler, Smith 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: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(5) COMPANY: IRIBARREN INK CORP; DOCKET NUMBER: 2023-0991-WR-E; IDENTIFIER: RN111601266; LOCATION: Vidor,

Orange County; TYPE OF FACILITY: operator; RULE VIOLATED: TWC, §11.081 and §11.121, by failing to obtain authorization prior to appropriating any state water or beginning construction of any work designed for the storage, taking, or diversion of water; PENALTY: \$350; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-3056; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(6) COMPANY: LAQUEY, STEPHEN G; DOCKET NUMBER: 2023-1036-OSI-E; IDENTIFIER: RN103837753; LOCATION: Blanket, Brown County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §285.61(4), by failing to ensure that an authorization to construct has been issued prior to beginning construction of an on-site sewage facility; PENALTY: \$175; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(7) COMPANY: LION ELASTOMERS LLC; DOCKET NUMBER: 2021-0875-AIR-E; IDENTIFIER: RN100224799; LOCATION: Port Neches, Jefferson County; TYPE OF FACILITY: synthetic rubber manufacturing plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and §122.143(4), Federal Operating Permit (FOP) Number O1224, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 2.F, and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; 30 TAC §116.115(c) and §122.143(4), New Source Review (NSR) Permit Number 9908, Special Conditions (SC) Number 1, FOP Number O1224, GTC and STC Number 14, and THSC, §382.085(b), by failing to prevent unauthorized emissions; and 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 9908, SC Number 10, FOP Number O1224, GTC and STC Number 14, and THSC, §382.085(b), by failing to comply with the storage tank throughput limits; PENALTY: \$59,376; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$29,688; ENFORCEMENT COORDINATOR: Amanda Diaz, (713) 422-8912; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(8) COMPANY: MERP LLC; DOCKET NUMBER: 2023-1070-WQ-E; IDENTIFIER: RN111532677; LOCATION: Lockhart, Caldwell 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: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(9) COMPANY: PIPELINE PLASTICS LLC; DOCKET NUMBER: 2023-1093-WQ-E; IDENTIFIER: RN107309353; LOCATION: Decatur, Wise 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: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(10) COMPANY: RELIANCE AEROPRODUCTS INTERNATIONAL; DOCKET NUMBER: 2023-1071-WQ-E; IDENTIFIER: RN100547611; LOCATION: Mansfield, Johnson 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: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(11) COMPANY: SKIDMORE WATER SUPPLY CORPORATION; DOCKET NUMBER: 2022-0104-MWD-E; IDENTIFIER: RN102342201; LOCATION: Skidmore, Bee 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 WQ0014112001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401-0318, (361) 881-6900.

(12) COMPANY: SouthWaste Disposal, LLC dba SouthWaste Disposal South Plains Facility; DOCKET NUMBER: 2022-0975-MSW-E; IDENTIFIER: RN101289171; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: Type V grease and grit trap processing facility; RULES VIOLATED: 30 TAC §330.15(h)(1) and TWC, §26.121(a), by failing to not cause, suffer, allow, or permit the unauthorized discharge of municipal solid waste into or adjacent to waters in the state; and 30 TAC §330.209(a), by failing to maintain the integrity of waste storage areas; PENALTY: \$4,000; ENFORCEMENT COORDINATOR: Courtney Gooris, (817) 588-5863; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(13) COMPANY: TURNER, ROY L; DOCKET NUMBER: 2023-0962-WOC-E; IDENTIFIER: RN104787908; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Aaren Owens, (409) 899-8741; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(14) COMPANY: USAR LLC; DOCKET NUMBER: 2023-1092-WQ-E; IDENTIFIER: RN111005062; LOCATION: Wilmer, Dallas 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: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(15) COMPANY: WOODALL, RAMSEY; DOCKET NUMBER: 2023-1037-WR-E; IDENTIFIER: RN111745659; LOCATION: Mineola, Smith County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §334.49(a)(1), by failing to provide corrosion protection for the underground storage tank system; PENALTY: \$350; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

TRD-202303240

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 5, 2023



#### Enforcement Orders

An agreed order was adopted regarding Jorge Arturo Vasquez De La Garza, Docket No. 2022-0312-PST-E on September 5, 2023 assessing \$7,200 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Erandi Ratnayake, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.



## Enforcement Orders

An agreed order was adopted regarding CIRCLE K STORES INC. dba Circle K Store 2704686 and dba Circle K Store 2704676, Docket No. 2019-1448-PST-E on September 6, 2023 assessing \$29,625 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 Ruby Hamilton Minard, Executrix of the Estate of Ralph A. Minard II and MINARD II, LLC, Docket No. 2020-1297-PST-E on September 6, 2023 assessing \$11,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan 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 Wing Dingers Texas Llc, Docket No. 2021-0200-PWS-E on September 6, 2023 assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Dayton Lakes, Docket No. 2021-0770-PWS-E on September 6, 2023 assessing \$12,820 in administrative penalties with \$2,564 deferred. Information concerning any aspect of this order may be obtained by contacting Epifanio Villarreal, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Mount Vernon, Docket No. 2021-0853-MWD-E on September 6, 2023 assessing \$17,188 in administrative penalties with \$3,437 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Nortex RediMix, LLC, Docket No. 2021-1029-AIR-E on September 6, 2023 assessing \$27,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine Keithley, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Conecsus LLC, Docket No. 2021-1628-AIR-E on September 6, 2023 assessing \$35,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Waynette Pollock Brasuell a/k/a Waynette Isaacks, Docket No. 2022-0086-PST-E on September 6, 2023 assessing \$3,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Katherine Keithley, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Sheri Chapman, Docket No. 2022-0116-PST-E on September 6, 2023 assessing \$3,937 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding El Paso Water Utilities Public Service Board, Docket No. 2022-0310-MWD-E on September 6, 2023 assessing \$2,016,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Dolores Luke dba Little Big Horn Services, Docket No. 2022-0412-MLM-E on September 6, 2023 assessing \$1,491 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Kurnath, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Monarch Utilities I L.P., Docket No. 2022-0430-MWD-E on September 6, 2023 assessing \$43,875 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding SRC Water Supply Inc, Docket No. 2022-1259-UTL-E on September 6, 2023 assessing \$510 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding SRC Water Supply Inc, Docket No. 2022-1266-UTL-E on September 6, 2023 assessing \$650 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding SRC Water Supply Inc, Docket No. 2022-1277-UTL-E on September 6, 2023 assessing \$610 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding SRC Water Supply Inc, Docket No. 2022-1328-UTL-E on September 6, 2023 assessing \$560 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding SRC Water Supply Inc, Docket No. 2022-1329-UTL-E on September 6, 2023 assessing \$560 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan Grace, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding SRC Water Supply Inc, Docket No. 2022-1332-UTL-E on September 6, 2023 assessing \$640 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Megan 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 Crystal Farms CRYSTAL FARMS WATER SUPPLY CORPORATION, Docket No. 2023-0183-PWS-E on September 6, 2023 assessing \$1,462 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Westwood Shores Municipal Utility District, Docket No. 2023-0338-PWS-E on September 6, 2023 assessing \$2,975 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Cameron, Docket No. 2023-0396-PWS-E on September 6, 2023 assessing \$3,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Chiara Ballam, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Mando Concrete Partners Llc, Docket No. 2023-0852-AIR on September 6, 2023 assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Amanda Kraynok, 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 Rockwall County Municipal Utility District 11, Docket No. 2023-0858-DIS on September 6, 2023 assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Harrison Malley, 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 290 Betka Municipal Management District No 1, Docket No. 2023-0861-DIS on September 6, 2023 assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Bobby Salehi, 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 Golden Triangle Polymers Company Llc, Docket No. 2023-0956-MWD on September 6, 2023 assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kathy Humphreys, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202303257

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 6, 2023



Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Proposed Air Quality Registration Number 173471

**APPLICATION.** Lauren Concrete Inc, 2001 Picadilly Drive, Round Rock, Texas 78664-9511 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit

for a Concrete Batch Plant with Enhanced Controls Registration Number 173471 to authorize the operation of a concrete batch plant. The facility is proposed to be located at 6101 Oilfield Road, Sealy, Austin County, Texas 77474. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-96.20996833527613,29.692116713721745&level=18>. This application was submitted to the TCEQ on July 26, 2023. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on August 30, 2023.

**PUBLIC COMMENT / PUBLIC HEARING.** Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/). Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

**The Public Hearing is to be held:**

**Monday, October 9, 2023, at 6:00 p.m.**

**Snock Education Center**

**10471 Grotto Road**

**Sealy, Texas 77474**

**RESPONSE TO COMMENTS.** A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

**CENTRAL/REGIONAL OFFICE.** The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Houston Regional Office, located at 5425 Polk St. Ste H, Houston, Texas 77023-1452, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

**INFORMATION.** If you need more information about this permit application or the permitting process, please call the Public Edu-

**ation Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.**

Further information may also be obtained from Lauren Concrete, Inc., 2001 Picadilly Dr, Round Rock, Texas 78664-9511, or by calling Mr. Paul Henry, Engineer at (512) 281-6555.

Notice Issuance Date: August 30, 2023

TRD-202303251

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 6, 2023



**Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Proposed Air Quality Registration Number 173552**

**APPLICATION.** David Murphy, P.O. Box 4099, Sargent, Texas 77404-4099 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 173552 to authorize the operation of a permanent concrete batch plant with enhanced controls. The facility is proposed to be located at the following driving directions: From the intersection of Farm to Market Road 457 and Sargent Ranch Road, go south on Farm to Market Road 457 for approximately 0.37 miles. Site entrance will be on the left, Sargent, Matagorda County, Texas 77414. This application is being processed in an expedited manner, as allowed by the commission's rules in 30 Texas Administrative Code, Chapter 101, Subchapter J. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/Location-Mapper/?marker=-95.646385,28.817592&level=13>. This application was submitted to the TCEQ on August 3, 2023. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on August 25, 2023.

**PUBLIC COMMENT / PUBLIC HEARING.** Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/). Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written com-

ments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

**The Public Hearing is to be held:**

**Thursday, October 5, 2023, at 6:00 p.m.**

**Sargent Volunteer Fire Department**

**22001 Farm to Market Road 457**

**Sargent, Texas 77414**

**RESPONSE TO COMMENTS.** A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

**CENTRAL/REGIONAL OFFICE.** The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Houston Regional Office, located at 5425 Polk St Ste H, Houston, Texas 77023-1452, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

**INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.**

Further information may also be obtained from David Murphy, P.O. Box 4099, Sargent, Texas 77404-4099, or by calling Mr. Josh Butler, Principal Consultant, Elm Creek Environmental, LLC, at (469) 946-8195.

Notice Issuance Date: August 31, 2023

TRD-202303253

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 6, 2023



**Notice of District Petition**

Notice issued August 31, 2023

TCEQ Internal Control No. D-07112023-012; Theon Ranches, LP, a Texas limited partnership, Daniel S. Voss, and Kathryn S. Voss (Petitioners) filed a petition for the creation of Theon Ranch Municipal Utility District No. 3 (District) in Williamson County, Texas 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 no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 271.34 acres of land located within Williamson County, Texas; and (4) none of the land to be included within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the work to be done by the proposed District at the present time is to purchase, construct, acquire, provide, operate, maintain, repair, improve,



or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial and commercial purposes; to collect, transport, process, dispose of and control domestic, industrial and commercial wastes; to gather, conduct, divert, abate, amend and control local storm water or other local harmful excesses of water in the District; to construct, maintain, improve and operate graveled or paved roads or turnpikes that serve or are intended to serve as an arterial or main feeder roads, or works, facilitates, or improvements in aid of those roads or turnpikes inside or outside the boundaries of the proposed District to the extent authorized by Article III, Section 52 of the Texas Constitution; to purchase, construct, acquire, provide, operate, maintain, repair, improve, extend and develop park and recreational facilities for the inhabitants of the District; and to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the proposed District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is made for a more detailed description. 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 \$70,967,000 (\$65,200,000 for water, wastewater, and drainage plus \$3,702,000 for roads and \$2,065,000 for recreational facilities).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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](http://www.tceq.texas.gov).

TRD-202303252

Laurie Gharis  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: September 6, 2023



#### Notice of District Petition

Notice issued August 31, 2023

TCEQ Internal Control No. D-06082023-020; Circle S Midlothian, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Circle S North Municipal Utility District of Ellis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there is one lienholder, AgTexas Farm Credit Service, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 343.2 acres of land, more or less, located within Ellis County, Texas; and (4) all of the land to be included within the proposed District is within the extraterritorial jurisdiction of the City of Midlothian (City). The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$60,400,000 (\$44,500,000 for water, wastewater, and drainage facilities and \$15,900,000 for road facilities). In accordance with Local Government Code § 42.042 and Texas Water Code § 54.016, a petition was submitted to the City, requesting the City's consent to the creation of the District. After more than 90 days passed without receiving consent, a petition was submitted to the City to provide water and sewer services to the District. The 120-day period for reaching a mutually agreeable contract as established by the Texas Water Code § 54.016(c) expired and information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Water Code § 54.016(d), failure to execute such an agreement constitutes authorization for the Petitioner to proceed to the TCEQ for inclusion of the land into the District.

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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](http://www.tceq.texas.gov).

TRD-202303254

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 6, 2023



## Notice of District Petition

Notice issued August 31, 2023

TCEQ Internal Control No. D-07262023-060; Janie Barnhardt (Petitioner) filed a petition for creation of Golden Barn Ranch Municipal Utility District of Hunt County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 285 acres located within Hunt County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the proposed District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside

or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$42,658,369 (\$35,986,296 for water, wastewater, and drainage plus \$6,672,073 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](http://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](http://www.tceq.texas.gov).

TRD-202303255

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 6, 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 August 21, 2023 to August 25, 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 website. The notice was published on the website on Friday, September 1, 2023. The public comment period for this project will close at 5:00 p.m. on Sunday, October 1, 2023.

Federal License and Permit Activities:

**Applicant:** J.W. Kelso Company, Inc.

**Location:** The project site is located in Galveston Bay, at 6200 Harborside Drive, in Galveston, Galveston County, Texas.

**Latitude and Longitude:** 29.298546, -94.84496

**Project Description:** The applicant proposes to expand the existing facility to provide additional space for ongoing operations/equipment staging and the construction of a new decontamination facility. The components include construction of a concrete pad and access road as follows: a 345-foot by 525-foot concrete pad consisting of 1,335 linear feet (LF) of 30-foot-wide rock slope stabilization (approximately 38,250 square feet), and 480 LF of bulkhead resulting in the discharge of approximately 61,979 cubic yards (CY) of material below the mean high water (MHW). The 61,979 CY would consist of 53,667 CY of clean sand and 8,312 CY of rock. The applicant also proposes to construct a 45-foot by 700-foot access road consisting of 700 LF of 30-foot-wide rock slope stabilization and 450 LF of bulkhead extending from the proposed expansion pad to an existing bulkhead. The installation of the access road and slope stabilization would result in the discharge of approximately 13,897 CY of material below MHW which would consist of 9,334 CY of clean sand and 4,563 CY of rock. Additionally, the applicant proposes to install 45, 24-inch steel pipe piles around the perimeter of the access road and operations pad. The applicant is not proposing any new compensatory mitigation.

**Type of Application:** U.S. Army Corps of Engineers permit application # SWG-1993-00525. 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:** 23-1360-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](mailto: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](mailto:federal.consistency@glo.texas.gov).

TRD-202303211

Mark Havens

Chief Clerk

General Land Office

Filed: August 30, 2023

## Texas Department of Insurance

Company Licensing

Application for Amrock Title Insurance Company, a foreign title company, to change its name to Ultra National Title Insurance Company. The home office is in Detroit, Michigan.

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

TRD-202303249

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: September 6, 2023

### Notice of Public Hearing Proposed Changes to the Title Insurance Basic Manual Docket No. 2841

On September 1, 2023, the Texas Land Title Association (TLTA) filed a petition requesting amendments to the *Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas* (Basic Manual). The TLTA proposal includes the following:

- Rate increases for assignment of mortgage endorsements, loan modification endorsements, and down date endorsements
- A rate increase for access endorsements
- A revision to the residential owner's policy form
- Revisions to the loan policy aggregation endorsement form
- Revisions to endorsement forms insuring surface damage related to mineral extraction and development
- Revisions to the owner's policy form and the loan policy form to state when survey coverage is not included
- Revisions to the insured closing service letter for lenders
- Amendments to the procedural rule for insuring taxes not yet due and payable
- Repealing the severable improvements endorsement form, replacing it with a series of endorsement forms for electricity-generating facilities, and adding a new rate rule and procedural rule for the new endorsements
- Amendments to the procedural rule for additional insured endorsements
- Amendments to the definition of "residential property" and related revisions to the rate rule for amendment of the area and boundaries exception
- Revisions to the survey affidavit, adding a new form for using an unsworn declaration as an alternative, and a related revision to the procedural rule for amendment of the area and boundaries exception
- A revision to the equity loan mortgage endorsement form
- A rule amendment related to title company signature requirements on endorsements
- Amendments to the procedural rule for issuing revolving credit endorsements and related revisions to the endorsement form and rate rule
- A request that TDI remove notarization requirements on title licensing forms
- Adding a new endorsement form, rate rule, and procedural rule for insuring surface damage related to mineral extraction and development when a title policy includes an endorsement for electricity generating facilities

- Amendments to the rate rule for simultaneous issuance of owner's policies and loan policies (including certain transactions in which a loan policy is issued within 90 days after an owner's policy)
- An amendment to an escrow check signature rule to allow electronic signatures

In addition, TDI proposes the following:

- An amendment to an escrow check signature rule to allow electronic signatures
- Revisions to the escrow account auditor's opinion letter form
- A revision to the Policy of Title Insurance (USA) form to correct a clerical error
- A revision to the title agent minimum capitalization bond form to update TDI's address
- Revisions to title licensing forms to remove the notarization requirements
- Revisions to the statistical plan to correct the transaction descriptions for refinance transactions and to collect data related to certain new or revised items being proposed by TLTA

The commissioner of insurance will hold a public hearing to consider amendments to the Basic Manual. The hearing will begin at 1:00 p.m., central time, November 15, 2023, in Room 2.029 of the Barbara Jordan Building, 1601 Congress Avenue in Austin, Texas.

The commissioner has jurisdiction over this hearing under Insurance Code §§2703.153, 2703.201, 2703.202, and 2703.203.

You can view the TLTA and TDI proposals at [www.tdi.texas.gov/rules/2023/index.html](http://www.tdi.texas.gov/rules/2023/index.html)

You may submit written comments or make oral comments on this rulemaking at the hearing, or you may submit your written comments to TDI on or before 5:00 p.m., central time, on November 15, 2023. Send your comments to [ChiefClerk@tdi.texas.gov](mailto:ChiefClerk@tdi.texas.gov) or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. Please include the docket number on any written or emailed comments.

TRD-202303261  
 Jessica Barta  
 General Counsel  
 Texas Department of Insurance  
 Filed: September 6, 2023

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## Texas Department of Insurance, Division of Workers' Compensation

### Proposed Fiscal Year 2024 Research Agenda Workers' Compensation Research and Evaluation Group

#### Introduction

Texas Labor Code §405.0026 requires the commissioner of workers' compensation to adopt a research agenda each year for the Workers' Compensation Research and Evaluation Group (REG) at the Texas Department of Insurance (TDI).

Labor Code §405.0026 requires the REG to prepare a research agenda each year for the commissioner to review, approve, and publish in the *Texas Register*.

Labor Code §405.0025 requires the REG to conduct professional studies and research related to how effectively the workers' compensation system operates.

Texas Insurance Code §1305.502 requires the REG to develop and issue an informational report card each even-numbered year that objectively identifies and compares certified health care networks with each other and with claims outside of those networks.

#### Proposed Fiscal Year 2024 Research Agenda

The REG proposes the following research projects:

1. Completion and publication of the 17th Edition of the Workers' Compensation Health Care Network Report Card (required under Insurance Code §1305.502(a)-(d) and Labor Code §405.0025(b)).
2. An update of the 2022 biennial study to estimate employer participation in the Texas workers' compensation system.
3. An update of key workers' compensation system trends to meet the requirements for the DWC Biennial Report required under Labor Code §402.066, including medical costs and utilization of care, return-to-work rates for injured employees, access to care for injured employees, and medical dispute resolution trends.
4. Income benefit adequacy in the Texas workers' compensation system.
5. An update of medical costs and utilization in the Texas workers' compensation system.

The REG will consider expanding the scope of the research projects or conducting more projects to accommodate stakeholder suggestions, subject to the resources and data available.

#### Request for Comments or Public Hearing

You may submit comments on the Proposed Fiscal Year 2024 Research Agenda or request a public hearing in writing no later than 5 p.m., Central time, on October 16, 2023. A hearing request must be on a separate page from any written comments.

Email your comments or hearing request to [RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov) or mail them to DWC Legal Services, MC-LS, Texas Department of Insurance, Division of Workers' Compensation, P.O. Box 12050, Austin, Texas 78711-2050.

Copies of the proposed research agenda are on the TDI website. Please email any questions about this agenda to Botao Shi at [wcresearch@tdi.texas.gov](mailto:wcresearch@tdi.texas.gov).

TRD-202303238  
 Kara Mace  
 General Counsel  
 Texas Department of Insurance, Division of Workers' Compensation  
 Filed: September 1, 2023

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## Texas Department of Licensing and Regulation

### Notice of Vacancies on Used Automotive Parts Recycling Advisory Board

The Texas Department of Licensing and Regulation (Department) announces two vacancies on the Used Automotive Parts Recycling Advisory Board (Board) established by Texas Occupations Code, Chapter 2309. The purpose of the Board is to provide advice and recommendations to the Texas Commission of Licensing and Regulation (Commission) and the Department on technical matters relevant to the administration and enforcement of Chapter 2309, including licensing standards. Service as a Board member is voluntary, and compensation is not authorized by law. **This announcement is for:**

**- a member who represents a used automotive parts business owned by a domestic entity**

**- a member who represents a used automotive parts business owned by a foreign entity.**

The Board is composed of five members appointed by the presiding officer of the Commission, with the Commission's approval. Members serve terms of six years, with the terms of one or two members expiring on February 1 of each odd-numbered year. The Board consists of the following:

- (1) four members who represent used automotive parts businesses owned by domestic entities, as defined by Section 1.002, Business Organizations Code;
- (2) one member who represents a used automotive parts business owned by a foreign entity, as defined by Section 1.002, Business Organizations Code; and
- (3) may not include more than one member from any one used automotive parts business entity.

Interested persons should complete an application on the Department website at: <https://www.tdlr.texas.gov/AdisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

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

TRD-202303236  
Mike Arismendez  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: September 1, 2023



**Notice of Vacancy on Board of Boiler Rules**

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Board of Boiler Rules (Board) established by 16 Texas Administrative Code §110.14. The purpose of the Board of Boiler Rules is to provide advice and recommendations to the commission in the adoption of definitions and rules relating to the safe construction, installation, inspection, operating limits, alteration, and repair of boilers and appurtenances. **This announcement is for:**

**- one public member.**

The Board is composed of eleven members appointed by the presiding officer of the Commission, with the approval of the Commission. Members serve staggered six-year terms, with the terms of two or three members expiring on January 31 of each odd-numbered year. The Board is composed of the following members:

1. three members representing persons who own or use boilers in this state;
2. three members representing companies that insure boilers in this state;
3. one member representing boiler manufacturers or installers;
4. one member representing organizations that repair or alter boilers in this state;
5. one member representing a labor union; and
6. two public members.

Interested persons should submit an application 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](mailto:advisory.boards@tdlr.texas.gov).

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

TRD-202303219  
Mike Arismendez  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: September 1, 2023



**Notice of Vacancy on Code Enforcement Officers Advisory Committee**

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Code Enforcement Officers Advisory Committee (Committee) established by 16 Texas Administrative Code §62.65. The purpose of the Code Enforcement Officers Advisory Committee is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter.

**This announcement is for:**

**- one structural engineer or licensed architect.**

The Committee is composed of nine members appointed by the presiding officer of the Commission, with the approval of the Commission. Members serve staggered six-year terms, with the terms of three members expiring on February 1 of each odd-numbered year. The Committee is composed of the following members:

- (1) five registered code enforcement officers;
- (2) one structural engineer or licensed architect;
- (3) two consumers, one of which must be a certified building official; and
- (4) one person involved in the education and training of code enforcement officers.

Interested persons should submit an application 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](mailto:advisory.boards@tdlr.texas.gov).

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

TRD-202303220  
Mike Arismendez  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: September 1, 2023



**Notice of Vacancy on Combative Sports Advisory Board**

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Combative Sports Advisory Board (Board) established by 16 Texas Administrative Code §61.120. The purpose of the Combative Sports Advisory Board is to provide advice and recommendations to the Texas Commission of Licensing and Regulation (Commission) and the Department on the health and safety of contestants and other matters relevant to the administration and enforcement of this Chapter. This announcement is for:

**- one physician.**

The Board is composed of nine members appointed by the presiding officer of the Commission, with the approval of the Commission. Members serve staggered six-year terms, with the terms of two or three

members expiring on February 1 of each odd-numbered year. The Board is composed of the following members:

- (1) four physicians;
- (2) one representative of a boxing promoter;
- (3) one representative of a mixed martial arts promoter;
- (4) one combative sports referee or judge licensed at least three years;
- (5) one former combative sports contestant; and
- (6) one public member.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone (800) 803-9202 or e-mail [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

**These are not paid positions and there is no compensation or reimbursement for serving on the Board.**

TRD-202303237  
Mike Arismendez  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: September 1, 2023

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**Notice of Vacancy on Electrical Safety and Licensing Advisory Board**

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Electrical Safety and Licensing Advisory Board (Board) established by Texas Occupations Code, Chapter 1305. The purpose of the Electrical Safety and Licensing Advisory Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. **This announcement is for:**

**- one Master Electrician with a Statewide Association.**

The Board is composed of nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission. Members serve staggered six-year terms. The terms of three members begin on February 1 of each odd-numbered year. The Board is composed of the following members:

1. three master electrician members;
2. three journeyman electrician members;
3. one master sign electrician member; and
4. two public members.

The Board members must include:

1. two members who are affiliated with a statewide association of electrical contractors not affiliated with a labor organization;
2. three members who are affiliated with a labor organization;
3. one member who is not affiliated with a statewide association of electrical contractors or with a labor organization;
4. one member who is affiliated with a historically underutilized business, as that term is defined by Section 2161.001, Government Code; and
5. one public member who is a building contractor principally engaged in home construction and is a member of a statewide building trade association.

Interested persons should submit an application 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](mailto:advisory.boards@tdlr.texas.gov).

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

TRD-202303232  
Mike Arismendez  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: September 1, 2023

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**Notice of Vacancy on Midwives Advisory Board**

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Midwives Advisory Board (Board) established by Texas Occupations Code, Chapter 203. The pertinent rules may be found in 16 Texas Administrative Code Chapter 55. The purpose of the Midwives Advisory Board is to provide advice and recommendations to the Department on technical matters relevant to the administration of this chapter. **This announcement is for:**

**- one midwife.**

The Board consists of nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission. Members serve staggered terms of six years. The terms of three members expire on January 31 of each odd-numbered year. The Board consists of the following members:

1. five licensed midwives each of whom has at least three years' experience in the practice of midwifery;
2. one physician who is certified by a national professional organization of physicians that certifies obstetricians and gynecologists;
3. one physician who is certified by a national professional organization of physicians that certifies family practitioners or pediatricians; and
4. two members who represent the public and who are not practicing or trained in a health care profession, one of whom is a parent with at least one child born with the assistance of a midwife.

Interested persons should submit an application 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](mailto:advisory.boards@tdlr.texas.gov).

**These are not paid positions and there is no compensation or reimbursement for serving on the Board.**

TRD-202303233  
Mike Arismendez  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: September 1, 2023

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**Notice of Vacancy on Orthotists and Prosthetists Advisory Board**

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Orthotists and Prosthetists Advisory Board (Board) established by Texas Occupations Code, Chapter 605. The purpose of the Orthotists and Prosthetists Advisory Board is to provide advice and recommendations to the Department on technical matters

relevant to the administration of this chapter. **This announcement is for:**

**- one member who is a representative of the public who uses an orthosis.**

The Board consists of seven members appointed by the presiding officer of the Texas Commission of Licensing and Regulation (Commission), with the approval of the Commission. Members serve staggered six-year terms with the terms of two or three members expiring on February 1 of each odd-numbered year. The Board is composed of the following members:

1. two licensed orthotists who each have practiced orthotics for the five years preceding the date of appointment;
2. two licensed prosthetists who each have practiced prosthetics for the five years preceding the date of appointment;
3. one licensed prosthetist orthotist who has practiced orthotics and prosthetics for the five years preceding the date of appointment;
4. one member who is a representative of the public who uses an orthosis; and
5. one member who is a representative of the public who uses a prosthesis.

Interested persons should submit an application 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](mailto:advisory.boards@tdlr.texas.gov).

**These are not paid positions and there is no compensation or reimbursement for serving on the Board.**

TRD-202303234  
Mike Arismendez  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: September 1, 2023



#### Notice of Vacancy on Towing and Storage Advisory Board

The Texas Department of Licensing and Regulation (Department) announces one vacancy on the Towing and Storage Advisory Board (Board) established by Texas Occupations Code, Chapter 2308 and Chapter 2303. The pertinent rules may be found in 16 Texas Administrative Code §85.650 and §86.650. The purpose of the Board is to provide advice and recommendations to the Texas Commission of Licensing and Regulation (Commission) and the Department on technical matters relevant to the administration and enforcement of Chapter 2308 and Chapter 2303, including examination content,

licensing standards, and continuing education requirements. Service as a Board member is voluntary, and compensation is not authorized by law. **This announcement is for:**

**- one peace officer from a county with a population of less than one million**

The Board is composed of the following nine members appointed by the presiding officer of the Commission, with the Commission's approval. Members serve terms of six years, with the terms of two or three members, as appropriate, expiring on February 1 of each odd-numbered year. The Board is composed of the following members:

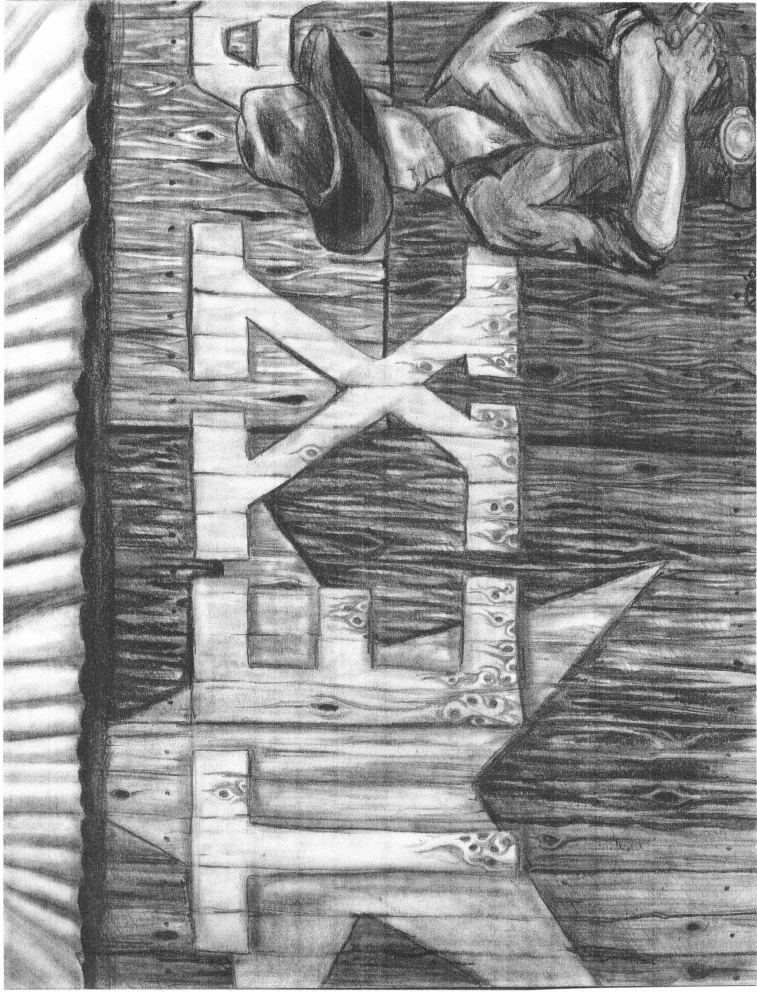
- (1) one representative of a towing company operating in a county with a population of less than one million;
- (2) one representative of a towing company operating in a county with a population of one million or more;
- (3) one representative of a vehicle storage facility located in a county with a population of less than one million;
- (4) one representative of a vehicle storage facility located in a county with a population of one million or more;
- (5) one parking facility representative;
- (6) one peace officer from a county with a population of less than one million;
- (7) one peace officer from a county with a population of one million or more;
- (8) one representative of a member insurer, as defined by Section 462.004, Insurance Code, of the Texas Property and Casualty Insurance Guaranty Association who writes automobile insurance in this state; and
- (9) one person who operates both a towing company and a vehicle storage facility.

Interested persons should complete an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by e-mailing [advisory.boards@tdlr.texas.gov](mailto:advisory.boards@tdlr.texas.gov).

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

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Mike Arismendez  
Executive Director  
Texas Department of Licensing and Regulation  
Filed: September 1, 2023







## How to Use the Texas Register

**Information Available:** The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

**Governor** - Appointments, executive orders, and proclamations.

**Attorney General** - summaries of requests for opinions, opinions, and open records decisions.

**Texas Ethics Commission** - summaries of requests for opinions and opinions.

**Emergency Rules** - sections adopted by state agencies on an emergency basis.

**Proposed Rules** - sections proposed for adoption.

**Withdrawn Rules** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

**Adopted Rules** - sections adopted following public comment period.

**Texas Department of Insurance Exempt Filings** - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

**Review of Agency Rules** - notices of state agency rules review.

**Tables and Graphics** - graphic material from the proposed, emergency and adopted sections.

**Transferred Rules** - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

**In Addition** - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

**How to Cite:** Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 48 (2023) is cited as follows: 48 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “48 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 48 TexReg 3.”

**How to Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <http://www.sos.state.tx.us>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

## Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
26. Health and Human Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

**How to Cite:** Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

**How to Update:** To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

### TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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