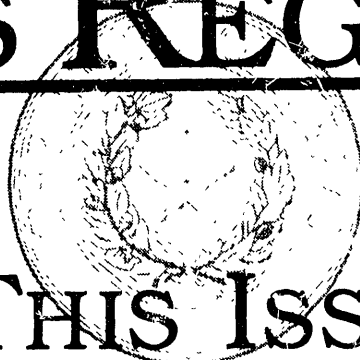


TEXAS REGISTER



IN THIS ISSUE

Volume 19, Number 86 November 22, 1994

Page 9247-9322

Proposed Sections

General Services Commission

Central Purchasing Division

1 TAC §§113.2, 113.4, 113.11, 113.129257

Texas Department of Licensing and Regulation

Boxing

16 TAC §§61.21, 61.70, 61.78, 61.80, 61.92, 61.100, 61.104, 61.106.....9258

16 TAC §§61.200-61.2129259

Texas Lottery Commission

Bingo Regulation and Tax Rules

16 TAC §402.567.....9260

General Administration

16 TAC §403.101.....9261

Texas Education Agency

Curriculum

19 TAC §75.152, §75.1539262

Assessment

19 TAC §101.19265

Professional Educator Preparation and Certification

19 TAC §137.2319265

Texas Department of Health

Purchased Health Services

25 TAC §29.28019269

Texas Department of Insurance

Insurance Premium Finance

28 TAC §§25.1-25.129273

28 TAC §§25.101-25.1119273

Contents Continued Inside



The Texas Register is printed on recycled paper



a section of the
Office of the
Secretary of State
P.O. Box 13824
Austin, TX 78711-3824
(512) 463-5561
FAX (512) 463-5569

Secretary of State
Ronald Kirk

Director
Dan Procter

Assistant Director
Dee Wright

Circulation/Marketing
Roberta Knight
Jill S. Ledbetter

TAC Editor
Dana Blanton

TAC Typographer
Madeline Christian

Documents Section
Supervisor
Patty Webster

Document Editors

Open Meetings Clerk
Jamie Alworth

Production Section
Supervisor
Ann Franklin

Production Editors/
Typographers
Carla Carter
Roy Felps
Mimi Sanchez

Texas Register, ISSN 0362-4781, is published semi-weekly 100 times a year except March 11, July 22, November 11, and November 29, 1994. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78701. Subscription costs: one year - printed, \$95 and electronic, \$90; six-month printed, \$75 and electronic, \$70. Single copies of most issues are available at \$7 per copy.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person without permission of the *Texas Register* Director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under the Government Code, Title 10, Chapter 2002. Second class postage is paid at Austin, Texas.

POSTMASTER: Please send form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824.

How to Use the Texas Register

Information Available: The 11 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

Secretary of State - opinions based on the election laws.

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 a 30-day public comment period.

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

Open Meetings - notices of open meetings

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 19 (1994) is cited as follows. 19 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 "19 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 19 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, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the official 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*. West Publishing Company, the official publisher of the *TAC*, publishes on an annual basis.

The *TAC* volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman 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 *Official TAC* also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the *TAC* or to inquire about WESTLAW access to the *TAC* call West: 1-800-328-9352.

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

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

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation: 1 TAC §27.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 21, April 15, July 12, and October 11, 1994). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Services
40 TAC §3.704.....950, 1820

The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

Update by FAX: An up-to-date *Table of TAC Titles Affected* is available by FAX upon request. Please specify the state agency and the *TAC* number(s) you wish to update. This service is free to *Texas Register* subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561.

28 TAC §§25.201-25.205.....	9273
28 TAC §§25.301-25.307.....	9274
28 TAC §§25.401-25.404.....	9274
28 TAC §§25.501-25.509.....	9274
28 TAC §§25.601-25.606.....	9275
28 TAC §§25.701-25.718.....	9275
28 TAC §§25.801-25.806.....	9275
28 TAC §§25.1-25.13.....	9276
28 TAC §§25.21-25.33.....	9278
28 TAC §§25.41-25.65.....	9280
28 TAC §§25.71-25.76.....	9283
28 TAC §§25.81-25.90.....	9284

Withdrawn Sections

**Texas Natural Resource
Conservation Commission**

Sludge Use, Disposal, and Transportation

30 TAC §§312.1, 312.3, 312.4, 312.6, 312.8-312.10, 312.12, 312.13.....	9287
30 TAC §§312.41, 312.44, 312.46-312.48.....	9287
30 TAC §§312.62, 312.64, 312.68.....	9287
30 TAC §312.82.....	9287
30 TAC §§312.121-312.124.....	9287

Adopted Sections

General Services Commission

Central Purchasing Division

1 TAC §§113.71-113.76.....	9289
----------------------------	------

Intergovernmental Programs Division

1 TAC §§126.1-126.5.....	9289
1 TAC §126.20, 126.21.....	9291

**Advisory Council on State
Emergency Communications**

Regional Plans

1 TAC §251.6.....	9292
-------------------	------

Texas Animal Health Commission

Brucellosis

4 TAC §35.6.....	9295
------------------	------

**Texas Department of Licensing and
Regulation**

Industrialized Housing and Buildings

16 TAC §70.10, §70.100.....	9295
-----------------------------	------

**Texas Natural Resource
Conservation Commission**

**Control of Air Pollution from Volatile Organic
Compounds**

30 TAC §115.621, §115.625.....	9297
--------------------------------	------

**Texas Department of Human
Services**

Medication Aides

40 TAC §§95.101, 95.103, 95.105, 95.107, 95.109, 95.111, 95.113, 95.115, 95.117, 95.119, 95.121, 95.123, 95.125, 95.127.....	9298
--	------

**Texas Commission for the Deaf and
Hearing Impaired**

**Board for Evaluation of Interpreters and Inter-
preter Certification**

40 TAC §183.131.....	9298
40 TAC §183.573.....	9299

Texas Department of Insurance

**Notification Pursuant to the Texas Insurance
Code, Chapter 5, Subchapter L**

Exempt Filing.....	9299
--------------------	------

Tables and Graphics Sections

Tables and Graphics.....	9301
--------------------------	------

Open Meetings Sections

The State Bar of Texas.....	9307
Office of the Governor, Criminal Justice Division.....	9307
Texas Department of Human Services.....	9307
Texas Department of Licensing and Regulation.....	9308
Texas Council on Offenders with Mental Impair- ments.....	9308
Executive Council on Physical Therapy and Occupational Therapy Examiners.....	9308
Texas State Board of Examiners of Psychologists.....	9308
Public Utility Commission of Texas.....	9308
Texas Senate.....	9308
Texas Department of Transportation.....	9309
University Interscholastic League.....	9309
The University of Texas at Austin.....	9309
Regional Meetings.....	9309

In Addition Sections

**Texas Commission on Alcohol and
Drug Abuse**

Notice of Request for Proposals.....	9311
--------------------------------------	------

Office of the Attorney General

Correction of Error.....9312

**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings.....9312

Texas Department of Health

Notices of Emergency Cease and Desist Order.....9312

Notices of Preliminary Report for Assessment of Administrative Penalties and Notice of Violation.....9312

Notice of Suspension of an Industrial Radiographer I.D. Care.....9313

Texas Department of Insurance

Notices of Hearing.....9313

**Texas Department of Mental Health
and Mental Retardation**

Notice of Public Hearing (Austin).....9314

Notice of Public Hearing (Dallas).....9315

Notice of Public Hearing (El Paso).....9315

Notice of Public Hearing (Harlingen).....9315

Notice of Public Hearing (Houston).....9316

Notice of Public Hearing (Kerrville).....9316

Notice of Public Hearing (Lubbock).....9316

Notice of Public Hearing (Lufkin).....9317

Notice of Public Hearing (San Angelo).....9317

Notice of Public Hearing (Wichita Falls).....9317

**Texas Natural Resource
Conservation Commission**

Notice of State Implementation Plan Adoption.....9318

Public Hearing Notice.....9318

Texas Public Finance Authority

Request for Proposal for Underwriter/Dealer.....9318

Public Utility Commission of Texas

Notices of Application to Amend Certificate of Convenience and Necessity.....9318

Notice of Application to Locate and Maintain Records Outside the State of Texas.....9319

Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27.....9319

Notice of Joint Petition for Extended Area Service (EAS) from the Charlotte and Jouranton Exchanges to the San Antonio Metropolitan Exchanges.....9320

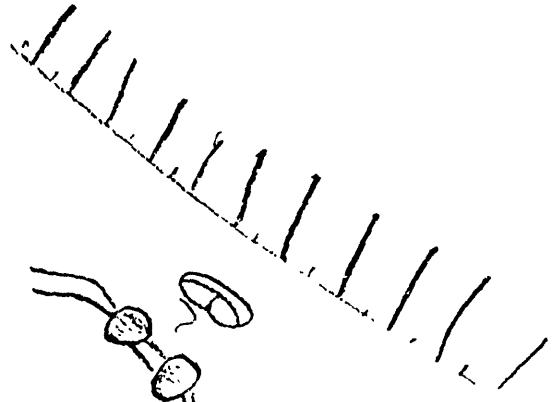
**Texas Department of
Transportation**

Public Notices.....9322

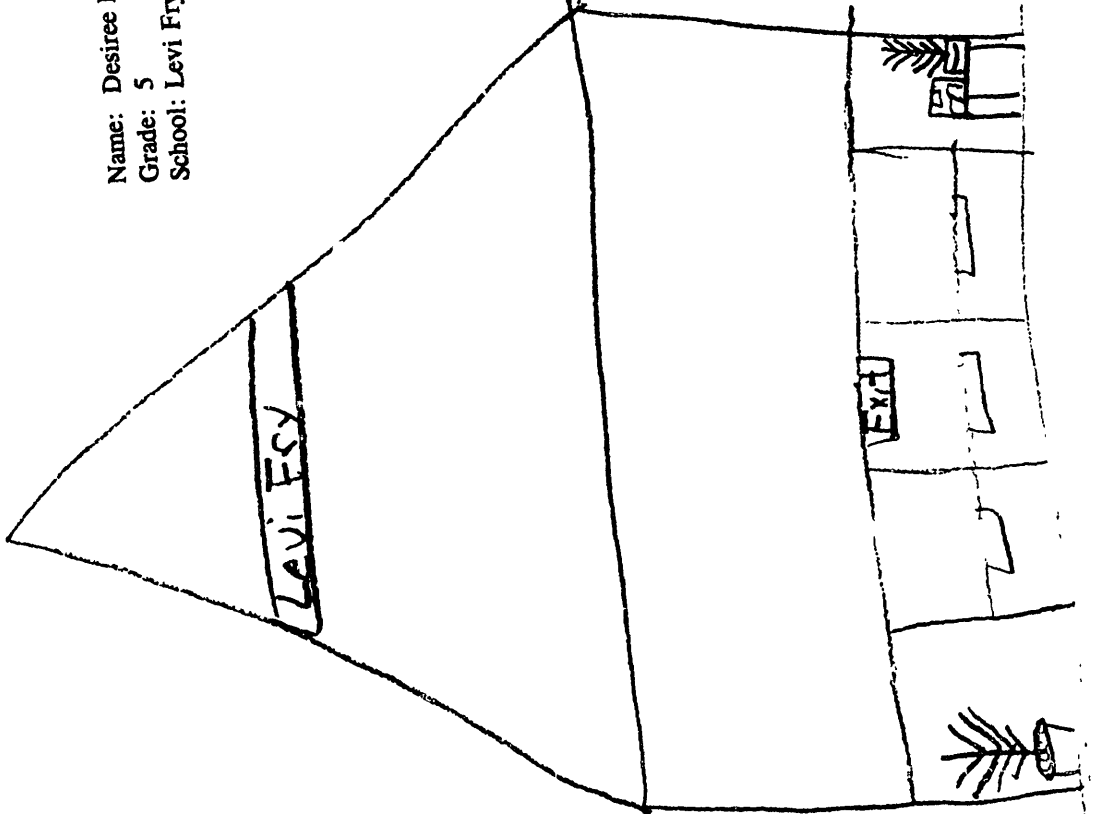
1995 Publication Schedule

Name: Matt McDonald
Grade: 5
School: Levi Fry Int. School, Texas City ISD



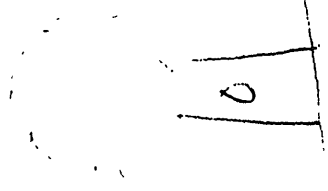


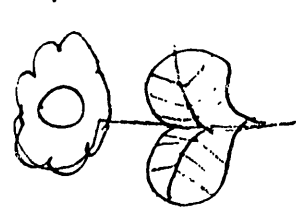
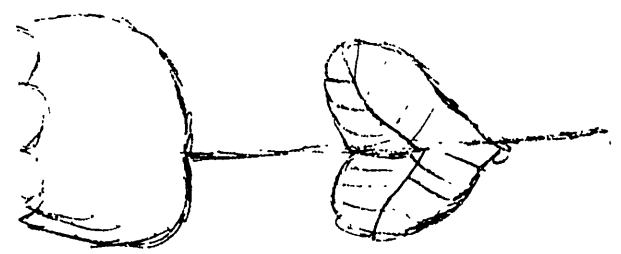
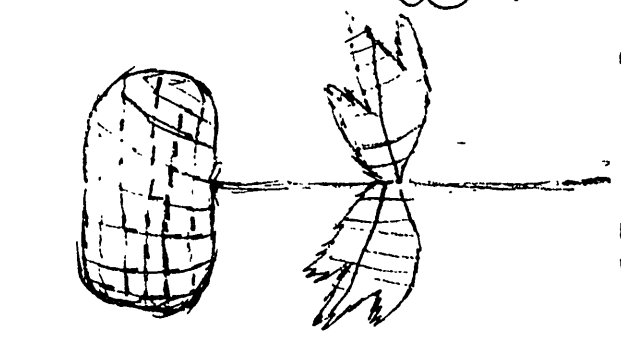
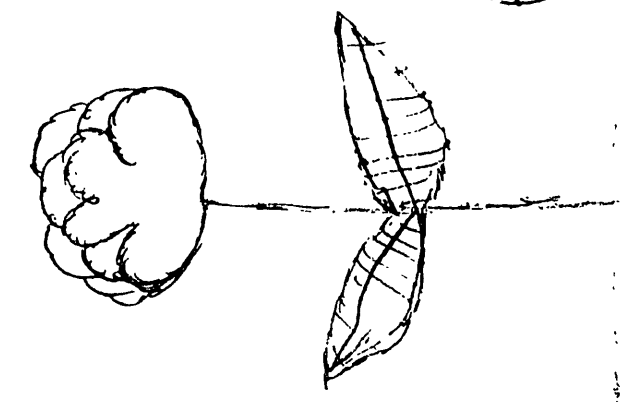
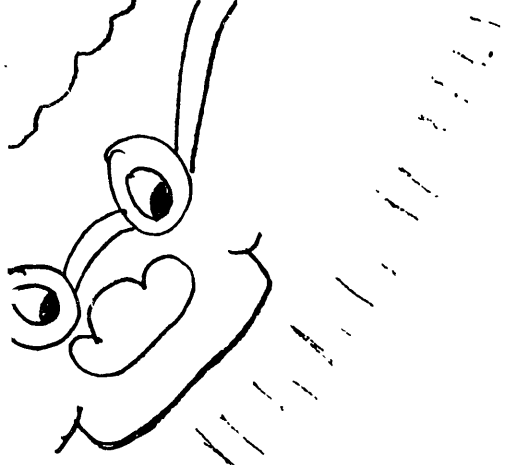
Name: Desiree Kraus
 Grade: 5
 School: Levi Fry Int. School, Texas City ISD



cafeteria

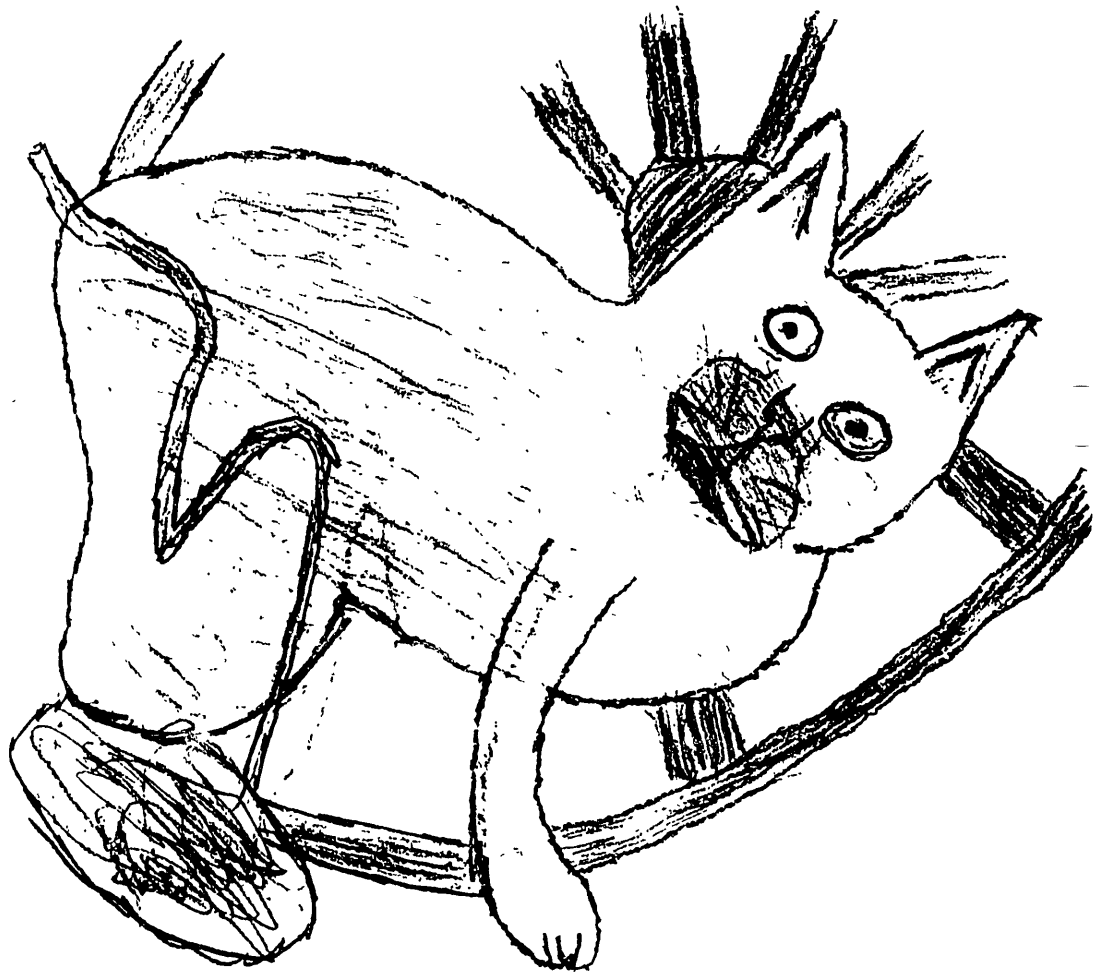
auditorium

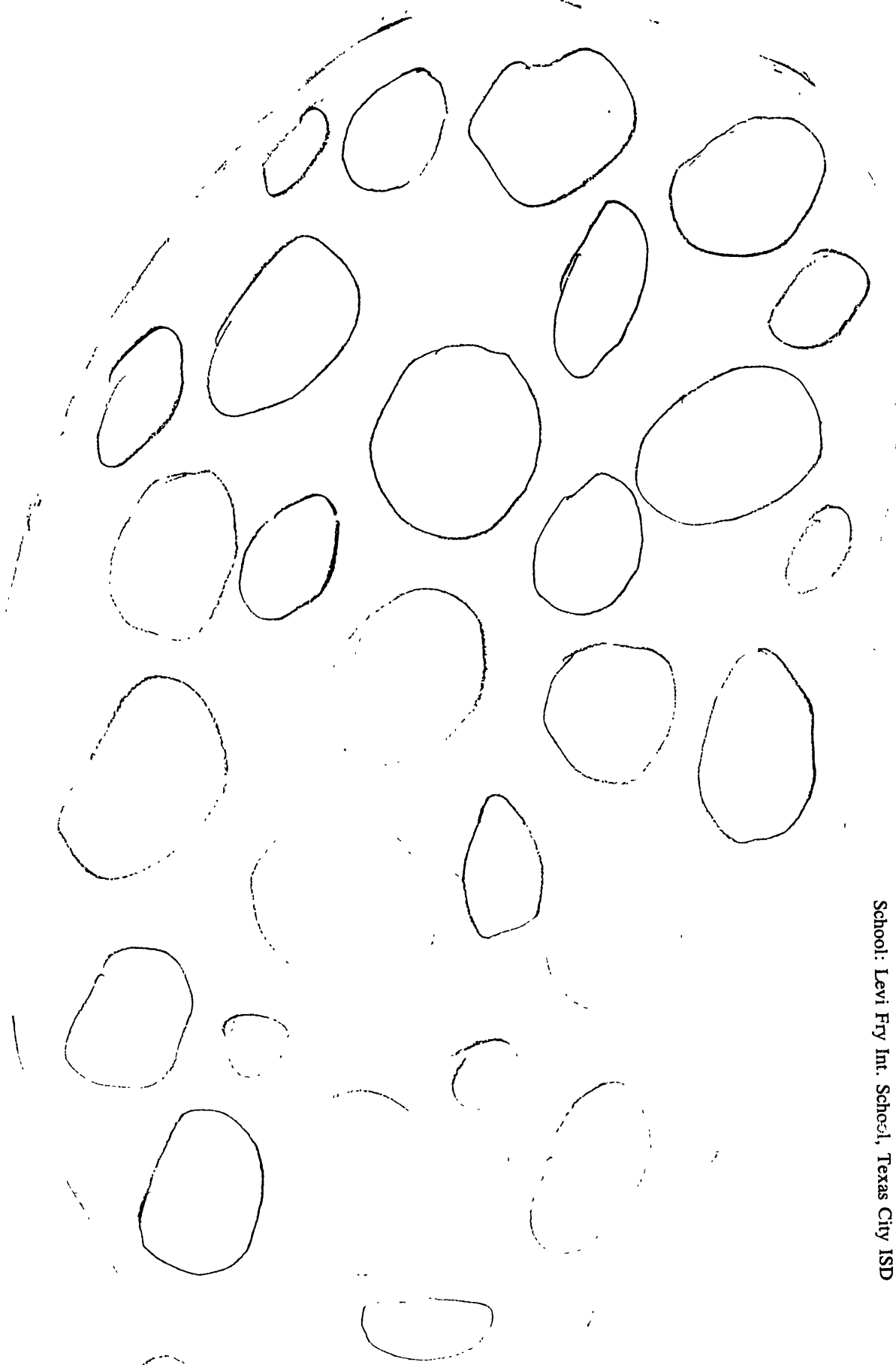




Name: LaShandra Brown
Grade: 5
School: Levi Fry Int. School, Texas City ISD

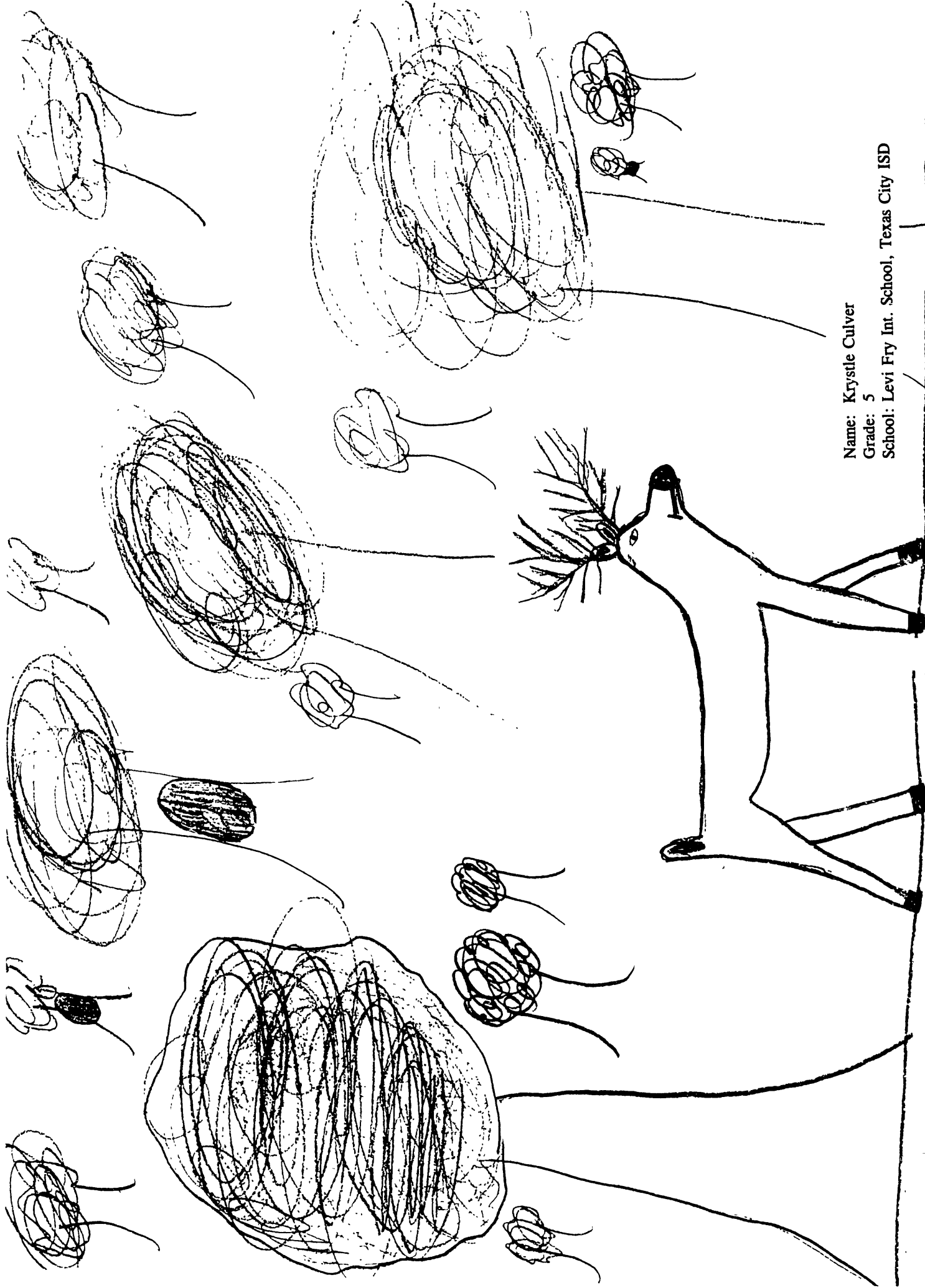
Name: Derek Harris
Grade: 5
School: Levi Fry Int. School, Texas City ISD





Name: David Sanders
Grade: 5
School: Levi Fry Int. School, Texas City ISD

LEVI SANDERS



Name: Krystle Culver
Grade: 5
School: Levi Fry Int. School, Texas City ISD

PROPOSED RULES

Before an agency may permanently adopt a new or amended section or repeal an existing section, a proposal detailing the action must be published in the *Texas Register* at least 30 days before action is taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive action, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

Symbology in proposed amendments. New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

TITLE 1. ADMINISTRATION

Part V. General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

• 1 TAC §§113.2, 113.4, 113.11, 113.12

The General Services Commission proposes amendments to §§113.2, 113.4, 113.11, and 113.12, concerning central purchasing. The amendments incorporate changes required by Chapter 684, §18, 73rd Legislature, Regular Session (1993), to create the centralized master bidders list. The proposed amendments also update definitions, delete the requirement to purchase a commodity code book, make the application valid for a two year period, amend the reference to agency bidders list, modify the requirement to solicit formal bids to correspond with current commission delegated purchasing rules, and require use of the centralized master bidders list by an institution or other agency of higher education for the purchase of supplies, materials, services or equipment for research projects.

Pat Martin, Director, Purchasing Division, has determined that for the first five years the sections are in effect there will be a fiscal implication as a result of enforcing or administering the sections. A reduction in costs to state agencies is anticipated as a result of administering the amendments; however, the amount of the anticipated reduced costs cannot be determined. There are no fiscal implications for local governments.

Ms. Martin also has determined that the public benefit that will be anticipated as a result of these amendments will be a centralized master bidders list, simplification of the application process and a lower per annum cost to the bidders.

Comments may be submitted to Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*

The amendments are proposed under Texas Civil Statutes, Article 601b, Article 3, which provides the General Services Commission with the authority to promulgate rules necessary to accomplish the purposes of the Article and Chapter.

The following statute is affected by these rules: Texas Civil Statutes, Article 601b.

§113.2. Definitions. The following words and terms, when used in this title, shall have the following meanings, unless the context clearly indicates otherwise.

Bidders List—The centralized master bidders list. [A list maintained by the commission containing the names and addresses of prospective bidders.]

Centralized master bidders list—A list maintained by the commission containing the names and addresses of prospective bidders and qualified information systems vendors.

§113.4. Centralized Master Bidders List.

(a) The commission maintains a centralized master bidders list of the names and addresses of vendors which have applied and been accepted for inclusion on the list. The bidders list is maintained for the state's convenience in obtaining competitive bids for purchases and for registering vendors who wish to be designated as qualified information systems vendors. [Bid invitations and requests for proposals are mailed to vendors on the bidders list for the solicited commodity.] No vendor will be placed on the bidders list to receive bid invitations for information purposes only. [, nor may any vendor receive bids at different addresses for the same class or item within the same bidding district.] Bid invitations and requests for proposals are mailed to vendors on the bidders list for the solicited commodity for open market, term contracts, and competitive sealed proposal acquisitions made by the commission and delegated purchases in excess of \$15,000.

(b) To be considered for inclusion on the centralized master bidders list, a vendor must:

(1) complete the application form provided by the commission which includes certification that the vendor has access to the class and item codes and is aware of the requirements and procedures regarding the provision of goods, services and other acquisitions to the State and its eligible entities; [purchase a commodity book;]

(2) complete the application form provided by the commission with the commodity book; and]

(2)[(3)] remit a check or money order in the amount of \$100 [\$75], which is the biennial [annual] maintenance [subscription] fee assessed to cover the commission's costs in maintaining the bidders list and mailing bids or proposals. This fee, less \$15 for handling, will be refunded if the applicant is not accepted for inclusion on the bidders list.

(c) (No change.)

(d) A vendor may be removed or temporarily suspended from the bidders list for one or more of the following reasons:

(1)-(8) (No change.)

(9) failing to remit the biennial [annual] bidders list maintenance [subscription] fee;

(10)-(11) (No change.)

(e)-(f) (No change.)

(g) By June 1, 1995, state agencies that maintain bidders lists must provide the General Services Commission with all records and information in their custody that relate to those lists for inclusion in the centralized master bidders list. This information must be transmitted to the commission in a format specified by the commission. By September 1, 1995, affected agencies shall use the centralized master bidders list to select bidders for bids or proposals. [Each agency shall maintain a bidders list and annually register on the list the name and address of each vendor that applies and is accepted for registration in accordance with rules

adopted by the agency. Agency rules should also provide procedures for maintaining the bidders list and for removing inactive vendors from the list. An agency may charge applicants a fee for registration and may charge an annual renewal fee to recover its costs in developing and maintaining the bidders list and in soliciting bids or proposals. An agency should set the amount of the fees by rule. An agency electing to use a bidders list maintained by the commission satisfies its statutory requirement to maintain an agency bidders list if the list reasonably covers the geographic area of the agency's business activity.]

(h) The commission may authorize an agency to maintain and use its own bidders lists for specialized needs only by approval of the commissioners in open meeting. Requests for such approval should be made in writing to the executive director and signed by the chief executive officer of the requesting agency. All such requests should clearly set out the reasons and justifications for the request.

§113.11. Delegated Purchases.

(a)-(b) (No change.)

(c) Provisions generally applicable to delegated purchases.

(1)-(3) (No Change)

(4) Agencies must solicit formal bids from all eligible vendors on the centralized master [agency's] bidders list when making purchases in excess of \$15,000 [\$5,000]. However, for purchases of \$25,000 or less, the commission may waive the requirement to solicit bids from all eligible vendors on the list if the agency certifies in writing that a solicitation of all eligible vendors is not warranted under the circumstances.

(5) (No change.)

(d)-(f) (No change.)

§113.12. Research in higher education.

(a)-(e) (No change.)

(f) An institution acting under this authority is required to use the centralized bidders list for purchases in excess of \$15,000. [maintain a qualified bidders list containing an adequate number of suppliers of research items. Bids must be solicited from the qualified bidders list, supplemented as appropriate by other sources identified by the institution.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450971

Judith Monaco Porras
General Counsel
General Counsel
Commission

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-3960

TITLE 16. ECONOMIC REGULATION Part IV. Texas Department of Licensing and Regulation

Chapter 61. Boxing

Subchapter A. Professional and Amateur Boxing

- 16 TAC §§61.62, 61.70, 61.78, 61.80, 61.92, 61.100, 61.104, 61.106

The Texas Department of Licensing and Regulation proposes amendments to §§61.62, 61.70, 61.78, 61.80, 61.100, 61.104, and 61.106, and new §61.92, concerning professional and amateur boxing. The new section and amendments are being proposed to increase boxer's safety.

Section 61.62 adds the requirement for proper proof of identification and prohibits an individual from participating in an unapproved event. Section 61.70 clarifies the insurance responsibilities of the promoter. Section 61.78 clarifies language and adds when the referee can call time to replace a mouthpiece. Section 61.80 increases the fees to help cover administration cost. Section 61.100 limits the number of rounds for a sparring or exhibition bout. Section 61.106 clarifies the language of a KO (knockout).

James D Brush, II, director, Policies and Standards Division, has determined that for the first five-year period the sections are in effect there will be fiscal implications for state or local government as a result of enforcing or administering the sections. The effect on state government for the first five years period the sections are in effect will be an estimated increase in revenue of \$16,770 per year for fiscal years 1995-1999. There will be no fiscal implications on local government.

Mr. Brush also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be increased public welfare and consumer protection. The effect on small businesses, large businesses, and persons required to comply with the rules is an increase in the cost of annual licensing by the amount of the proposed increase on each individual fee. The increases are as follows, timekeepers and seconds-\$10, boxers and judges-\$15, referees-\$25, managers and matchmakers-\$75, and promoters-\$500.

Comments on the proposal may be submitted to James D. Brush, II, Director, Policies and Standards Division, Texas Department of Li-

censing and Regulation, P.O. Box 12157, 920 Colorado, Eighth Floor, Austin, Texas 78711.

The new section and amendments are proposed under Texas Civil Statutes, Article 8501-1, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purposes of the act.

The following is the Article that is affected by these rules: Rule 61.62, Texas Civil Statutes, Article 8501-1; Rule 61.70, Texas Civil Statutes, Article 8501-1; Rule 61.78, Texas Civil Statutes, Article 8501-1; Rule 61.80, Texas Civil Statutes, Article 8501-1; Rule 61.92, Texas Civil Statutes, Article 8501-1; Rule 61.100, Texas Civil Statutes, Article 8501-1; Rule 61.104, Texas Civil Statutes, Article 8501-1; and Rule 61.106, Texas Civil Statutes, Article 8501-1.

§61.62. General Prohibitions.

(a)-(c) (No change.)

(d) No person shall be allowed to participate in a boxing event, unless the person shows to department personnel, proof of identification and a current license.

(e) No person shall be allowed to participate in a boxing event or bout unless the event or bout has been approved by the department.

§61.70. Responsibilities of Promoter.

(a)-(n) (No change.)

(o) It shall be the promoter's responsibility to ensure the safety of the boxers, officials, and spectators.

(1)-(3) (No change.)

(4) The promoter shall provide insurance and pay all deductibles, to cover medical, surgical and hospital care with a minimum limit of \$20,000 for injuries sustained while participating in a boxing contest and \$20,000 to a boxer's estate if he dies of injuries received while participating in a contest. The insurance premium and deductibles shall [may] not be deducted from the boxer's purse. The promoter shall provide a certificate of insurance showing proper coverage at the same time he provides the Department his contracts with those participating in the event. The promoter shall supply those participating in the event with the proper information for filing a medical claim.

§61.78. Responsibilities-Boxers.

(a) (No change.)

(b) Boxers shall box in proper ring attire including protection cup, which shall be firmly adjusted before entering the ring. The trunks' waistband shall extend above

the waistline and the hem may not extend below the knee. A fitted mouthpiece [mouthpieces] shall be worn at the beginning of each round. If a mouthpiece is knocked out, the referee shall call time during a break in the action, the boxer's second will clean and reinsert the mouthpiece. If the mouthpiece is spit out the same procedure will be followed and the referee can charge the boxer with a foul. Shoes shall be of soft material and shall not be fitted with spikes, cleats, or hard heels. Kickboxers shall not wear shoes of any type, except for protective padded foot gear.

(c) (No change.)

§61.80. Fees—Annual Application Fees.

(a) The promoter's license fee shall be \$1,000 [\$500].

(b) Each license application shall be accompanied by the annual license fees as follows:

- (1) boxer—\$30 [\$15];
- (2) manager—\$150 [\$75];
- (3) second—\$20 [\$10];
- (4) matchmaker—\$150 [\$75];
- (5) referee—\$50 [\$25];
- (6) judge—\$30 [\$15];
- (7) timekeeper—\$20 [\$10].

§61.92. Sanctions—Indefinite Suspension. A complete neurological exam, stress test, EEG, EKG, comprehensive annual medical physical, ophthalmologic exam and administrative hearing shall be required before lifting an indefinite suspension.

§61.100. Technical Requirements—Conduct of Promotion.

(a) Licensed promoters shall schedule no less than 25 rounds of boxing for each event. All boxing contests shall have no more than three-minute rounds with one-minute rest periods between rounds. No boxing [or sparring] event shall exceed 10 rounds, except a championship contest, which shall not exceed 12 rounds. A sparring or exhibition event shall not exceed three rounds.

(b) Purses shall be paid to the boxer by the promoter immediately after each event [exhibition]. Payment of percentage contracts shall be made when the amount can be determined. Payments shall be made in the presence of an authorized Department representative.

(c) (No change.)

§61.104. Technical Requirements—Ringside Physician.

(a) The pre-fight medical examinations shall be administered on the day of the

event at the weigh-in. The department shall provide forms for recording the results of these examinations. The required annual comprehensive medical exam for licensing shall be submitted to department personnel before the weigh-in [may not be done at the weigh-in].

(b)-(k) (No change.)

§61.106. Technical Requirements—Judge Scoring.

(a)-(e) (No change.)

(f) If the contestant who is knocked down does not rise before the count of 10, the referee shall declare him the loser by a knockout. If the contestant appears to the referee to be seriously injured, the referee may summon the ringside physician into the ring, while continuing the count.

(g)-(h) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451003

Jack W. Garrison
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-7357

Subchapter B. Elimination Tournaments

• 16 TAC §§61.200-61.212

The Texas Department of Licensing and Regulation proposes new §§61.200-61.212, concerning the regulation of elimination tournaments. The new sections regulate elimination tournaments in the State of Texas.

James D. Brush, II, director, Policies and Standards Division, has determined that for the first five-year period the sections are in effect there will be fiscal implications for state or local government as a result of enforcing or administering the sections. The effect on state government for the first five years period the sections are in effect will be an estimated increase in revenue of \$9,600 per year for fiscal years 1995-1999. There will be no fiscal implications on local government.

Mr. Brush also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be increased safety and consumer protection. The effect on small businesses, large businesses, and persons required to comply with the rules is a \$50 registration fee for each contestant.

Comments on the proposal may be submitted to James D. Brush, II, Director, Policies and

Standards Division, Texas Department of Licensing and Regulation, P.O. Box 12157, 920 Colorado, Eighth Floor, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 8501-1, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purposes of the act.

Texas Civil Statutes, Article 8501-1 is the Article that is affected by these rules.

§61.200. General. All rules set out in Chapter 61, Subchapter A of this title (relating to Professional and Amateur Boxing) apply to Elimination Tournaments unless specifically modified in this subchapter.

§61.201. Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly suggests otherwise.

Championship contest—An elimination event at which the winners of previous elimination events fight to determine a champion for the stated level of the event. Championship events may be on a state, regional, national or international level.

Contestant—An elimination tournament contestant.

Elimination tournament—A contest where contestants fight a series of bouts until only one winner remains in each weight class.

Elimination tournament contestant—A person who is not a licensed professional boxer or has not competed in more than five sanctioned amateur bouts and who competes for a prize in elimination tournaments.

§61.202. Registration Requirements.

(a) The requirements for licensing as a promoter, referee, judge, timekeeper, manager, and second of elimination tournaments are as specified in §§61.20-61.26 of this title (relating to Licensing Requirements—Promoter, Referee, Matchmaker, Judge, Timekeeper, Manager, and Second).

(b) The fee for promoter, referee, judge, timekeeper, manager, and second of elimination tournaments are as specified in §61.80 of this title (relating to Fees—Annual Application Fees).

(c) Before an individual performs as an elimination tournament contestant, he shall be registered by the Commissioner. A registered elimination tournament contestant shall keep the registration receipt in his possession. The registration receipt expires seven days after the date of issuance.

(1) Each elimination tournament contestant applicant shall submit:

(A) a completed application form;

(B) state approved picture I.D.;

(C) registration fee of \$50 as specified in §61.209 of this title (relating to Fees); and

(D) proof of a comprehensive medical examination as specified in §61.109 this title (relating to Technical Requirements-Boxers).

(2) An applicant for registration as an elimination tournament contestant shall not have any previous professional boxing experience and shall not have over five sanctioned amateur wins in the last five years. Nothing in these rules shall prohibit a previous elimination tournament contestant from participating in future elimination tournaments and championships.

(3) The department will not issue a registration to anyone under age 17. Minors, age 17 but not yet 18 or over, applying for registration as an elimination tournament contestant must submit written consent from a parent or guardian.

(4) The department will not issue a registration to any applicant who has attained age 35 without a hearing. Before issuing any registration to an applicant who has attained age 35, the department shall require physical testing including, but not limited to, neurological examination, ophthalmological examination, EEG, EKG, and stress tests.

(5) An applicant must submit proof of proper training. Written certification outlining the training program for a minimum of four weeks prior to the tournament is required.

§61.203. Bond Requirements. Bond requirements for promoters of elimination tournaments are specified in §61.40 of this title (relating to Bond Requirements for Promoters).

§61.204. Reporting Requirements-Promoter. Reporting requirements for promoters are as specified in §61.41 of this title (relating to Reporting Requirements-Promoter).

§61.205. General Prohibitions. General prohibitions applicable to elimination tournaments, are as specified in §61.62 of this title (relating to General Prohibitions).

§61.206. Responsibilities of the Promoter. Responsibilities of the promoter of an elimination tournament are as specified in

§61.70 of this title (relating to Responsibilities of Promoter).

§61.207. Responsibilities of the Ringside Physician. Responsibilities of ringside physicians are as specified in §61.72 of this title (relating to Responsibilities-Ringside Physicians).

§61.208. Responsibilities of the Registrant-Female Contestant. Responsibilities of female contestants are as specified in §61.79 of this title (relating to Responsibilities-Female Boxer).

§61.209. Fees.

(a) License fees are as specified in §61.80 of this title (relating to Fees-Annual Application Fees).

(b) The registration fee for an elimination tournament contestant is \$50.

§61.210. Technical Requirements.

(a) Elimination tournaments are two night events consisting of a minimum of 36 scheduled rounds on each night.

(b) All of the contestants shall fight once the first night, except in championship tournaments where contestants may fight twice on the first night of the tournament. The second or final night contestants will continue fighting until a winner is declared, provided the contestant passed the between bout physical.

(c) If a contestant is disqualified during a pre-tournament physical examination, the physician shall notify the department and promoter immediately.

(d) Each bout will consist of three 60 second rounds with a minimum one minute rest period between rounds.

(e) Contestants who do not win the first evening can still compete on the second evening at the option of the promoter and with approval of the department.

(f) Any contestant who is knocked out on the first evening is not eligible to fight again in that tournament.

(g) All contestants, on the first evening, are matched by random selection from the individual contestants within their weight classification. On the second night, during the preliminary bouts, the matches will again be made in the weight classifications. From that point on, in the quarter, semi-finals and finals it will be a case of who wins as they eliminate to the final winner, in each weight class represented.

§61.211. Technical Requirements-Contestant's Weigh-in and Time Requirements.

(a) Each contestant must be of the proper weight class in which he will com-

pete pursuant to §61.110 of this title (relating to Technical Requirements-Boxer's Weigh-in and Time Requirements).

(b) Each contestant shall be in appropriate dressing room 45 minutes before the first bout.

§61.212. Technical Requirements-Contestant Safety.

(a) All contestants shall use 16 ounce gloves and wear approved headgear.

(b) Contestants must wear an approved groin guard, or a kidney-groin guard supplied by the promoter.

(c) On the second night of the tournament, a second physical shall be given to the remaining contestants to assure their fitness to compete.

(d) Each contestant shall be examined by the ringside physician between each bout.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451002

Jack W. Garrison
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-7357

Part IX. Texas Lottery Commission

Chapter 402. Bingo Regulation and Tax Rules

• 16 TAC §402.567

The Texas Lottery Commission proposes new §402.567, concerning the bingo advisory committee. The new section will set out the guidelines for the purpose, structure, and functions of the bingo advisory committee.

Richard Sookiasian, Budget Analyst, has determined that for the first five-year period the section will be in effect there will be fiscal implications on state government as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be an estimated additional cost of \$8,500 (based on four quarterly meetings in Austin, Texas).

Mr. Sookiasian has determined that there will be no fiscal effect on local government for the first five-year period the section is in effect, and there will be no effect on small businesses.

Mr. Sookiasian also has determined that for each of the first five years the section as

proposed is in effect, the public benefit anticipated as a result of enforcing the section as proposed will be to provide advice to the Texas Lottery Commission on the needs and problems of the state's bingo industry. There will be no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Ridgely Bennett, Staff Attorney, Texas Lottery Commission, P.O. Box 16630, Austin, Texas 78711-6630.

The new section is proposed under Texas Civil Statutes, Article 179d, §43, which provide the Texas Lottery Commission with the authority to adopt rules to govern the operations of the bingo advisory committee.

The new section implements Texas Civil Statutes, Article 179d, §43.

§402.567. Bingo Advisory Committee.

(a) Purpose. The purpose of the bingo advisory committee is to advise the Commission on the needs and problems of the state's bingo industry; report to the Commission on the committee's activities; and perform other duties as determined by the Commission.

(b) Composition. The following appointments shall be made representing a balance of interests: General Public-3; Charities that operate bingo games-3; Lessor, Charity-1; Lessor, Commercial-1; Distributor/Manufacturer-1. A total of nine members will be appointed by the Commission. Each member will be appointed for a one-year term and will serve at the pleasure of the Commission.

(c) Officers. Annually, the Commission shall appoint a Chair. Also, the Commission will appoint a vice-chair. The chair will conduct meetings and general business. The vice-chair will conduct meetings and general business in the absence of the chairperson.

(d) Reports. The Committee will report, at a minimum, quarterly to the Commission on the Committee's activities, and, more frequently as deemed appropriate and necessary by the committee chairperson.

(e) Meetings. The committee shall meet quarterly or at the call of the Commission. All committee meetings shall be held at the Texas Lottery Commission headquarters in Austin. The committee shall keep minutes of each meeting. The minutes shall be approved at the next following meeting, shall reflect all formal action taken by the committee, and shall be filed, upon approval, with the Executive Director, who is the custodian of all Commission records.

(f) Attendance. The failure by any committee member to attend two consecutive regular quarterly meetings, for any reason, may be cause for removal by the Commission. No proxy voting shall be al-

lowed. A member may not substitute another person in his/her absence.

(g) Criminal History Review. All committee members must meet the criminal history standards set out in Texas Civil Statutes, Article 176d, §13(c)(2) (Bingo Enabling Act) to be qualified for appointment to the committee. A member who fails to meet such criminal history standards will be disqualified from serving on the committee and will be removed from the committee.

(h) Compensation and Travel Expenses. A member of the committee is entitled to reimbursement for reasonable expenses. Reasonable expenses shall be limited to those expenses set out in the current Appropriations Act and shall be reimbursed in accordance with the current Appropriations Act. Committee members shall submit expenses on a form provided by the Commission and shall be accompanied by appropriate receipts. Expenses, other than expenses incurred as a result of attending the four quarterly meetings, must be submitted to the Commission for prior approval.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451005

Ridgely G. Bennett
Staff Attorney
Texas Lottery Commission

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 323-3791

Chapter 403. General Administration

• 16 TAC §403.101

The Texas Lottery Commission proposes new §403.101, concerning procedural rules regarding the charges for public records, which implements the provisions of House Bill 1009, passed by the 73rd Legislature, which amended the Texas Open Records Act.

This rule is required in order for the agency to comply with House Bill 1009. The rule will inform the public of the charges the agency will make for copies of public records and will set out guidelines applicable to requests for records under the Open Records Act, Texas Government Code, Chapter 552.

Richard Sookiasian, Budget Analyst, has determined that for the first five-year period the rule will be in effect there will be no significant revenue impact on the state or local government.

Mr. Sookiasian also has determined that for each year of the first five years the rule is in

effect the public benefit anticipated as a result of enforcing the rule will be to allow the Texas Lottery Commission to provide open records in a manner consistent with total public access and convenience while reducing government expenses. This rule will have no significant fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed rule.

Comments on the proposal may be submitted to Ridgely Bennett, Staff Attorney, Texas Lottery Commission, P.O. Box 16630, Austin, Texas 78711-6630.

The new section is proposed under House Bill 1009, 73rd Legislature, Regular Session, which requires agencies to adopt rules setting forth the charges they will make for copies of public information.

The new section implements Texas Government Code, §552.261 and §552.262.

§403.101. Open Records.

(a) Charges for Copies of Public Records. The charges to any person requesting reproductions of any readily available record of the Texas Lottery Commission will be the charges established by the General Service Commission.

(b) The agency may furnish public records without charge or at a reduced charge if the agency determines that waiver or reduction of the fees is in the public interest.

(c) Open Records Requests. The following guidelines apply to requests for records under the Open Records Act, Texas Government Code, Chapter 552.

(1) Requests must be in writing and reasonably identify the records requested.

(2) Records access will be by appointment only.

(3) Records access is available only during the regular business hours of the agency.

(4) Generally, unless confidential information is involved, review may be by physical access or by duplication, at the requestor's option. Any person, however, whose request would be unduly disruptive to the ongoing business of the office may be denied physical access and will only be provided the option of receiving copies.

(5) When the safety of any public record is at issue, physical access may be denied, and the records will be provided by duplication as previously described.

(6) Confidential files will not be made available for inspection or for duplication except under certain circumstances, e.g., court order.

(7) All open records request appointments will be referred to the agency's

Open Records Specialist before complying with a request.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451004

Ridgely Bennett
Staff Attorney
Texas Lottery Commission

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 323-3791

◆ ◆ ◆
TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 75. Curriculum
Subchapter F. Graduation Requirements

• **19 TAC §75.152, §75.153**

The Texas Education Agency (TEA) proposes amendments to §75.152 and §75.153, concerning graduation requirements. The proposed amendments abolish the current advanced high school program and the advanced high school program with honors, and eliminate approval of honors courses by agency staff. The proposed new advanced high school program focuses on outstanding student performance as determined by an external source of evaluation. Specific advanced measures are not included in the rules, but would be proposed after the proposed advanced program is adopted.

Provisions in the proposed rules permit the board to review additional advanced measures and to modify the list as needed in the future. This should lead to a statewide advanced program that is more uniform, while still providing districts the flexibility to use those advanced measures that meet the needs of their students. The new program would replace the other advanced programs in 1999-2000 and, upon adoption, would operate concurrently with the other programs until that date.

The proposed amendments also delete the current set of graduation seals and the academic achievement record form.

Linda Cimusz, executive deputy commissioner for curriculum, assessment, and professional development, has determined that for the first five-year period the rules are in effect there will be fiscal implications as a result of enforcing or administering the rules. There will be no effect on state government. The effect on local government (school districts) cannot be accurately determined at this time. Costs to a district will be determined largely by the advanced measures the local district may choose to use.

Ms. Cimusz and Criss Cloutd, executive associate commissioner for policy planning and

information management, have determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules will be that students who choose to pursue the advanced high school program will have a strong curricular foundation. Because of this foundation, the new program will focus on the quality of student work, rather than on the quantity of student work. The components being considered as advanced measures provide a broad mix of options for students and encourage the development of strong community/school district relations through the use of mentorships and panels that require professional expertise.

There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Criss Cloutd, Policy Planning and Information Management, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed rules submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §21.257, which authorizes the State Board of Education to prescribe by rule standards for determining what constitutes an advanced high school program. The section also authorizes the board to adopt a transcript form for the advanced high school program which is designed to clearly distinguish it from a transcript used for the academic achievement record of a student who has not completed an advanced high school program.

The amendments implement Texas Education Code, §21.257.

§75.152. Advanced High School Program.

(a) Subchapters (b)-(g) of this section shall expire at the end of school year 1998-1999.

(b)[(a)] A student [Students] who wishes [wish] to complete an advanced high school program and [to] have the [such] accomplishment recognized and distinguished on the academic achievement record (transcript) must [shall] complete requirements in addition to those prescribed in §75.151 of this title (relating to High School Graduation Requirements). Programs shall be of two types . [.]

(1) The advanced high school program shall consist of [-] 22 credits selected from the provisions of subsection (c)(1)-(11)[(b)(1)-(11)] of this section . [.] and]

(2) The advanced high school honors program shall consist of [-] 22 credits selected from the provisions of subsection (c)(1)-(11) [(b)(1)-(11)] of this section.

[(] Five of these credits [units] must be designated by the board of trustees as honors courses under [and must be in accordance with] subsection (e) [(d)] of this section. [)] (c) [(b)] The required credits [units] shall include the following.

(1) English language arts-four credits [units].

(A) Three credits must consist of English I, II, and III or English as a second language (ESL) I, II, and III.

(B) The fourth credit [unit] of English may be satisfied by English IV, English IV Honors, English IV (Academic), ESL IV, English IV (Academic) Honors, or College Board [college board] advanced placement English literature and composition.

(2)[(4)] Languages [Other languages] -two credits. The credits must be earned for [units from] the same language.

(3)[(2)] Mathematics-three credits [units] . The credits must consist of Algebra I, Algebra II, and Geometry [, Precalculus (Trigonometry and either Elementary Analysis or Analytic Geometry may be taken in lieu of Precalculus), Computer Mathematics I and II, Probability and Statistics, Calculus, Number Theory, Linear Algebra, Linear Programming, History of Mathematics, and Survey of Mathematics].

(4)[(3)] Science-three credits. The credits must be [units] selected from Physical Science or Science III, Biology I or Science IV, Biology II, Chemistry I, Chemistry II, Physics I, Physics II, Geology, Meteorology, Astronomy, Aquatic [Marine] Science, Environmental Science, [Laboratory Management], or Anatomy and Physiology [Physiology and Anatomy].

(5) Social studies-two and one-half credits. The credits must consist of [units as follows]:

(A) World History Studies or World Geography Studies-one credit [unit];

(B) United States History-one credit [unit]; and

(C) United States Government-one-half credit [unit].

(6) Economics with emphasis on the free enterprise system and its benefits-one-half credit [unit].

(7) Physical education [Education]-one and one-half credits [units].

(A) The school district board of trustees may allow a student [students] to substitute certain physical activities for

the one and one-half required credits [units] of physical education [Physical Education]. The [Such] substitutions shall be based on [upon] the physical activity involved in drill team, marching band, and cheerleading during the fall semester; Reserve Officer Training Corps (ROTC); athletics; Dance I-IV; and two- [two] or three-hour block vocational gainful employment credits [units].

(B) A student [Students] may not earn [no] more than two credits [units of credit] in physical education [Physical Education] toward state graduation requirements.

(C) A school district [School districts] may award state credit for physical education not exceeding [to exceed] two credits [units of credit] for appropriate private or commercially sponsored physical activity programs conducted either on or off campus. A district must [Districts shall] apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education [Physical Education].

(8) Health education [Education]-one-half credit [unit].

(9) Computing proficiency [Computer science]-one credit. The credit must be [unit] selected from a variety of computer-related courses listed [as provided for] in Subchapter D of this chapter (relating to Essential Elements-Grades 9-12), including:

(A) Computer Mathematics [I or II];

(B) Business Data Processing and Introduction to Computer Programming;

(B)(C) Business Computer Applications I or II;

(C)(D) Business Computer Programming I or II;

(E) Advanced Typewriting/Word Processing;

(D)(F) Computer Science I or II;

(E)(G) Business Information Processing; and

(F)(H) Microcomputer Applications.

(10) Fine arts or speech-one credit. The credit must [unit to] be selected from the list of courses approved by the State Board of Education (SBOE) in Subchapter D of this chapter (relating to Essential Elements-Grades 9-12) [approved courses].

(11) Electives-three credits [units]. Each elective must [(All electives shall] be selected from the list of [State Board of Education approved] courses approved by SBOE in [Grades 9-12. See] Subchapter D of this chapter (relating to Essential Elements-Grades 9-12). []]

(d)(c) When necessary and justified, the commissioner of education may authorize a substitution in the requirements for the advanced high school program under the following conditions.

(1) A student must [Students shall be required to] complete 22 credits [units] from state-approved courses [as] specified in this section.

(2) A student must [Students shall be required to] complete the number of credits [units] in each subject area [as] specified in this section from courses listed in these subject areas in Subchapter D of this chapter (relating to Essential Elements-Grades 9-12).

(3) Any course substituted for another course must [shall] maintain the same level of academic excellence as the courses specified in this section.

(4) A [Under no circumstances shall any] course described as introductory, remedial, or compensatory may not [be allowed to] substitute for any course specified in this section.

(5) The district must [shall] request in writing approval from the commissioner of education to substitute specific courses, citing justification for such requests.

(e)(d) A school [School] district board [boards] of trustees that wishes [wish] to offer the advanced high school honors program must [shall] adopt policies that [which] provide for [such] special honors courses and programs. The [Such] policies must [shall] provide for modification of the courses of study in subsection (c)(b) of this section by accelerating, providing greater depth, and expanding the courses and their essential elements described in this section and in Subchapter D of this chapter (relating to Essential Elements-Grades 9-12). In addition, the courses must [and shall] be consistent with subsection (f)(e) of this section. A school district must [School districts shall] ensure that students participating in honors courses or programs are instructed in all essential elements and demonstrate an acceptable degree of mastery of those elements.

(f)(e) An honors course [Honors courses] shall be defined as [those courses] having : specific criteria for entry of highly motivated students; a definite scope and sequence that reflects the nature of the subject; a differentiated curriculum that includes a wider range and greater depth of subject matter than those of the regular course; an emphasis on higher level and critical thinking skills; provision for creative, productive thinking; a stress on cognitive concepts and processes; instructional strategies that accommodate the learning styles of the students involved; and independent as well as guided research. A school district [School districts] wishing to offer honors courses or programs under [in accordance with] subsection (e)(d) of this section must [shall] submit descriptions of the [these] courses or programs to the commissioner of education, who shall review and may approve the descriptions. The commissioner of education shall inform SBOE [the State Board of Education] of the [such] actions. A district [Districts] that wishes [wish] to develop new honors courses or programs must [shall] submit descriptions for consideration for approval no later than March 31, 1995 [at least six months prior to proposed implementation]. After that date, the Texas Education Agency (TEA) shall not approve additional honors courses, although school districts are encouraged to develop such courses based on the needs of students in the district. [College board advanced placement courses in English, mathematics, science, social studies, languages, and fine arts may be designated as honors courses. Districts shall not be required to submit these courses for approval. The commissioner of education shall designate the college board advanced placement courses which may be used to meet required and elective course requirements for state graduation in both high school and advanced high school programs.]

(g) All College Board advanced placement and International Baccalaureate courses are designed as honors courses. A district is not required to submit these courses for approval.

(h) Beginning in the 1999-2000 school year, a student who wishes to complete an advanced high school program and have the accomplishment recognized and distinguished on the academic achievement record (transcript) must complete the following requirements.

(1) Academic core components. College Board advanced placement and International Baccalaureate courses may be substituted for requirements in appropriate proficiency areas. The student must demonstrate proficiency in the following.

(A) English-four credits. The credits must consist of:

(i) English I, English II, English III, English IV; or

(ii) a passing score on an appropriate end-of-course assessment.

(B) Mathematics-three credits. The credits must consist of:

(i) Algebra I, Geometry, Algebra II; or

(ii) a passing score on an appropriate end-of-course assessment.

(C) Science-three credits. The credits must consist of:

(i) three credits selected from Physical Science, Biology I and II, Chemistry I and II, Physics I and II, or Science III and IV. A student may not take more than two credits from any combination of Physical Science, Science III and IV, and Biology I; or

(ii) a passing score on an appropriate end-of-course assessment.

(D) Social studies-four credits. The credits must consist of:

(i) U. S. History (one credit), World History Studies (one credit), World Geography (one credit), U. S. Government (one-half credit), and Economics (one-half credit); or

(ii) a passing score on an appropriate end-of-course assessment.

(E) Second language-three credits. The credits must consist of:

(i) three credits in the same language; or

(ii) a passing score on a second-language proficiency assessment.

(F) Health-one-half credit or a passing score on an appropriate end-of-course assessment.

(G) Fine arts-one credit or a passing score on an appropriate end-of-course assessment.

(H) Physical education-one and one-half credits or a passing score on an appropriate end-of-course assessment.

(I) Computing-one credit. The credit must consist of:

(i) one credit in computer science; or

(ii) a passing score on an appropriate computing proficiency assessment.

(2) Additional components. College Board advanced placement and International Baccalaureate courses may be submitted for requirements in appropriate proficiency areas. The student must choose one of the following options for additional components.

(A) Option I: math, science, elective. The student must demonstrate proficiency in the following.

(i) Math-one credit. The credit must consist of:

(I) Precalculus (one credit); or

(II) Trigonometry (one-half credit) and either Elementary Analysis (one-half credit) or Analytic Geometry (one-half credit).

(ii) Science-one credit. The credit must be selected from Biology I or II, Chemistry I or II, Physics I or II, or Science III or IV. A student may not take more than two credits from any combination of Physical Science, Science III and IV, and Biology I.

(iii) Elective-one credit.

(B) Option II: career and technology. The student must demonstrate proficiency equivalent to three credits in a state-approved, coherent sequence of courses for career and technology preparation. To be included in the recommended high school program, a technology preparation program approved by TEA must meet recommended high school program criteria in English: language arts, mathematics, science, social studies, foreign language, health, fine arts, and computing proficiency.

(C) Option III: specialization. The student must demonstrate proficiency equivalent to three credits in a specialization consisting of state-approved, college-preparatory courses from language arts (including speech and journalism), science, social studies, mathematics, foreign language, fine arts, or computer science.

(3) Advanced measures. A student also must receive any combination of four of the advanced measures approved by SBOE. The measures must be reviewed at least once each biennium and meet the following standards.

(A) The measures must focus on demonstrated student performance at the college or professional level.

(B) Student performance on advanced measures must be assessed through an external review process.

§75.153. Academic Achievement Record (Transcript).

(a) Each [All] school district must [districts shall] use the academic achievement record (transcript) form designated by [, adopted by] the State Board of Education (SBOE) [in subsection (d) of this section]. Each district must reproduce [is responsible for reproducing] the form in sufficient quantities. The form shall serve as the academic record for each student and must [shall] be maintained permanently by the district. Each district must [shall] ensure that copies of the record are made available for a student [students] transferring from one district to another. The [This] information may be provided to the student or to the district to which the student is transferring or both. To ensure appropriate placement of a transfer student [students], a district must [districts shall] respond promptly to each request [all requests] for student records from a receiving school district [districts].

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

(c) A student [Students] who completes [complete] high school graduation requirements shall have attached to the academic achievement record a seal approved by SBOE [one of the following seals].

[(1) Students who complete the high school program shall have the following seal attached to their academic achievement record.]

[Figure 1: 19 TAC §75.153(c)(1)]

[(2) Students who complete the advanced high school program shall have the following seal attached to their academic achievement record.]

[Figure 2: 19 TAC §75.153(c)(2)]

[(3) Students who complete the advanced high school honors program shall have the following seal attached to their academic achievement record.]

[Figure 3: 19 TAC §75.153(c)(3)]

[(d) The academic achievement record form shall be as follows.]

[Figure 4: 19 TAC §75.153(d)]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 14, 1994.

TRD-9451011
Crisis Cloudt
Executive Associate
Commissioner for
Policy Planning and
Information
Management
Texas Education Agency

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-9701

Chapter 101. Assessment

• 19 TAC §101.1

The Texas Education Agency (TEA) proposes an amendment to §101.1, concerning general provisions for student assessment. The amendment would prohibit school districts from developing policies on the use of an end-of-course test that would cause a student to fail a course solely as a result of performance on the end-of-course test during either the benchmark year of the test or the subsequent school year.

Linda Cimusz, executive deputy commissioner for curriculum, assessment, and professional development, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Cimusz and Criss Cloudt, executive associate commissioner for policy planning and information management, have determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be that a student will not be penalized for his or her score on an end-of-course test during the benchmark year of the test or the subsequent school year.

There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Information Management, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed rule submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the rule has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §35.022, which authorizes the State Board of Education to create and implement by rule a statewide assessment program that is primarily performance-based to ensure school accountability for student

achievement that achieves the goals provided under the Texas Education Code, §35.022.

The amendment implements Texas Education Code, §35.001.

§101.1. General Provisions.

(a)-(e) (No change.)

(f) End-of-course tests shall be used for institutional accountability. A [; however, a] school district may adopt policies regarding the use of an end-of-course test for purposes such as awarding course credit or [.] using the examination as a final examination or other test [, or placing out of the particular course]. However, during the benchmark year and the subsequent school year, a school district may not adopt policies that would allow a student to fail a course solely on the basis of failure on the state end-of-course examination.

(g) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 14, 1994.

TRD-9451010
Crisis Cloudt
Executive Associate
Commissioner for
Policy Planning and
Information
Management
Texas Education Agency

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-9701

Chapter 137. Professional Educator Preparation and Certification

• 19 TAC §137.231

Subchapter H. Alternative Certification of Teachers

The Texas Education Agency (TEA) proposes an amendment to §137.231, concerning requirements for the alternative certification of teachers. The proposed amendment clarifies the following issues regarding alternative teacher certification: program administration and supervision, applicant screening procedures, intern preassignment training requirements and documentation; mentor selection, training, and assignment to intern, scheduled time for mentors and interns, advisory committee composition, function, and responsibilities, program assessment procedures, and appropriateness of college coursework to meet the needs of intern teachers.

Linda Cimusz, executive deputy commissioner for curriculum, assessment, and pro-

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

Ms. Cimusz and Criss Cloudt, executive associate commissioner for policy planning and information management, have determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be enhanced safeguards to help ensure the quality of professionals teaching in Texas classrooms.

There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Information Management, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed rule submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the rule has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §13.035, which authorizes the State Board of Education to provide by rule for teacher and administrator certification programs as an alternative to teacher education programs.

The amendment implements the Texas Education Code, §13.035.

§137.231. Requirements for the Alternative Certification of Teachers.

(a) General provisions. Approval of alternative certification of teachers by the State Board of Education (SBOE) is based on the following requirements.

(1) Alternative certification of teachers shall [is to] be a collaborative program among public schools, regional education service centers (ESC), [local education agency program or a cooperative program between local education agencies] and institutions of higher education and delivered through Texas public schools.

(2) The collaborative entities shall develop and implement a comprehensive field-based teacher preparation program based on the state-approved proficiencies for teachers, content competencies, current research, and best practice.

(3) The collaborative program shall have internal and external assessment procedures that focus on attainment of the proficiencies, student learning, and continuous improvement of program content and delivery.

(4)[(2)] The program administrator or the district superintendent shall

recommend an individual for teacher certification [An individual may be recommended] to the commissioner of education [by the program administrator and/or the district superintendent for teacher certification] based on satisfactory completion of requirements of the approved program.

(5)[(3)] Certificates that may be earned through an alternative certification program include any certificate or endorsement for a teacher that may be earned through the completion of an approved teacher education program for which a bachelor's degree is required. The following additional certificate areas are unique to alternative certification: Grades prekindergarten-6 elementary education, Grades prekindergarten-6 elementary bilingual [bilingual/English as a second language (ESL)], Grades prekindergarten-12 English as a second language (ESL), and Grades prekindergarten-12 generic special education.

(6) [(4)] An individual admitted into an alternative teacher certification program that has been approved under [in accordance with the requirements of] this section shall be [is] issued a probationary certificate that is valid for one calendar year. The probationary certificate may be extended for one additional year only according to the [in accordance with] provisions of [set forth in] the Texas Education Code, §13.306.

(b) Requirements for an approved plan. A collaborative that prepares teachers, [Local education agencies or cooperatives] as described in subsection (a)(1) of this section, must [that choose to staff positions via the alternative certification process are required to] submit a collaboratively developed plan for SBOE approval [by the SBOE] before implementing the plan [implementation]. The plan must address [cover] the following:

(1) (No change)

(2) The program shall address the educational needs of all children.

[(2) The alternative certification program must be developed collaboratively with all the major stakeholders, including teachers in the areas of certification being developed.]

(3) A committee consisting of the major stakeholders shall [must] assist and provide evidence of shared accountability in the design, delivery, [and] evaluation, and major policy decisions of the program. The committee shall:

(A) include teachers, administrators, ESC staff, faculty and administrators from institutions of higher education;

(B) reflect the cultural diversity of the region served;

(C) require that the teacher representation reflect each certification area offered; and

(D) meet on a regular basis to review program design and implementation and make program refinements based on evaluation data.

(4) The plan must include a description of available resources and an approved program budget that indicates commitment [to the program] through adequate funding for establishing, implementing, evaluating, and maintaining the program. The plan shall indicate the maximum number of interns to be admitted to the program to assess adequacy of resources allocated for program operation. The commissioner of education shall approve any increase beyond the SBOE-approved maximum number of interns to be admitted into the program.

(5) The plan must designate a program administrator [administration] with adequate, qualified staff to assure appropriate planning, screening, [.] training, [as indicated by vitae of personnel delivering this component; and] supervision, and assessment as indicated in a ratio of supervisors to interns. Lines of responsibility and communication with all entities involved must be clearly delineated.

(6) The plan must include a calendar of program activities for the duration of each school year for which the program is approved. The calendar must include a deadline [time line] for accepting candidates into a cycle to assure adequate time for preassignment screening, preassignment and ongoing training [scheduled training for interns, and orientation and training for mentor teachers].

(7) The alternative certification plan must provide evidence of:

(A) state-approved teacher proficiencies integrated throughout the preparation program;

(B) a comprehensive delivery system through which proficiencies are acquired;

(C) a variety of teaching and learning experiences integrated into the delivery system; and

(D) an ongoing, comprehensive performance assessment system for the teacher candidates.

(8) The program must include:

(A) a supervised internship of at least one calendar year under the mentorship of an experienced, certified teacher or teachers in the subject area or areas or at the level for which the intern is to be certified; and

(B) provisions for release from teaching duties on a regularly scheduled basis:

(i) for each intern to observe the teaching of the mentor teacher or other teachers and to confer with the mentor teacher; and

(ii) for each mentor teacher to observe, coach, and formatively assess the teaching of the intern.

[(7) The alternative certification plan must include, but need not be limited to, training for the intern in:

[(A) teaching methods and classroom management;

[(B) instructional methods and strategies that emphasize practical applications of the teaching learning process;

[(C) curriculum organization, planning, and evaluation that focus on the curriculum to be taught, especially the essential elements to be included;

[(D) legal and ethical aspects of teaching, including special responsibilities in recognizing and responding to signs of abuse and neglect in students and to dyslexia and related disorders;

[(E) knowledge and skills concerning the unique needs of all students, including emphasis on special learners, such as the impact of culture, ethnicity, language, and social differences upon the instructional processes; the characteristics, assessment, least restrictive alternatives, and admission, review, and dismissal processes for students requiring individualized or specialized education programs; characteristics and needs of gifted and talented students, especially at-risk gifted and talented learners; and growth and development of learners; and

[(F) use of technology in the management and delivery of instruction

[(8) The program must include an internship of at least one calendar year under the mentorship of a teacher or teachers in the subject area or areas and/or at the level for which the intern is to be certified.

Provisions shall be made for each intern to have scheduled time provided during the internship to observe the teaching of the mentor teacher and/or other teachers and to confer with the mentor teacher.]

(9) **The program must provide for the selection [Selection], training, and support of [for the] mentor teachers [teacher must include the following].**

(A) **Selection criteria must include best practices for identifying mentor teachers.**

[(A) The mentor teacher must have attained level two or higher on the career ladder or have met all minimum requirements for placement on level two of the career ladder.]

(B) **An orientation to the roles and responsibilities of mentoring shall be provided to each mentor upon assignment as a mentor and no later than the intern's first week of teaching. [Mentor training must begin before assignment and continue throughout the internship period.] The mentor training program shall include [includes] best practices for supporting and assisting interns throughout the internship period [beginning teachers, in addition to any other requirement the collaborative committee designing the program deems appropriate]. The training shall include the following areas: adult learners, stages of teacher growth and development, self-reliance and motivation, stress management, interpersonal skills, formative assessment strategies, counseling, peer coaching and direct support, communication with parents, school culture, and cultural diversity.**

(C) **The program plan shall provide a process for regularly scheduled times for each mentor to communicate with program staff to discuss the intern's performance and progress.**

[(C) The mentor teacher must have scheduled time on a periodic, regular basis to observe, coach, and assess the actual teaching of the intern]

(10) **The program plan must provide evidence of equity in recruiting and retaining interns, especially among underrepresented populations, and a system of ongoing counseling, guidance, and support for interns.**

(11) **The program plan must delineate a comprehensive method for screening, admission, training, evaluation of intern performance, and recommendation for certification.**

(12) **The plan must provide evidence of ongoing, internal and external program assessment used to assure quality and continuous improvement.**

[(10) The program must include preassignment training and a minimum of 20 clock hours of student contact experiences in a classroom setting supervised by the program staff before assignment as a teacher of record.

[(11) Preassignment screening, including a criminal record review, must be initiated for interns.

[(12) A procedure must be developed for program monitoring, review, and evaluation

[(13) Ongoing counseling, guidance, and remedial preparation must be provided as needed.]

(13)[(14)] **Follow-up data that attest to program and intern effectiveness must be maintained.**

(c) **Requirements for admission [Admission], assignment, and certification. Each program must assure and document that an applicant meets [applicant must meet] meet the following minimum requirements for admission as an intern to the alternative teacher certification program.**

(1) **The program shall publish and disseminate specific admission and retention policies for program entry and internship, including academic and performance standards, as well as prerequisite field experience.**

(2)[(1)] **Each applicant must hold a bachelor's [degree] or a higher level degree from an institution of higher education that was accredited or otherwise approved by a state department of education, a recognized governmental entity, or a recognized regional accrediting organization at the time the degree was conferred. Each applicant must have maintained a grade point average of no less than 2.50 [2.5] on a four-point system on all semester hours attempted and on semester hours required for the certificate as specified in paragraph (5)(A)-(F) [(3)(A)-(F)] of this subsection.**

(3)[(2)] **Applicants must possess basic skills in mathematics, reading, and writing as evidenced by acceptable scores on the state-mandated basic skills test [or its equivalent].**

(4) **Applicants shall give evidence of state or national criminal record clearance before classroom assignment as interns.**

(5)[(3)] **Applicants must have appropriate semester hours of transcript credit in a subject or combination of subjects to be taught and related to the certificate to be earned.**

(A) **For the Grades 6-12 secondary certificate , applicants must have 24 semester hours in a subject included in Chapter 75 of this title (relating to Curriculum) for the secondary level of assignment. Twelve semester hours must be upper division.**

(B) **For the Grades prekindergarten-6 elementary certificate , applicants must have 24 semester hours in a combination of subjects taught in the elementary school that must include English, mathematics, a natural science, and a subject in the social studies. Applicants shall have at least three semester hours in each of the four areas.**

(C) **For the Grades prekindergarten-6 elementary bilingual [bilingual/English as a second language (ESL)] certificate , applicants must have evidence of oral and written proficiency on a validated test of English and [in] the language of the target population for bilingual education assignments . In addition, applicants must have [and] 24 semester hours in a combination of subjects taught in the elementary school that must include English, mathematics, a natural science, and a subject in the social studies Applicants shall have at least three semester hours in each of the four areas.**

(D) **For the Grades prekindergarten-12 ESL certificate , applicants must have 18 semester hours in English, six of which must be upper division.**

(E) **For the Grades prekindergarten-12 generic special education certificate , applicants must have 24 semester hours in a combination of subjects taught in the elementary school that must include English, mathematics, a natural science, and a subject in the social studies. Applicants shall have at least three semester hours in each of the four areas.**

(F) **Courses that focus on topics closely related to the semester hour requirements listed in subparagraphs (A)-(E) of this paragraph may be accepted for admission to the alternative certification program; however, such substitutions shall not exceed six hours for the Grades 6-12 certificate or three semester hours for all other certificates.**

[(4) The following requirements for the certificate must be earned before assignment as a teacher of record. These requirements may be delivered through the following semester hours of course work or through a combination of semester hours and equivalent contact hours.

[(A) For Grades 6-12 certificate applicants must have six semester hours including, but not limited to, reading in the content areas and classroom discipline and management.

[(B) For Grades prekindergarten-6 certificate applicants must have six semester hours including, but not limited to, reading, early childhood-elementary curriculum, and methods.

[(C) For Grades prekindergarten-6 bilingual/ESL certificate applicants must have six semester hours including, but not limited to, foundations of bilingual education, culture (concepts, patterns, contributions) of the target population, language acquisition and development in childhood, bilingual teaching methods (dual language instruction of language arts and reading, mathematics, science, and social studies), and methods of teaching ESL.

[(D) For Grades prekindergarten-12 ESL certificate applicants must have six semester hours including, but not limited to, awareness of cultural diversity and its effect on the teaching-learning process, language acquisition and development, methods of teaching ESL and applied linguistics.

[(E) For Grades prekindergarten-12 generic special education certificate applicants must have six semester hours including the concepts of the child-centered process, infant/child development, task analysis, parental involvement, language development, survey of special education, classroom management and organization, behavior management, and development reading.

[(5) Additional requirements must be completed before certification. These requirements may be delivered through the following semester hours of course work or through a combination of semester hours and equivalent contact hours

[(A) For Grades 6-12 certificate applicants must complete six additional hours including, but not limited to, the teaching-learning process and secondary teaching methods.

[(B) For Grades prekindergarten-6 certificate applicants must complete six additional semester hours including, but not limited to, reading and early childhood-elementary curriculum and methods.

[(C) For Grades prekindergarten-6 bilingual/ESL certificate

applicants must complete six additional semester hours inclusive of topics listed in paragraph (4)(C) of this subsection.

[(D) For Grades prekindergarten-12 English as a second language certificate applicants must complete six additional semester hours inclusive of topics in paragraph (4)(D) of this subsection.

[(E) For Grades prekindergarten-12 generic special education certificate applicants must complete six additional semester hours emphasizing child/adolescent psychology, the teaching-learning process, measurement and evaluation, least restrictive alternative, vocational assessment, adaptive devices and adaptive physical education, transition, grading, curriculum adaptations to meet the unique needs of special learners, and reading across the curriculum.]

(6) The content, scope, and sequence of the teacher preparation curriculum shall be determined by the collaborative committee based on the state-approved teacher proficiencies, identified professional development and content area competencies, current research, best practice, and integrated field experiences for the certificate sought.

(A) The curriculum may be delivered through an identified number of semester hours and/or equivalent contact hours for preassignment and ongoing training.

(B) A plan for assessing the proficiencies shall be included.

(7)(F) An intern [Applicants] must have [possess] acceptable scores on appropriate state-adopted examinations [examination(s)] of professional education and content knowledge in the teaching fields [field(s)] or delivery systems related to the certificate sought and the level of assignment.

(8)(G) An intern [Applicants] must meet full appraisal requirements of the state and the local district under [in accordance with] §149.41 of this title (relating to General Provisions).

(9) An intern must meet the performance levels as determined by the collaborative.

(d) Procedures for approval, review, and reapproval

(1) An entity that chooses [School districts choosing] to prepare teachers using [staff positions by means of] the alternative certification process must direct the program administrator to submit to

the commissioner of education, before implementing a program, a collaboratively developed plan that specifies the means by which the entity shall fulfill the requirements for an approved plan under [its means of fulfilling requirements for school district plans in accordance with] subsections (b) and (c) of this section.

(2) The commissioner of education may approve plans for alternative teacher certification. Initial approval of alternative teacher certification plans shall [will] not extend more than one year. Subsequent approval shall be contingent on satisfactory performance under the state-approved accountability system. The SBOE shall consider such performance when granting reapproval requests. [In subsequent years, after evaluation of the program by the SBOE, plans may be approved for a period not to exceed three years and shall be reviewed annually.]

(3) The administrator of an approved alternative teacher certification program must submit to the commissioner of education an annual report that includes the names of candidates in the program and other information that may be required, including results of internal monitoring, review, and assessment [evaluation] of the program.

(4) Alternative [Programs for alternative] teacher certification programs are subject to review by the Texas Education Agency (TEA).

[(5) Requests for reapproval of alternative teacher certification programs must include the percentage of interns receiving acceptable scores by test on the state-mandated tests for content specialization(s) and at least meets expectations on performance appraisals. The SBOE considers these program results when granting reapproval requests.]

(e) Alternative certification program options.

(1) During the internship, the intern may pursue an additional [alternative] certificate [at the same level of assignment] or [to] additional subject areas at the same level of assignment [to the certificate] by taking the appropriate state-mandated test for certification, provided that screening and all other requirements for the additional certificate or subject areas under this section are met [when the requirements stated in paragraph (3)(A)-(D) of this subsection are met for the certificate or subject area to be added]

(2) If an intern fails to complete all training and certification requirements within the internship year, the program administrator may apply to retain the intern in the alternative certification program only until the deficiencies

are met, but not to exceed one additional year. The program administrator shall provide rationale for extension and the conditions under which requirements must be met.

(2) If an intern fails to complete all program requirements within the internship year or wishes to add other areas of certification, the superintendent or a designee may apply to retain the intern in the alternative certification program for an additional year.]

(3) If the sponsor of an alternative certification program does [chooses] not [to] seek reapproval of the program or [the] SBOE does not grant a reapproval request, interns currently enrolled in the program are provided an opportunity to complete requirements within a reasonable time.

(4) If local conditions prevent the assignment of an intern as a teacher of record as provided in the approved program, the commissioner of education may recognize an alternative teaching assignment at the level and in the area appropriate for the certificate sought that fulfills internship requirements, so long as all requirements for supervision and appraisals are met.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 14, 1994.

TRD-9451009

Crisie Cloudt
Executive Associate
Commissioner, Policy
Planning and
Information
Management
Texas Education Agency

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-9701

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 29. Purchased Health Services

Subchapter CC. LoneSTAR [Lone Star] Select Contracting Program

• 25 TAC §29.2801

On behalf of the State Medicaid Director, the Texas Department of Health (department) proposes an amendment to §29.2801, concerning the LoneSTAR Select Contracting Program process for hospital inpatient services

The amendment is proposed to implement Senate Bill 79, 73rd Texas Legislature, 1993, which mandates medical assistance selective contracting for non-emergency inpatient hospital services. Generally, the amendment will enable the department to contract selectively with mental health facilities for inpatient services for Medicaid recipients, thereby improving the department's ability to act as a prudent purchaser of services and manage the program in a more effective and efficient manner.

Specifically, the amendment will modify the section as follows: replace the term "hospital" with the term "health care provider"; modify the definitions of "Hospital capacity to provide specialized service offerings" and "Potential Network" to include the LoneSTAR Select Contracting Program I and the LoneSTAR Select Contracting Program II; broaden the definition of "Health care provider"; add definitions of LoneSTAR Select Contracting Program I and LoneSTAR Select Contracting Program II; add a definition of inpatient mental health facility; distinguish acute care hospitals from mental health facilities; and add a provision concerning reimbursement under LoneSTAR Select Contracting Program II awards.

Gary Bego, budget director, Health Care Financing, has determined that for each year of the first five years the amendment as proposed is in effect there will be no additional fiscal implications as a result of enforcing and administering the section. Section 29.2801 was originally proposed in March 1994 with the following projected fiscal impact statement: The effect on state government will be an estimated reduction in general revenue costs of between \$2-\$5 million for fiscal year 1994 and between \$30-\$35 million each year for fiscal years 1995, 1996, 1997, and 1998. The estimated reductions related to inpatient mental health facilities included in this original fiscal impact statement were between \$2-\$4 million each year for fiscal years 1995, 1996, 1997, and 1998. As the department will be negotiating with individual inpatient mental health facilities, the impact, if any to local governments is undeterminable at this time.

Steve Svadlenak, Bureau Chief of Purchased Health Services, and Mr Bego also have determined that for each year of the first five years the proposed section is in effect, the public benefit anticipated as a result of enforcing the proposed section will be the increased ability of the department to assure adequate access to appropriate, high quality, cost-effective services for all medical assistance beneficiaries and the containment of overall expenditures for inpatient mental health facility services reimbursed by the Medical Assistance Program. There is no anticipated impact on small businesses, no expected economic cost to persons who are required to comply with the proposed amendment, and no anticipated impact on local government.

Written comments on the proposed amendment may be submitted to Larry Fisher, Program Specialist, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3168, (512) 794-6894. Mr Fisher will accept comments for 30 days after publica-

tion of the proposed amendment in the *Texas Register*.

The amendment is proposed under the Human Resources Code, §32.027, which provides authority for the adoption of rules on selective contracting; the Human Resources Code, §32.021, and Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to adopt rules to administer the state's Medical Assistance Program and is submitted by the Texas Department of Health under its agreement with the Health and Human Services Commission to operate purchased health services programs and as authorized under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

The proposed amendment will affect the Human Resources Code, Chapter 32; and Texas Civil Statutes, Article 4413 (502)

§29.2801. LoneSTAR [Lone Star] Select Contracting Process for Inpatient Hospital Services.

(a) (No change.)

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

(1) Market area—A geographic subdivision of the State of Texas defined as a group of geographically contiguous counties in which the Texas Department of Health (department) determines that health care providers [hospitals] will be invited to apply for selective contracting agreements. In general, each Metropolitan Statistical Area (MSA) in the state will be considered for designation as a market area. Where warranted by historical patient migration patterns, the department may designate certain non-MSA counties that are geographically contiguous to an MSA to be included with MSA counties within a market area.

(2) Effective service area—For each health care provider [hospital] in a market area, the geographic area, as defined on a zip code basis, in which the health care provider [hospital] has historically provided inpatient hospital services to Medicaid patients. For purposes of subsection (f) of this section, the effective service area will be determined based on historical Medicaid inpatient claims data.

(3) (No change.)

(4) Hospital capacity to provide specialized service offerings—

(A) For the LoneSTAR Select Contracting Program I, the presence or absence of specific acute care hospital services, including but not limited to, trauma centers, burn units, neonatal intensive care unit services, and psychiatric services, that are required to be available in the market to ensure adequate access to quality care

(B) For the LoneSTAR Select Contracting Program II, the presence or absence of specific inpatient psychiatric services, including but not limited to, separate units for young children and adolescents, separate psychiatric and substance abuse treatment services, closed and open units, and distinct programs (e.g., dual diagnosis, eating disorder) that may be required to be available in the market to ensure adequate access to quality.

(5) Potential network—Any combination of applicant health care providers [hospitals] (whether the result of a joint proposal or determined by the department) that offer a:

(A) combined effective service area that provides geographic coverage of the market area to the same extent that coverage is provided under current practice;

(i)(B) combined service capacity equal to at least 115% of the most recently available historic service volume experience for the market area for the LoneSTAR Select Contracting Program I; or [; and]

(ii) combined service capacity equal to at least 125% of the most recently available historic service volume experience for the market area for the LoneSTAR Select Contracting Program II; and

(B) [(C)] combination of specialized services available within the market area that is at least as broad as the range of specialized services presently available to Medicaid recipients in that market area.

(6) Selective contracting—A method of contracting, granted through waivers of certain provisions of the Social Security Act, that allows the department to contract selectively with health care providers [hospitals] for non-emergency inpatient services, thereby improving its ability to act as a prudent purchaser of services and to manage the Medical Assistance Program in a more effective and efficient manner, as required by Senate Bill 79

(7) Selective provider agreement—An agreement which includes an amendment to a health care provider's [hospital's] existing provider agreement with the department and involves selective contracting.

(8) Disproportionate share hospital—A health care provider [hospital] participating in the Medicaid program that, according to state Medicaid criteria, meets the conditions of participation and serves a

disproportionate share of indigent patients. Additional requirements for disproportionate share hospitals are specified in §29.609 of this title (relating to Additional Reimbursement to Disproportionate Share Hospitals) and §29.610 of this title (relating to Disproportionate Share Hospital Reimbursement Methodology for State-Owned Teaching Hospitals).

(9) Health care provider—

(A) any [Any] acute care hospital that is eligible to provide inpatient hospital services to Medicaid recipients; or [.]

(B) any inpatient mental health facility, as defined within this section.

(10) Optional volume management activities—Those activities that acute care hospitals may propose to furnish to Medicaid recipients in a market area to expand access to primary care services and ensure more appropriate use of acute care hospital facilities. Such activities may include, but not be limited to, furnishing ambulatory primary care clinic services to Medicaid recipients, and furnishing nurse hotlines which Medicaid recipients may call to receive professional advice about the most appropriate means to obtain medical care

(11) Hardship exemption procedure—A method for non-contracted health care providers [hospitals] to obtain prior authorization from the department to provide non-emergency inpatient services to Medicaid recipients who would experience an unreasonable travel burden under the LoneSTAR Select Contracting Program.

(12) Emergency inpatient services—An admission into a health care provider [hospital] with a diagnosis meeting the definition of a medical emergency.

(13) Non-emergency inpatient services—An admission into a health care provider [hospital] with a diagnosis not meeting the definition of a medical emergency

(14) (No change)

(15) LoneSTAR Select Contracting Program II—The selective contracting program designed and implemented for inpatient mental health facilities as defined in the Health and Safety Code, §571.003.

(16) Inpatient mental health facility—A mental health facility that provides 24-hour residential and psychiatric services that is:

(A) a facility operated by the Texas Department of Mental Health and Mental Retardation;

(B) a private mental hospital licensed by the department;

(C) a community center;

(D) a facility operated by a community center or other entity the Texas Department of Mental Health and Mental Retardation designates to provide mental health services;

(E) an identifiable part of a general hospital in which diagnosis, treatment, and care for persons with mental illness is provided and that is licensed by the department; or

(F) a hospital operated by a federal agency.

(c) General design. The department shall select that subset of market areas that appears to indicate the most effective competition for selective provider agreements to serve Medicaid patients. The market areas shall be divided into two groups of solicitations that will avoid an overlap of contract evaluation and negotiation of solicitations.

(1) The department shall implement selective contracting by executing amendments to each health care provider's [hospital's] existing provider agreement with the department. Health care providers [Hospitals] that were not parties to provider agreements before implementation of the department's selective contracting are eligible to apply; however, they must enter into a provider agreement that ensures they are subject to all terms and conditions of the Medical Assistance Program. The amendments to the provider agreements, and the process by which the department solicited, evaluated, negotiated, and executed the amended agreements with health care providers [hospitals] under selective contracting are not subject to the laws and regulations governing acquisition of goods and services by state agencies.

(2) Health care providers [Hospitals] shall be required to apply for selective provider agreements on an individual basis. Proposals by combinations of health care providers [hospitals] under common ownership in a market area shall be considered as individual proposals if the health care providers [hospitals] elect to apply on that basis. Proposals by combinations of health care providers [hospitals] in a market area that are not under common ownership will also be considered, provided that each health care provider [hospital] that is a party to a joint application in a market area also submits an independent application for a selective contracting agreement in that market area; and each such

health care provider [hospital] provides written assurances that the terms of its individual proposal were arrived at independently without consultation with any other health care provider [hospital] or combination of health care providers [hospitals], and have not been communicated to any competitor or group of competitors. The department does not intend any action by the State of Texas in the contracting process to require or sanction any form of communication or joint action by competitors in the market for inpatient hospital services (with respect to either individual or joint applications) that fails to comply with the provisions of this section.

(3) The department shall send solicitation packages, inviting proposals for selective provider agreements, to each health care provider serving residents of the counties selected for participation. Health care providers [Hospitals] will be required at all times to be eligible to participate in the Medicare and Medicaid programs. Health care providers [Hospitals] that are not sent solicitation packages for Medicaid recipients of a particular market will be able to request a package after demonstrating their intent to offer services to Medicaid recipients in those markets.

(d) Proposals for selective provider agreements. Health care providers [Hospitals] seeking selective provider agreements shall be required to submit the following information in their proposals:

(1) a schedule of proposed payment rates to be applied to all covered health care provider [hospital] inpatient services during the term of the agreement;

(2) a proposed level of volume of services to Medicaid recipients that the health care provider [hospital] would agree to serve during the contract period (this proposed level shall serve only as an estimate of services to assist the department in evaluating the availability of services within the relevant market area; it shall not serve as a limit on the amount of reimbursable services to be supplied by a contracting hospital);

(3) data to assist the department in evaluating the effective service area and specialized service offerings of the health care provider [hospital];

(4) assurances and certifications required to ensure health care provider [hospital] compliance with the requirements of Federal and Texas law and regulations, and the requirements of the department's selective contracting process;

(5) a narrative description of the proposed plans (if any) of the acute care hospital to furnish optional volume management programs for Medicaid recipients; and

(6) evidence that the application of the health care provider [hospital] con-

stitutes a binding quotation authorized by the corporate governance of the health care provider [hospital].

(e) Evaluation of proposals for selective provider agreements. The department shall evaluate health care provider [hospital] proposals according to the following criteria.

(1) Health care provider [Hospital] proposals shall be due to the department within one month of the release of proposal packages. All health care provider [hospital] materials submitted to the department during the proposal process, and materials developed by the department or its contractors during the course of evaluation and negotiation, shall be confidential until all agreements are executed for all market areas in the state.

(2) The department shall evaluate health care provider [hospital] proposals on a market-by-market basis and determine a negotiation strategy to pursue in each market area following its evaluation of all market areas. Based on the application of pre-specified evaluation criteria for each market area, the department shall prepare a recommended strategy for contracting in each market area. Each market area strategy shall be subject to approval by the Executive Oversight Committee established by the department.

(3) The department shall retain the option to make awards without negotiation. In some circumstances, the department may accept the proposals offered by every health care provider [hospital] in the market area. In most cases, however, the department expects to enter into negotiations with those health care providers [hospitals] whose proposals, taken together, appear to represent the best combination of providers consistent with the overall objectives of the Medical Assistance Program. After negotiation, the department reserves the right not to award an agreement in a specific market area. In most cases, however, the department shall proceed to finalize and execute agreements with some subset of the health care [hospital] providers in each market area. In that event, coverage restrictions associated with the use of non-contracted health care providers [hospitals] by Medicaid recipients shall apply.

(f) Evaluation criteria and methodology. The department's evaluation of proposals for selective provider agreements for each market area shall be conducted in two phases. Phase One shall include determining minimally acceptable network combinations and Phase Two shall include cost evaluation. A description of each phase follows

(1) In Phase One, the department shall enter the information included in health care provider [hospital] proposals in each market area into a personal computer based (PC-based) micro-simulation

model designed to aid in the evaluation of the department's contracting options for each market. Data from health care provider [hospital] proposals shall be combined with data from the department's eligibility systems and claims processing records to construct the data base required for this phase of the evaluation. Each health care provider's [hospital's] record in the data base shall contain information necessary to determine each health care provider's [hospital's]:

(A) (No change.)

(B) capacity to provide specialized [hospital] services required by Medicaid recipients in the market area.

(2) The PC-based micro-simulation model shall be used to test all possible combinations of health care providers [hospitals] applying for selective provider agreements to determine potential networks that shall meet the department's requirements for access to services for Medicaid patients. Where health care providers [hospitals] have submitted a joint proposal for selective provider agreements, the department shall evaluate the proposed provider network and the proposed network in all possible combinations with remaining health care providers [hospitals] that submitted proposals.

(3) In Phase Two, each potential network shall be eligible for further consideration. If the Phase One evaluation fails to identify a potential network of applicant health care providers [hospitals] that meet the department's specified criteria, the department reserves the right to enter into direct negotiations with any health care provider [hospital] serving the market area. The purpose of these negotiations shall be to develop a minimally acceptable potential network, and allow the department to initiate negotiations with a health care provider [hospital] that failed to submit a proposal during the proposal period.

(4) In Phase Two, each potential network identified in a market area in Phase One shall be evaluated to determine the estimated reduction in program costs that would result from entering into selective provider agreements with all of the health care providers [hospitals] in that potential network, while excluding all other health care providers [hospitals] from serving non-emergency cases. The department shall use the PC-based micro-simulation model to produce an estimate of the total change in Medicaid program costs that would result by entering into agreements with those health care providers [hospitals] during the base contract period. The estimate by the department shall consider:

(A) (No change.)

(B) changes in the distribution of service volumes (and case mix) across health care providers [hospitals] that would result from the reallocation of service volume from non-selected to selected providers; and

(C) savings in Medicaid program costs likely to result from the changes in service volumes induced by optional volume management activities proposed by acute care hospitals, including both savings in aggregate acute care hospital service use and offsetting increases in non-hospital service costs.

(5) (No change.)

(6) Following the evaluation, the department shall prepare a recommendation to the Executive Oversight Committee that includes the outcome of both phases of the evaluation for each market area, as well as a proposed strategy for the department to meet the best interests of the Medical Assistance Program. Department options shall include:

(A) making an award without negotiations—including an award at the proposed price schedules to all health care providers [hospitals] in the market;

(B) entering into negotiations with health care providers [hospitals] in a single potential network to improve proposed pricing, if possible, and to finalize an agreement about key program features; or

(C) entering into negotiations with one or more health care providers [hospitals] to influence the department's choice among multiple potential networks by lowering the pricing terms offered by individual health care providers [hospitals]. These negotiations may result in identifying a single potential network that would differ in its health care provider [hospital] composition from potential networks initially identified in Phase One.

(g) Execution of selective provider agreements. The department shall execute selective provider agreements at the conclusion of negotiations by:

(1) requesting applicants to submit a binding revised application including the terms and conditions agreed to during negotiations with the department. The best and final offer of each health care provider [hospital] shall be forwarded to the department for approval. The provider agreements shall be executed following the approval of the department, and

(2) structuring the agreements as one year amendments to the provider agreement of each health care provider [hospital], with an option to the department of extending the amendments for up to two

option years. The effective date of the reimbursement rates under the amendments may, by mutual agreement, be made retroactive to a date before the date of execution. At the conclusion of the first year, the department may adjust its exercise of options on a market-by-market basis so as to place the system on a three-year rolling system of renegotiations. If the performance of any health care provider [hospital] under the contract is considered unsatisfactory, however, the department may elect not to exercise any subsequent options, even if it exercised options with all other selected health care providers [hospitals] in the market.

(h) Reimbursement for acute care hospitals. Acute care hospitals in MSA's where the LoneSTAR Select Contracting Program I awards amended provided agreements will have their inpatient services reimbursed as follows:

(1)-(2) (No change.)

(i) Reimbursement for inpatient mental health facilities. Inpatient mental health facilities in MSA's where the LoneSTAR Select Contracting Program II awards amended provider agreements will have their inpatient psychiatric services reimbursed as follows:

(1) Inpatient mental health facilities awarded selective provider agreements will be reimbursed for all covered emergency services according to the proposed rates they submit with their proposals or according to the final negotiated rates that all parties agree will serve as the reimbursement mechanism for all covered emergency services rendered by the health care provider.

(2) Inpatient mental health facilities not awarded selective provider agreements will be reimbursed for covered emergency inpatient services as currently stated in the State Plan until the patient is stabilized. After a patient is stabilized in a non-contracted health care provider, inpatient services are no longer covered unless the non-contracted health care provider receives an exception for some additional days of stay.

(3) As in current policy, each case will continue to be subject to all relevant utilization review criteria.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450987

Susan K. Steeg
General Counsel
Texas Department of
Health

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 458-7238

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 25. Insurance Premium Finance

The Texas Department of Insurance proposes the repeal of §§25.1-25.12, 25.101-25.205, 25.301-25.307, 25.401-25.404, 25.501-25.509, 25.601-25.606, 25.701-25.718, 25.801-25.806, concerning the licensing, regulation, and examination of insurance premium finance companies. This chapter must be repealed so that the commissioner can simultaneously adopt a new chapter. The proposed new chapter replaces the repealed sections with other provisions regarding the regulation of insurance premium finance companies. This repeal and adoption of a new chapter will provide more effective regulation of insurance premium finance companies and give consumers improved notice of the availability and services of insurance premium finance companies. The proposed new chapter, which would replace the chapter proposed for repeal, appears elsewhere in the *Texas Register*. The Department will consider the adoption of repeal §§25.1-25.12, 25.101-25.205, 25.301-25.307, 25.401-25.404, 25.501-25.509, 25.601-25.606, 25.701-25.718, 25.801-25.806, in a public hearing under Docket Number 2131 scheduled for 9:00 a.m. on January 3, 1994 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas.

Beverly McVey, director of the licensing group, has determined that for each year of the first five years the proposed repeals will be in effect, there will be no fiscal implications for state or local government, or small business as a result of enforcing or administering the repeals. There will be no effect on the local economy or local employment.

Ms. McVey also has determined that for each year of the first five years the repeals are in effect, the anticipated public benefit of enforcing the repeals is that more effective regulation of insurance premium finance companies will result in improved service to consumers. On the basis of cost per hour of labor, there is no anticipated difference in cost of compliance between small and large businesses. There is no anticipated economic cost to persons required to comply with the repeals as proposed.

Comments on the proposal must be submitted within 30 days after publication of the proposed repeals in the *Texas Register* to the Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC 113-1C, Austin, Texas 78714-9104. An additional copy of the comment must be submitted to Beverly McVey, Director, Licensing Group, Texas Department of Insurance, MC 107-5A, P.O. Box 149104, Austin, Texas 78714-9104. Any requests for public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

Subchapter A. General Provisions

• 28 TAC §§25.1-25.12

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.1. *Communications to the State Board of Insurance.*

§25.2. *Definitions.*

§25.3. *Responsibility for Acts of Employees.*

§25.4. *Employees: Knowledge of Laws and Regulations Required.*

§25.5. *Surplus Lines Insurance Agents and Agencies.*

§25.6. *Miscellaneous Charges.*

§25.7. *Installment Agreement Exception.*

§25.8. *Escheat Account.*

§25.9. *Unacceptable Loans.*

§25.10. *Motor Clubs.*

§25.11. *Savings Clause.*

§25.12. *Severability.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451012

D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

Subchapter B. Licensing

• 28 TAC §§25.101-25.111

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.101. *Statutory Requirements.*

§25.102. *Banks and Savings and Loan Associations.*

§25.103. *License Application.*

§25.104. *Financial Responsibility.*

§25.105. *Display of License.*

§25.106. *Place of Business.*

§25.107. *Relocation of Licensed Offices or Accounts.*

§25.108. *Change in Ownership.*

§25.109. *Investigation.*

§25.110. *Insurance Premium Finance Agreement Form.*

§25.111. *Rate and Refund Charts.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451013

D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

Subchapter C. Insurance Premium Finance: Agreement

• 28 TAC §§25.201-25.205

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeal is proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.201. *Acceptance or Rejection.*

§25.202. *Prompt Processing Required.*

§25.203. *Duplication of Loans.*

§25.204. *Quotation of Net Payoffs.*

§25.205. *Policies Issued Through the Texas Workers' Compensation Assigned Risk Pool and the Texas Medical Liability Insurance Underwriting Association.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451014

D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

◆ ◆ ◆
**Subchapter D. Increases or
Decreases in the Amount of
Insurance Premium Financed**

◆ ◆ ◆
• 28 TAC §§25.301-25.307

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.301. *Notice of Additional or Return Premium Charge.*

§25.302. *Notification of Account Adjustment to Insured.*

§25.303. *Increase in Financed Premiums.*

§25.304. *Finance Charge on Additional Premium.*

§25.305. *Premium Decrease Due to Improper Rating.*

§25.306. *Changes in Finance Rate*

§25.307. *Effective Date of Adjusted Premium Finance Changes.*

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451015

D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

◆ ◆ ◆
Subchapter E. Finance Charges

◆ ◆ ◆
• 28 TAC §§25.401-25.404

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.401. *Computation of Finance Charge upon Cancellation.*

§25.402. *Finance Charge Earnings Upon Acceleration*

§25.403. *Notification to Insured of Offset.*

§25.404. *Alternative Methods of Adjusting Accounts*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994

TRD-9451016

D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

◆ ◆ ◆
Subchapter F. Power of Attorney

◆ ◆ ◆
• 28 TAC §§25.501-25.509

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.501. *Cancellation of Policy Through Power of Attorney.*

§25.502. *Notice of Intent to Cancel Insurance Because of Default.*

§25.503. *Notice of Cancellation Because of Default.*

§25.504. *Premium Refunds by Insurance Companies.*

§25.505. *Collection Practices*

§25.506. *Record of Contracts*

§25.507. *Compliance with Statutory, Regulatory, or Contractual Requirements*

§25.508. *Filing Power of Attorney on Assignment with Insurer*

§25.509. *Notification to Insurers*

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on November 16, 1994.

TRD-9451017 D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

◆ ◆ ◆
Subchapter G. Books and Records

• 28 TAC §§25.601-25.606

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.601. Individual Account Records.

§25.602. Filing of Account Records.

§25.603. Copy of Premium Finance Agreement, Memorandum of Agreement, Amendments.

§25.604. Records Maintained by Data Processing Systems.

§25.605. Retention of Records.

§25.606. File for Official Correspondence and Reports.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451018 D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

◆ ◆ ◆
Subchapter H. Annual Reports, Examinations, and Assessments

• 28 TAC §§25.701-25.718

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.701. Annual Reports.

§25.702. Examinations.

§25.703. Examination Charges.

§25.704. Review of Records.

§25.711. General Administrative Expense Assessment, 1987.

§25.712. General Administrative Expense Assessment, 1988.

§25.713. General Administrative Expense Assessment, 1989.

§25.714. General Administrative Expense Assessment, 1990.

§25.715. General Administrative Expense Assessment, 1991.

§25.716. General Administrative Expense Assessment, Fiscal Year 1992.

§25.717. General Administrative Expense Assessment, Fiscal Year 1993.

§25.718. General Administrative Expense Assessment, for Calendar Year 1993.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451019 D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

◆ ◆ ◆
Subchapter I. Deceptive Advertising

• 28 TAC §§25.801-25.806

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Insurance or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.801. Advertisements in General.

§25.802. Place of Loan.

§25.803. Advertisement File.

§25.804. Full Disclosure Requirements.

§25.805. Misleading Advertising.

§25.806. Multiple Page Advertisements.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451020 D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

◆ ◆ ◆
The Texas Department of Insurance proposes new §§25.1-25.13, 25. 21-25.33, 25.41-25.65, 25.71-25.76, and 25.81-25.90, concerning the licensing, regulation, and examination of insurance premium finance companies. The proposed new chapter replaces the old chapter which has been proposed for repeal elsewhere in the *Texas Register*. The adoption of a new chapter will provide more effective regulation of insurance premium finance companies and give consumers improved notice of the availability and services of insurance premium finance companies.

Subchapter A—This subchapter sets out general provisions for the regulation of insurance premium finance companies. It includes a provision which states that an insurance premium finance company may not finance a policy submitted through the Texas Automobile Insurance Plan Association (TAIPA) unless the insurance agent discloses to the insured or prospective insured that a payment plan is available through TAIPA. This subchapter also contains a provision which prohibits an insurance premium finance company, or an agent which owns or is affiliated with an insurance premium finance company, from paying inducements to agents for submitting premium finance business to it.

Subchapter B—This subchapter addresses licensing and regulation of insurance premium finance companies. It establishes the types of activities which require a premium finance license, the procedures required to apply for a license, and the license renewal process. The subchapter contains a summary of the various fees collected by the Texas Department of Insurance for the licensing and regulation of insurance premium finance companies. The subchapter also contains the procedures for notifying the Texas Department of Insurance of relocation of a licensed office, change of mailing address, ownership change and name change.

Subchapter C—Subchapter C contains provisions regarding the operations of insurance premium finance companies. It sets out procedures for notification to insureds of unacceptable loans, acceptance or rejection of loans, account adjustments, increase or decrease in financed premiums, and information

on finance rates and charges. The subchapter also sets out the procedures and notification requirements for cancellation of a policy by the insurance premium finance company.

Subchapter D—This subchapter sets out the procedures insurance premium finance companies must comply with when advertising their services.

Subchapter E—Subchapter E contains provisions for the examination of insurance premium finance companies and filing of annual reports. It also establishes the payment schedule for the general administrative expense assessment paid by insurance premium finance companies.

Proposal of this new chapter includes the adoption by reference of new forms and instructions to the forms for use by all insurance premium finance companies subject to this chapter and the Insurance Code, Chapter 24. The Texas Department of Insurance has filed a copy of the forms with the *Texas Register*. Persons desiring copies of the forms and instructions may obtain them from the Premium Finance Licensing Unit, Mail Code 107-5A, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas, 78714-9104.

The Department will consider the adoption of repeal §§25.1-25.13, 25. 21-25.33, 25.41-25.65, 25.71-25.76, 25.81-25.90, in a public hearing under Docket Number 2132 scheduled for 9:00 a.m. on January 3, 1994 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas.

Birny Birnbaum, Chief Economist, Associate Commissioner, Policy and Research, has determined that for each year of the first five years the proposed chapter will be in effect, there will be no fiscal implications for state or local government, or small business as a result of enforcing or administering the chapter. There will be no effect on the local economy or local employment.

Mr. Birnbaum also has determined that for each year of the first five years the proposed chapter is in effect, the anticipated public benefit of enforcing the chapter is more effective regulation of insurance premium finance companies, which will result in improved service to consumers. Additionally, consumers will have access to more information regarding the financing of insurance premiums. On the basis of cost per hour of labor, there is no anticipated difference in cost of compliance between small and large businesses.

There is no anticipated new cost to insurance premium finance companies who comply with the proposed section setting out the summary of fees since the fees, which range from \$20 to \$400, are those currently paid by the companies.

Comments on the proposal must be submitted within 30 days after publication of the proposed chapter in the *Texas Register* to the Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC 113-1C, Austin, Texas 78714-9104. An additional copy of the comment must be submitted to Edna Ramon Butts, Senior Associate Commissioner, Regulation and Safety, Texas Department of Insurance, MC 107-2A, P.O. Box 149104,

Austin, Texas 78714-9104. Any requests for public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

Subchapter A. General Provisions

• 28 TAC §§25.1-25.13

The new sections are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the Texas Department of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.1. Definitions. The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

Affiliated—When any person is connected by commonality of interest or ownership with another person.

Agent—An individual licensed by the Texas Department of Insurance pursuant to Insurance Code, Article 21.07 (licensing of agents), Article 21.14 (local recording agents), Article 21.07-3 (managing general agents), and Article 1.14-2 (surplus lines agents).

Annual percentage rate—That rate computed in accordance with the regulations issued by the Federal Reserve Board of the United States pursuant to the Consumer Credit Protection Act, §1606, 15 United States Code §§1601, et seq.

The Department—The Texas Department of Insurance.

Insurer—A company or other entity formally liable on an insurance risk.

Licensee—A person holding an insurance premium finance license.

Person—An individual, partnership, corporation, joint venture, trust, association, or any other legal entity, however organized.

Policy fee—A charge added to a policy, in addition to the premium, for issuance of the policy.

Premium finance company—An insurance premium finance company as defined by the Insurance Code, Article 24.01.

Ownership in a corporation—The possession of 10% or more stock in a corporation.

§25.2. Place of Business. Each licensed insurance premium finance company shall maintain a place of business accessible to the public. This place of business shall be located where the insurance premium finance company conducts transactions under the license. A licensee may not conduct the business of premium financing provided for by this chapter, or under the Insurance Code, Chapter 24, under any name or at any place of business other than that stated on the license.

§25.3. Responsibility for Acts of Employees. A licensee is responsible for the acts of its officers, directors and employees in the conduct of the licensee's business.

§25.4. Knowledge of Laws and Regulations Required. Each licensee and employee of a licensee who negotiates, makes, or collects loans under the Insurance Code, Chapter 24, shall have knowledge of the laws and regulations governing such business, including the Insurance Code, Chapter 24, the Credit Code, Chapters 3 and 4 (Texas Civil Statutes, Articles 5069-3.01 et seq and Article 5069-4.01 et seq), and the federal Truth in Lending Regulations (Regulation Z, 12 Code of Federal Regulations, §§226.1 et seq), and shall be charged with knowledge of those laws.

§25.6. Motor Clubs. Motor clubs are not insurers regulated by the Department. Therefore, membership fees or dues for a motor club may not be financed with insurance policies by a premium finance company.

§25.7. Inducements. An insurance premium finance company, or an agent which owns or is affiliated with an insurance premium finance company, shall not in any manner, either directly or indirectly, pay or allow to be paid or be part of a transaction that allows any valuable consideration to be paid to an agent or broker or any employee of an agent or broker or any other person for the purpose of inducing that agent or broker or employee of that agent or broker to submit premium finance business to it

§25.8. Notice by Insurance Companies of Additional or Return Premium Charge. If an insurance company receives notice of a financed insurance premium, the insurer shall notify the insurance premium finance company whenever it notifies the insured or insurance agent of an additional or return premium arising under the financed policy. This section shall not apply to policies written pursuant to the provisions of the Texas Automobile Insurance Plan Association

§25.9. Texas Automobile Insurance Plan Association Financing Disclosure and Premium Finance Comparison Disclosure Form.

(a) Before an insurance premium finance company may finance a policy insured through the Texas Automobile Insurance Plan Association (TAIPA), the insurance agent must disclose to the insured or prospective insured the payment plan available through TAIPA. The agent must also provide a comparison between the terms of financing the policy with an insurance premium finance company and the use of the payment plan available through TAIPA. Failure to make this disclosure constitutes an unfair method of competition and an unfair or deceptive act in violation of the Insurance Code, Article 21.21.

(b) This disclosure shall be made using the Premium Finance Comparison Disclosure Form (Disclosure Form), which the Department adopts and incorporates by reference. This form is published by the Department and may be obtained from the Premium Finance Licensing Unit, Mail Code 107-5A, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas, 78714-9104.

(c) The insurance premium finance company shall maintain copies of the Disclosure Forms as evidence to an examiner that disclosure of the TAIPA payment plan was made to the insured.

§25.10. Premium Refunds

(a) The insurer shall pay the entire unearned premium to be refunded as a result of cancellation of insurance policies to the insurance premium finance company. If the insurance premium finance company notified the insurer of the existence of the premium finance agreement pursuant to the Insurance Code, Article 24.22, then the entire unearned premium owed the insurance premium finance company (in trust for the insured) shall be paid within 60 days from the date notice of cancellation was received. If an audit of the insured's records is required to determine the amount of premiums, the time shall be extended to 90 days. If the audit is delayed because of acts of the insured, the 90-day period shall be extended to provide a reasonable time to conduct the audit and determine the amount of premiums earned.

(b) If the insurance premium finance company does not give notice of the premium finance agreement to the insurer (as provided by the Insurance Code, Article 24.22), then the total unearned premium refund shall be paid directly to the insurance premium finance company within 120 days from the effective date of the cancellation

(c) The insurance premium finance company shall return any monies due to the insured within 15 days from the date returned unearned premiums are received from the insurer or agent.

(d) This section shall apply to cancelled policies written through or in a statutory plan or pool. The agent who applied for the statutory plan or pool policy on behalf of the insured shall be solely responsible for the payment of any unearned commission owed to the insurance premium finance company unless the insuring company tenders the entire unearned premium including unearned commission.

§25.11. Surplus Lines Insurance Agents and Agencies. If an insurance premium finance company funds surplus lines insurance policy premiums or notifies a surplus lines agent or agency that its insurance policy premiums are financed, the surplus lines agent or agency shall return all gross unearned premiums to the insurance premium finance company within 60 days of notice of cancellation.

§25.12. Savings Clause. Any cause of action, hearing, or procedure already pending or arising out of an event occurring before the effective date of this chapter shall be determined under the statutes, rules, orders, or interpretations of the Department in effect when the event occurred. This section saves the application of past procedure and law to any such event from amendment, change, or repeal despite any conflicting provisions of this chapter.

§25.13. Severability. Where any terms or provisions of this chapter are determined by a court of competent jurisdiction to be inconsistent with any statutes of this state or to be unconstitutional, the remaining terms and provisions of this chapter shall remain in effect

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on November 16, 1994

TRD-9451021 D J Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption December 23, 1994

For further information, please call (512) 463-6327



Subchapter B. Licensing and Regulation

• 28 TAC §25.21-25.33

The new sections are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the Texas Department of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.21. When a Premium Finance License is Required.

(a) A premium finance license is required if a person:

(1) makes loans by entering into premium finance agreements with insureds and prospective insureds;

(2) acquires premium finance agreements from insurance agents, brokers, or other premium finance companies; or

(3) holds premium finance agreements made and delivered by insureds payable to the person or his order.

(b) A premium finance license is not required if a person is a properly licensed local recording agent and finances premiums in accordance with the Insurance Code, Article 24.20.

§25.22. *Forms Relating to Regulation of Premium Finance Companies under the Insurance Code, Chapter 24.* The Department adopts and incorporates by reference standard administration forms for use in the administrative regulation of premium finance companies. Applicants and licensed premium finance companies shall utilize the forms in preparing applications, statements, notices of required information, and other submissions required under the Insurance Code, Chapter 24, and this chapter. These forms are published by the Department and may be obtained from the Premium Finance Licensing Unit, Mail Code 107-5A, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas, 78714-9104. These forms are identified as follows:

(1) FORM PF1-Premium Finance Company License Application (for

NEW license).

(2) FORM PF1A-Premium Finance Supplemental Application (for additional location, relocation, name change and ownership change).

(A) SCHEDULE A-Additional Location Filing Requirements.

(B) SCHEDULE B-Relocation Filing Requirements.

(C) SCHEDULE C-Name Change Filing Requirements.

(D) SCHEDULE D-Ownership Change Filing Requirements.

(3) FORM PF1B-Application for an Insurance Premium Finance Company License by a Bank or Savings and Loan Association.

(4) FORM PF1C-Premium Finance License Renewal Application.

(5) FORM PF2-List of Principals.

(6) FORM PF3-Questionnaire.

(7) FORM PF4-Biographical Affidavit.

(8) FORM PF5-List of Other States of Licensure.

(9) FORM PF6-Appointment of Statutory Agent and Consent to Service.

§25.23. *Bank and Savings and Loan Association Premium Finance Application.* A bank or savings and loan association applying for an insurance premium finance license shall file Form PF1B with the Department. The application shall include the following as applicable:

(1) Copy of Charter issued by the State Banking Department or by the Comptroller of Currency.

(2) Franchise Tax Certificate of Good Standing or letter of exemption issued by the Texas Comptroller of Public Accounts.

(3) \$200 License Fee.

§25.24. License Application.

(a) An applicant for an insurance premium finance company license shall file an application Form PF1 with the Department. The application shall include the following as applicable:

(1) List of Principals (Form PF2);

(2) Premium Finance Application Questionnaire (Form PF3);

(3) Biographical Affidavit (Form PF4) for each individual named on Form PF2;

(4) General statement of experience giving applicant's qualifications;

(5) List of Other States of Licensure (Form PF5);

(6) Appointment of Statutory Agent and Consent to Service (Form PF6);

(7) Sworn financial statement;

(8) Sample Business Operation forms;

(9) \$400 Investigation Fee;

(10) Partnership agreement;

(11) Certified copy of Assumed Name Certificate as on file with the County Clerk(s) and/or Secretary of State;

(12) Originally certified copy of Articles of Incorporation from the Office of the Secretary of State or equivalent office in another state;

(13) Certified copy of By-Laws;

(14) Certified copy of Minutes;

(15) Current Franchise Tax Certificate of Good Standing or letter of exemption issued by the Texas Comptroller of Public Accounts;

(16) Certified copy of Certificate of Authority issued by the Texas Secretary of State (foreign corporations only).

(b) Upon notification by the Department of approval of the application, the applicant shall submit a license fee as indicated in paragraphs (1) and (2) of this subsection:

(1) Licenses issued January 1-June 30-\$200;

(2) Licenses issued July 1-December 31-\$100.

§25.25. *Additional Location License Application.* An applicant for an additional location insurance premium finance company license shall file a supplemental application Form PF1A with the Department. The application shall include the following as applicable:

(1) List of Principals (Form PF2);

(2) Premium Finance Application Questionnaire (Form PF3);

(3) Biographical Affidavit (Form PF4) for manager;

(4) Appointment of Statutory Agent and Consent to Service (Form PF6);

(5) Sworn financial statement;

(6) Current Franchise Tax Cer-

tificate of Good Standing or letter of exemption issued by the Texas Comptroller of Public Accounts;

(7) \$200 License Fee.

§25.26. Relocation of Licensed Offices.

(a) A licensee may move its office from the licensed location to any other location by filing a supplemental application Form PF1A with the Department not less than 30 days prior to moving date. The application shall include the following as applicable:

- (1) List of Principals (Form PF2);
- (2) Current premium finance company license;
- (3) \$20 processing fee;
- (4) Current Franchise Tax Certificate of Good Standing or letter of exemption issued by the Texas Comptroller of Public Accounts;
- (5) Copy of printed letter to be sent to the insureds, the notice letter shall include the following:
 - (A) Name of the insurance premium finance company;
 - (B) Both the old and new addresses;
 - (C) Telephone number at the new location;
 - (D) Date the relocation is effective; and
 - (E) Mailing address.

(b) An amended license shall be issued reflecting the new address upon approval of the required documentation.

(c) The relocation notice shall be approved by the Department prior to printing. The notice shall be mailed to all insureds of record at least 15 days prior to the date of relocation.

(d) After relocation is complete, the insurance premium finance company shall submit, within 30 days, copies of all new business forms used, with the new location listed on each form.

§25.27. Change of Mailing Address.

(a) Written notice of a change in business mailing address only shall be mailed to the Department and to all insureds of record at least 15 days prior to the change of mailing address.

(b) The notice shall include the exact name of the licensee, the old and new mailing addresses, the licensee's current physical address, the licensee's telephone number and the date the new mailing address is effective.

§25.28. Ownership Change.

(a) When there is an anticipated change in ownership of an insurance premium finance company, the new owner shall submit the following as applicable:

- (1) Supplemental Application for an insurance premium finance company license (Form PF1A);
- (2) List of Principals (Form PF2);
- (3) Premium Finance Application Questionnaire (Form PF3);
- (4) Biographical Affidavit (Form PF4) on all NEW individuals named on Form PF2;
- (5) List of Other States of Licensure (Form PF5);
- (6) Appointment of Statutory Agent and Consent to Service (Form PF6);
- (7) Sworn financial statement;
- (8) \$200 investigation fee;
- (9) A copy of the contract of sale establishing refund and fee liability;
- (10) Certified copy of Assumed Name Certificate as on file with the County Clerk(s) and/or Secretary of State;
- (11) A copy of the resolution minutes authorizing the change of ownership;
- (12) Current Franchise Tax Certificate of Good Standing or letter of exemption issued by the Texas Comptroller of Public Accounts;
- (13) Partnership agreement.

(b) When there is a change in ownership of an insurance premium finance company resulting in no new owners, the following requirements may be omitted:

- (1) Biographical Affidavit (Form PF4) on all NEW individuals named on Form PF2;
- (2) \$200 investigation fee;

§25.29. Name Change.

(a) A licensee may change the name of the licensed insurance premium finance company by filing a supplemental application, Form PF1A, with the Department not less than 30 days prior to name change. The application shall include the following as applicable:

- (1) List of Principals (Form PF2);
- (2) Current insurance premium finance company license;
- (3) \$20 processing fee;
- (4) Amended Appointment of Statutory Agent and Consent to Service (Form PF6);
- (5) A copy of the notice to be mailed to all insureds notifying of the change of name. This notice must be approved by the Texas Department of Insurance prior to mailing and must include the old name, proposed new name, effective date, physical address, mail address and phone number;
- (6) Current Franchise Tax Certificate of Good Standing or letter of exemption issued by the Texas Comptroller of Public Accounts;

(7) A copy of the amendment to the Articles of Incorporation or Organization complete with original certification from the office of the Secretary of State or the equivalent office in other states,

(8) A certified copy of amendment to the By-Laws,

(9) A certified copy of the resolution minutes authorizing the name change;

(10) Certified copy of Assumed Name Certificate as on file with the County Clerk(s) and/or Secretary of State;

(11) A certified copy of the amendment to the partnership agreement authorizing the name change.

(b) The name of the insurance premium finance company shall not be so similar to that of any other insurance premium finance company as to be likely to mislead the public.

(c) All business forms used in accordance with §25.31 of this title (relating to Insurance Premium Business Operation Forms) shall be submitted to the Department within 30 days to show the effective name change.

§25.30. Renewal. Each licensee shall file a renewal application, FORM PF1C, with the Department. The renewal form must be postmarked on or before December 31st and shall be accompanied by the following as applicable:

- (1) \$200 renewal fee;
- (2) Current Franchise Tax Certificate of Good Standing or letter of exemption issued by the Texas Comptroller of Public Accounts

§25.31. Insurance Premium Finance Business Operation Forms.

(a) The Department shall review and approve, prior to use, all insurance premium finance business forms submitted as part of the initial application for license. Thereafter, each licensee shall insure that any business form used complies with the requirements of the Insurance Code, Chapter 24, and this chapter.

(b) An Insurance Premium Finance Agreement form, a Memorandum of Agreement form, a notice of Premium Finance Agreement form, a Notice of Intent to Cancel form, a Notice of Cancellation form, and a Reinstatement Request form shall accompany each license application. The forms shall reflect the applicant's preprinted information including the insurance premium finance company's name, physical address, mailing address and telephone number.

(c) The format of the Insurance Premium Finance Agreement shall be in accordance with the Insurance Code, Article 24.11.

(d) The format of the Memorandum of Agreement form shall be in accordance with the Insurance Code, Article 24.11(h).

(e) The format of the Notice of Premium Finance Agreement form shall be in accordance with the Insurance Code, Article 24.22. The form must include:

- (1) Insured's name and mailing address,
- (2) Agent's name and mailing address,
- (3) Insurance company's name and mailing address,
- (4) Policy number, term and inception date,
- (5) Amount financed; and
- (6) Person to whom the funds were paid.

(f) The format of the Notice of Intent-to-Cancel form shall be in accordance with the Insurance Code, Article 24.17(c). The form must include:

- (1) Insured's name and mailing address;
- (2) Agent's name and mailing address;
- (3) Date of mailing;
- (4) Date of cancellation;
- (5) Policy number;
- (6) Amount of payment due; and
- (7) Amount of late payment due if after ten days past due

(g) The format of the Notice of Cancellation form shall be in accordance

with the Insurance Code, Article 24.17(d). The form must include:

- (1) Insured's name and mailing address;
- (2) Agent's name and mailing address,
- (3) Insurance company's name and mailing address;
- (4) Date of mailing;
- (5) Date of cancellation; and
- (6) Policy number.

(h) The format of the Reinstatement Request form must include:

- (1) Insured's name and mailing address;
- (2) Agent's name and mailing address; and
- (3) Insurance company's name and mailing address;
- (4) Disclaimer, in bold face type, notifying that only a reinstatement has been requested and that the licensed insurance premium finance company cannot reinstate the policy

§25.32 Financial Responsibility

(a) Each license application shall be accompanied by a sworn financial statement for each individual, partner or corporation, as applicable, disclosing the applicant's financial condition and reflecting net assets for use in the insurance premium finance business of not less than \$25,000. As used here, "net assets" means the total value of assets available for use in the business, less liabilities other than those liabilities secured by assets which are not acceptable for meeting the financial requirements under this section. The financial statement shall also disclose any existing or anticipated lines of credit for the applicant's use in the business or indicate that there are none.

(b) Unacceptable assets include, but are not limited to, goodwill, unpaid stock subscription, lines of credit, property subject to the claim of homestead, and encumbered real or personal property to the extent of the encumbrance. Valuations of accounts receivable shall be adjusted by adequate reserves for unearned charges and bad debts.

(c) Each licensee shall at all times be required to maintain net assets for use in the insurance premium finance business of not less than \$25,000 for each location that is licensed.

§25.33. *Summary of Fees.* The Department shall collect, and the person affected shall pay to the Department, the following fees:

- (1) \$400—Initial license investigation fee;
- (2) \$200—Initial license fee for licenses issued January 1-June 30;
- (3) \$100—Initial license fee for licenses issued July 1-December 31;
- (4) \$200—Investigation fee for change of ownership;
- (5) \$200—Additional location license fee;
- (6) \$20—Relocation fee;
- (7) \$20—Name change fee;
- (8) \$20—Duplicate license fee;
- (9) \$200—License Renewal fee.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 18, 1994.

TRD-9451022

D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

Subchapter C. Operations

• 28 TAC §§25.41-25.65

The new sections are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the Texas Department of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.41. *Unacceptable Loans.* Notice of adverse action shall be sent to the insured, giving reasons for denial of any insurance premium finance agreement, as required by Regulation B of the Equal Credit Opportunity Act, 15 United States Code, §§1691 et seq. Notice that the loan was denied shall be sent to the agent, but shall not include the reasons for denial.

§25.42. Rate and Refund Chart. Each insurance premium finance company shall establish and maintain a rate and refund chart which complies with the authorized rates required by the Credit Code, Chapters 3 and 4, and the Insurance Code, Chapter 24. A copy of the rate and refund chart prepared by the insurance premium finance company shall be made available for review and inspection upon request by an examiner of the Department. The rate and refund chart shall also be made available to the insured.

§25.43. Acceptance or Rejection. An insurance premium finance company may not alter any insurance premium finance agreement unless agreed to by the insured. Upon receipt of an insurance premium finance agreement, the insurance premium finance company shall return any unacceptable agreement to the agent from whom it was received within three working days.

§25.44. Prompt Processing Required. An insurance premium finance company shall exercise reasonable care in the processing of insurance premium finance agreements and shall promptly pay amounts due under such agreements. Reasonable time for processing of insurance premium finance agreements shall be within five working days after acceptance. If this time limitation cannot be met, the insurance premium finance company shall give notice of the delay to both insured and agent before the expiration of the five day period.

§25.45. Duplication of Loans. A licensee may make more than one insurance premium finance loan agreement with the same insured. However, no licensee shall induce or permit any person to be obligated directly or indirectly under more than one insurance premium finance agreement concurrently, for the purpose of obtaining a higher authorized charge than would otherwise be permitted.

§25.46. Quotation of Net Payoffs. When an insured or co-obligor asks the licensee for the net amount necessary to pay the insured's indebtedness in full, the licensee shall quote the requested information to the person making such inquiry.

§25.47. Policies Issued Through the Texas Workers' Compensation Insurance Fund and the Texas Medical Liability Insurance Underwriting Association. Insurance coverage provided by authority of the Insurance Code, Articles 5.76-3 (Texas Workers' Compensation Insurance Fund) and 21.49-3 (Texas Medical Liability Insurance Underwriting Association Act) may not be financed in conjunction with other types of

insurance under a single insurance premium finance agreement, but must be financed by a separate agreement.

§25.48. Notification of Account Adjustment to Insured. The insured shall be promptly advised by the insurance premium finance company of any adjustments made to the account balance and of any changes in the repayment schedule.

§25.49. Increase in Financed Premiums. The insurance premium finance agreement may contain a provision for amendment if increased or additional premiums are financed through use of a memorandum of agreement. Otherwise, any amendment financing increased or additional premiums shall be authorized by the signature of the insured at the time the insurance premium finance agreement is amended.

§25.50. Premium Decrease Due to Improper Rating. Decrease in the premium due to an improperly rated policy, improperly calculated premium, or any other premium reduction shall be effective on the date the insurance premium finance company received the return premium from the insurance company and shall be handled as follows:

(1) credit the amount of return premium to the insured's account balance as a current payment and reduce in like amount the insured's next payment(s) due. No reduction of the original finance charge is necessary when the credit of return premium is given in this manner; or

(2) credit the return premium on the insured's account balance plus finance charge credit on the returned premium equal to the difference between the amount of finance charge initially charged and the amount that should have been charged at the same finance charge rate on the reduced amount financed. The insured's repayment schedule shall be revised to reflect smaller monthly payments due to the reduction of the account balance or the finance charge and premium credits shall be applied to the final maturing installments;

(3) the insurance premium finance company shall notify the insured of the decrease in premium, the effective date of the decrease and the method chosen to reflect the insured's reduced repayment obligation.

§25.51. Changes in Finance Rate. When amending an insurance premium finance agreement, the agent or insurance premium finance company may not charge the insured a rate which exceeds that permitted under the Credit Code. When an increase in

the principal amount financed creates a total amount financed greater than that permitted on the original loan made under either Article 5069-3.15 or 5069-3.16 of the Credit Code, the finance charge rate on the insurance premium finance agreement shall be reduced so as not to exceed the maximum amount permitted under the Texas Credit Code. This shall apply regardless of whether an additional finance charge is charged on the additional premium.

§25.52. Effective Date of Adjusted Premium Finance Charges. Any increases or decreases in premiums of a policy financed under an insurance premium finance agreement due to changes in the policy subsequent to the inception date of the policy shall be considered effective, for finance charge adjustment purposes, on the date the insurance premium finance company receives the return premium from the insurance company or advances additional premium to the insurance company

§25.53. Computation of Finance Charge upon Cancellation. If an insurance premium finance agreement is to be prepaid by return premium due to cancellation of the financed policy, the finance charge stops accruing on the date the return premium is received by the insurance premium finance company on that part of the outstanding indebtedness equal to the return premium.

§25.54. Finance Charge Earnings Upon Acceleration. If an insurance premium finance agreement contains a provision whereby the insurance premium finance company may accelerate the maturity of the contract for reasonable cause, other than default of the insured in making payment, and the insurance premium finance company exercises this right, the insurance premium finance company shall credit the insured's account with the amount of unearned finance charge as of the date of acceleration. The insurance premium finance company shall be entitled to collect additional interest under the premium finance agreement, from the date of acceleration at the lawful rate of charge provided in the premium finance agreement for interest after maturity. Likewise, an insurance premium finance company is only entitled to earn and collect interest at the lawful rate stipulated in the premium finance agreement as interest after maturity (or 6.0% per annum as authorized by law) when the insurance premium finance company accelerates the maturity of a premium finance agreement because of the default in payment(s) by the insured

§25.55. Notification to Insured of Offset. An insurance premium finance company may not offset monies paid to an

insured by mistake unless it notifies the insured that it is offsetting against an insured's account. The insurance premium finance company shall preserve a copy of such notice in the individual file of the insured.

§25.56. Alternative Methods of Adjusting Accounts.

(a) Any amount found to be due an insured may be credited to the next payment(s) on the account of the insured when the insured has an existing obligation to the licensee. The licensee must notify the insured in writing of the date and amount of the next payment due after this credit has been given

(b) Alternatively, if the error correction or adjustment to an account is related to an improper charge or proceeds improperly held by licensee on which interest has been precomputed, the licensee may credit the final maturing installment(s) of the contract provided credit is also given the insured for the proportionate interest originally charged on the amount being credited. The licensee must notify the insured in writing of any amount being credited and the resulting change in the final maturing installments

§25.57 Cancellation of Policy Through Power of Attorney. When a premium finance agreement utilizes a power of attorney to effect the cancellation of a financed policy, the insurance premium finance company may require the insured to pay to it any unpaid amount on the account not covered by the gross unearned premium returned by the insurer. This is allowed only if the insurance premium finance company has not delayed in closing out the loan for the purpose of creating additional indebtedness

§25.58 Notice of Intent to Cancel Insurance Because of Default

(a) A notice of intent to cancel insurance because of default, as provided by the power of attorney agreement, shall be titled "Notice of Intent to Cancel" and shall be sent to the insured with a cancellation date not earlier than ten days after the mailing date of the notice of intent to cancel. The insurance premium finance company shall establish and maintain either a computer printout or a copy of the intent-to-cancel notice if the policy is subsequently cancelled. Such records shall provide evidence to an examiner that the notice was mailed. A copy of the notice of intent-to-cancel insurance because of default shall be sent to the insurance agent.

(b) If the insurance policy financed by an insurance premium finance company is written under the authority of the Texas Workers' Compensation Insurance Fund (Insurance Code, Article 5.76-3), or the

Texas Medical Liability Insurance Underwriting Association (Insurance Code, Article 21.49-3), a copy of the notice of intent-to-cancel and the request for cancellation shall be sent to the Texas Workers' Compensation Insurance Fund and the Texas Medical Liability Insurance Underwriting Association.

§25.59. Notice of Cancellation Because of Default.

(a) A notice of cancellation because of default shall be titled "Notice of Cancellation" and may not be sent to the insurer before the ten-day waiting period of the notice of intent-to-cancel has expired. Copies of the Notice of Cancellation shall be sent to the insured, insurance agent, and insured's permanent account file. The insurance company policy cancellation date shall be the day following receipt of the notice of cancellation issued by the insurance premium finance company or the date specified on the notice of cancellation, whichever is later, unless otherwise stated in the insurance policy

(b) If the insurance policy financed by an insurance premium finance company is written under the authority of the Texas Workers' Compensation Insurance Fund (Insurance Code, Article 5.76-3), or the Texas Medical Liability Insurance Underwriting Association (Insurance Code, Article 21.49-3), a copy of the notice of intent-to-cancel and the request for cancellation shall be sent to the Texas Workers' Compensation Insurance Fund and the Texas Medical Liability Insurance Underwriting Association

§25.60. Collection Practices. In attempting to collect money due on an insurance premium finance loan from the insured, and prior to implementing the power of attorney, a licensee shall not use unfair debt collection practices, but only lawful remedies authorized under the laws of this state.

§25.61 Record of Contacts. An insurance premium finance company or its designee shall preserve written record of each oral or written contact made by the company with the insured or any other person for the purpose of collecting late insurance premium finance payments. The record shall also include contacts made by the insured with the insurance premium finance company. The record shall include the date, method of contact, contacted party, person initiating the contact and essence of the contact. Each record shall be maintained in a manner that is readily understood.

§25.62. Compliance with Statutory, Regulatory, or Contractual Requirements. If statutory, regulatory, or contractual restrictions

provide that the insurance contract may not be cancelled unless notice is given to a governmental agency, mortgagee, certificate of insurance holder or other third party, the insurer shall give the required notice and calculate the cancellation date in conformity with the Insurance Code, Article 24.17(e).

§25.63. Filing of Power of Attorney on Assignment with Insurer.

(a) An insurance premium finance company may cancel an insurance policy pursuant to a power of attorney. However, it must notify the insurer in advance or at the time of financing that an insurance premium is being financed and that the insurance premium finance company has a power of attorney in accordance with the Insurance Code, Article 24.22. The cancellation notice shall advise the insurer that it has 60 days from the policy cancellation date to return the gross unearned premium

(b) Each premium financing check delivered to an insurance company shall contain with it a statement officially notifying the insurance company that the insurance policy has been financed and that the financier holds a power of attorney enabling it to recover monies in case of default by the insured. This document shall accompany the insurance application and premium finance company check as part of the total insurance application. These requirements shall also apply to the financing of insurance policies written through the Texas Workers' Compensation Insurance Fund and the Texas Medical Liability Insurance Underwriting Association.

§25.64 Notification to Insurers

(a) An insurance premium finance company which enters into an insurance premium finance agreement with an insured to finance an insurance policy or policies shall notify the insurer whose premiums are being financed of the existence of such agreement within a reasonable period of time not to exceed 30 days after the date such agreement is received by the insurance premium finance company.

(b) The word "insurer", as used in the Insurance Code, Articles 24.17 and 24.22, means the company or other entity formally liable on the insurance risk. It does not mean an insurance agent. Accordingly, notice to an insurance agent or to a managing general agency of the insurer is not notice under the Insurance Code, Article 24.22. If the insurance premium finance company gave notice to the insurer in accordance with the Insurance Code, Article 24.22, the insurer shall, as provided in the Insurance Code, Article 24.17, return whatever unearned premiums are due under the insurance contract directly to the insurance premium finance company within 60 days.

Return of unearned premium through an accounts current with an agent or agency does not satisfy the insurer's obligation under the Insurance Code, Article 24.17.

§25.65. Relocation of Accounts. When accounts are relocated to an affiliated office, both licensed offices shall maintain current records of the accounts relocated. A copy of the Notification of Relocation letter to the insured shall be filed with the Department at the time it is mailed to the insured. This notice shall include the following:

- (1) exact name of the company as licensed;
- (2) present physical address,
- (3) new physical address,
- (4) present mailing address,
- (5) new mailing address,
- (6) present phone number,
- (7) new phone number, and
- (8) date of relocation of account

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on November 16, 1994

TRD 9451023 D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call (512) 463-6327

Subchapter D. Advertising

• 28 TAC §§25.71-25.76

The new sections are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the Texas Department of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24

§25.71. Advertisements in General. An insurance premium finance company may not engage in deceptive advertising as set forth in the Insurance Code, Article 24.13, and further defined in these sections:

(1) Advertisements by an insurance premium finance company shall be truthful, not misleading in fact or in implication, or fail to disclose material facts

(2) No advertisement shall be used by an insurance premium finance company which, because of words, phrases, statements, or illustrations therein or information omitted therefrom, have the tendency to mislead or deceive borrowers. Words or phrases which are misleading or deceptive because the meaning is unclear, or clear only to persons familiar with insurance premium finance terminology, may not be used. This paragraph does not prohibit use of trade or technical terms in advertisements directed exclusively at commercial insureds

(3) All information required to be disclosed by these guidelines shall be set out conspicuously and in close conjunction with the statements to which such information relates or under appropriate captions of such prominence that it is not minimized, rendered obscure, presented in an ambiguous fashion, or intermingled with the context of the advertisement so as to be confusing or misleading

§25.72. Place of Loan. No licensee shall advertise that loans will be made at any place other than that named in its license. Each such advertisement shall state or clearly indicate the identity of the licensee in such a manner as to prevent confusion with the name of any unrelated licensee. A licensee shall not use any loan advertisement which gives only telephone numbers or addresses

§25.73. Advertisement File. Between examinations by the Department, each licensee shall maintain a file or other complete record of all written communications soliciting the financing of insurance premiums, and of all other advertising material used (including scripts of radio and television broadcasts and reproductions of billboards and signs not at the licensed place of business). The file shall be maintained at the licensed office or at a principal Texas office, as designated to the Department. The date or period of use of each solicitation or advertisement shall be indicated. If any language other than English is used in any such advertising material, a true and correct translation of it shall appear in the file along with such material

§25.74. Full Disclosure Requirements in Advertising

(a) If rates or charges are stated in advertising, they shall be expressed in terms of an "annual percentage rate" (simple annual interest rate). Any advertisement that states the amount of any installment payment, the dollar amount of any finance charge or the number of installments or the period of repayment shall also state:

(1) the amount of the loan expressed as "amount financed";

(2) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness if credit is extended;

(3) the rate of the finance charge; and

(4) the sum of the payments expressed as "total of payments".

(b) The foregoing information shall be clearly shown in such a manner as not to be deceiving or misleading

(c) If any licensee advertises that the first installment on a loan may be extended beyond one month from the loan date, he shall also clearly state whether a charge is to be made for such extension

(d) The advertisement shall state that a licensed insurance agent can take application from the insured for insurance premium financing

(e) The advertisement shall specifically state that the advertisement pertains to insurance premium finance only

§25.75. Misleading Advertising. In determining whether any particular advertising matter violates the Insurance Code, Article 24.13, the relevant factors include general arrangement of copy and whether, from statements or representations made, there may be a reasonable inference or impression that such statements or representations are inaccurate, deceptive, or misleading.

(1) No advertisement may use phrases such as "lowest costs" or "quickest service" unless such phrases are in fact accurate with respect to the licensee's business

(2) No advertisement may state "new reduced rate" or "a new type of service" or any such similar comparative expression unless such statement is in fact accurate with respect to the business of the licensee so advertised and unless such advertisement clearly indicates that such new plan refers specifically to a change in the particular licensee's plan of operation. The change referred to must be of more than minor importance with respect to the business of the licensee. Any such advertisement may not be used for a period longer than 60 days after such plan has been put into effect

(3) An advertisement may not contain any statement or representation with reference to the ease of procuring insurance premium financing, the speed with which it may be effected, the freedom from credit inquiries addressed to particular sources of information, or to any other implied differentiation in policy or loan service, unless the licensee shall comply with the representation so made.

(4) An advertisement may not contain offers to insureds for insurance premium financing in general unless, in general practice, the licensee actually makes a reasonable number of such loans within such limited time and upon the basis of such offer.

(5) A licensee other than a lawfully chartered banking institution may not use the word "bank" or any derivative in any advertisement where its use might mislead the public to believe that the licensee is an authorized banking institution or is conducting a banking business.

(6) Any advertisement which omits material facts shall be deemed deceptive or misleading.

§25.76 Multiple Page Advertisements. For the purposes of this subchapter, a catalog or other multiple page advertisement shall be considered a single advertisement if it clearly and conspicuously displays a credit terms table or chart on which the information required to be stated under these regulations is clearly set forth

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

IRD-9451024

D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 463-6327

Subchapter E. Examinations and Annual Reports

• 28 TAC §§25.81-25.90

The new sections are proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the Texas Department of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department

of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

The following article is affected by this proposal: Insurance Code, Chapter 24.

§25.81. Examinations. Examiners appointed by the Department may conduct periodic examinations to determine if a licensee is in compliance with the Insurance Code, Chapter 24, and the provisions of this chapter. Examinations of banks and savings and loan associations doing business under the laws of this state or the United States will not be conducted by the Department, unless the annual report indicates irregularities or complaints received by the Department indicate concerns.

§25.82 Examination Charges. A licensee shall reimburse the Department for the expense of an examination. The charges to be invoiced to the insurance premium finance company shall include the actual salaries and expenses of the examiners allocable to each examination. The expenses assessed shall be those actually incurred by the examiner to the extent permitted by law

§25.83 Access to Books and Records. Examiners shall have free access, including the right to make copies, to all the books and records of the insurance premium finance company for the purpose of determining the financial condition, as well as compliance with the Insurance Code, Chapter 24, affecting the conduct of its business.

§25.84. Individual Account Records. Individual account records on each insured shall be maintained to reflect the complete account history as to funding, charges, payments, and adjustments, if any, and shall include the accurate dates of all entries to the account. The records shall also reflect the date the finance charge began to accrue. Individual account records shall disclose the date that the insurance premium finance company requested cancellation of the financed insurance policies. The individual's file shall contain copies of premium finance agreements, memoranda, notices of intent to cancel, cancellation notices, and declaration pages of financed policies. A complete account history shall be maintained by the licensee in all closed account files. All records of proof-of-funding must be available for examination by the Department.

§25.85. Retention of Records. All documents required by the Insurance Code to be retained by the insurance premium finance company, and copies of documents signed

by the borrower, shall be available for inspection at any time by the Department or its authorized representatives. These documents shall be retained for a period of four years from the date a final entry is made thereon. Records of paid out loans shall be retained in original form for a period of at least one year following the date of the last examination by the Department after which such records may be microfilmed for the remainder of the statutory period under the Insurance Code.

§25.86. Filing of Account Records. All filing of account records shall be systematic, maintained on a current basis, and appropriately cross-referenced for access to other files.

§25.87. Annual Reports.

(a) Each licensee shall file an annual report as prescribed by the Department. The annual report shall include information on the ownership, operation, and statistical data sufficient to aid in determining compliance with the Insurance Code, Chapter 24

(b) The annual report shall also include a sworn financial statement

(c) Each insurance premium finance company licensed at any time during the preceding calendar year shall complete the annual report form and return it to the Department on or before April 1 of each year. The affidavit certifying the annual report shall be executed by an officer or director of the insurance premium finance company.

§25.88 General Administrative Expense Assessment. On or before April 1 of each year, each insurance premium finance company holding a license issued by the Department under the Insurance Code, Chapter 24, shall pay to the Department an assessment to cover the general administrative expense attributable to the regulation of insurance premium finance companies. Payment shall be by check, payable to the Department, Mail Code 305-2E, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78714-9104. The assessment to cover general administrative expense shall be computed and paid as follows.

(1) The amount of the assessment shall be computed as .0150 of 1.0% of the total loan dollar volume of the company for the calendar year.

(2) If the amount of assessment computed under paragraph (1) of this section is less than \$250, the amount of the assessment shall be \$250.

§25.89. File for Official Correspondence and Reports. All communications between the licensee and the Department shall be maintained by the licensee in a separate file. The file shall include, but not be limited to, complaints, annual reports, examination reports, and any other correspondence with the Department.

§25.90. Escheat Account. An escheat or unclaimed property account shall be established as required by the Property Code, Chapters 72 and 74, for monies due an insured who cannot be located. These monies must remain in an account for three years and then be reported to the Texas Department of Treasury. Copies of the escheat account reports shall be placed in an examination file to be available at the time of the insurance premium finance company's examination by the Department.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451025

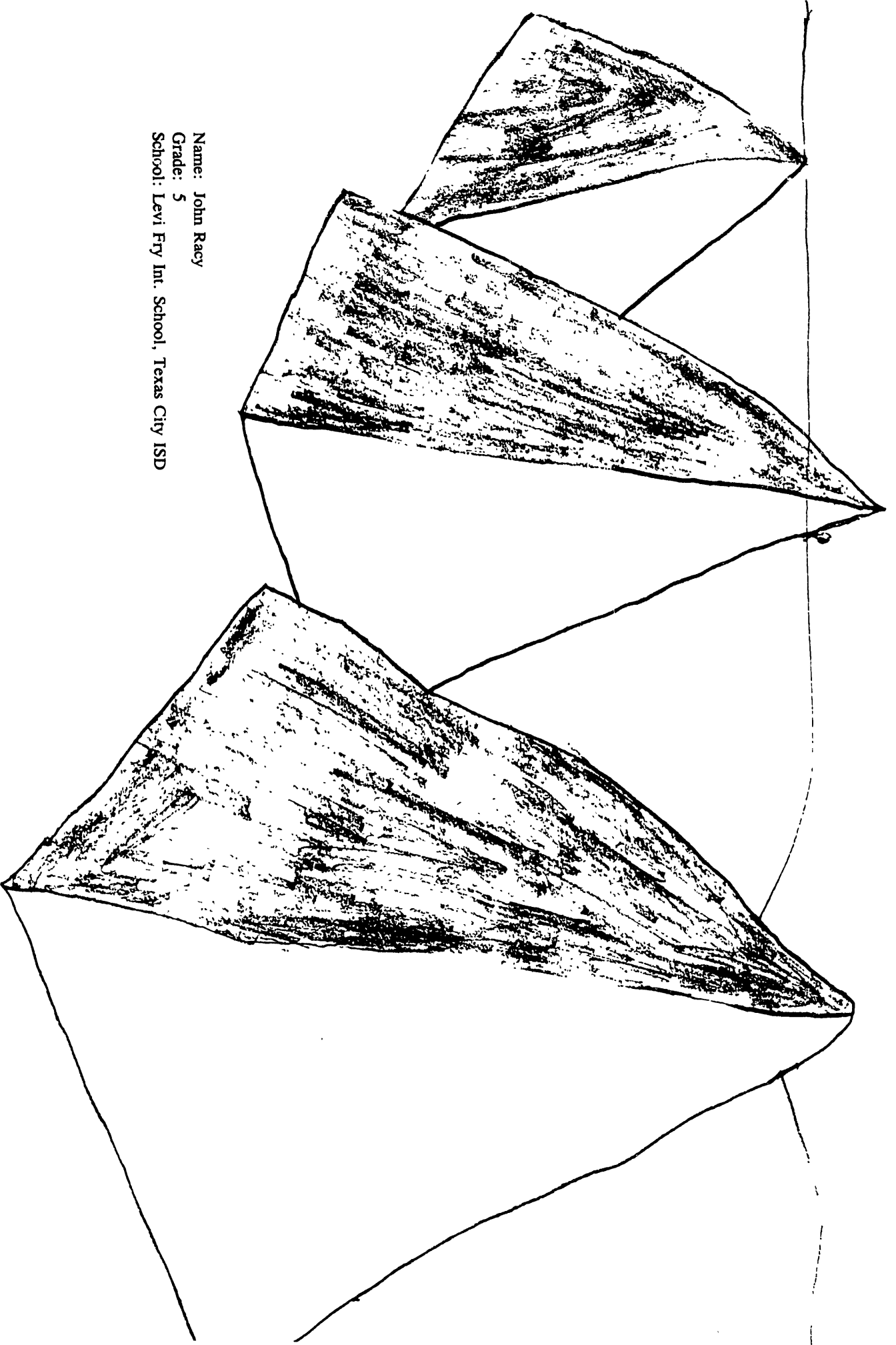
D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Earliest possible date of adoption: December 23, 1994

For further information, please call: (512) 483-6327

◆ ◆ ◆

Name: John Racy
Grade: 5
School: Levi Fry Int. School, Texas City ISD



WITHDRAWN RULES

An agency may withdraw a proposed action or the remaining effectiveness of an emergency action by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing as specified by the agency withdrawing the action. If a proposal is not adopted or withdrawn within six months of the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 312. Sludge Use, Disposal, and Transportation

Subchapter A. General Provisions

- 30 TAC §§312.1, 312.3, 312.4, 312.6, 312.8-312.10, 312.12, 312.13

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed amendments to §§312.1, 312.3, 312.4, 312.6, 312.8-312.10, 312.12, and 312.13, submitted by the Texas Natural Resource Conservation Commission has been automatically withdrawn, effective November 14, 1994. The amendments as proposed appeared in the May 10, 1994, issue of the *Texas Register* (19 TexReg 3543).

TRD-9450937



Subchapter B. Land Application for Beneficial Use

- 30 TAC §§312.41, 312.44, 312.46-312.48

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed amendments to §§312.41, 312.44, and 312.46-312.48, submitted by the Texas Natural Resource Conservation Commission has been automatically withdrawn, effective November 14, 1994. The amendments as proposed appeared in the May 10, 1994, issue of the *Texas Register* (19 TexReg 3548).

TRD-9450938



Subchapter C. Surface Disposal of Sewage Sludge or Domestic Septage

- 30 TAC §§312.62, 312.64, 312.68

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed amendments to §312.62, 312.64, and 312.68, submitted by the Texas Natural Resource Conservation Commission has been automatically withdrawn, effective November 14, 1994. The amendments as proposed appeared in the May 10, 1994, issue of the *Texas Register* (19 TexReg 3551).

TRD-9450939



Subchapter D. Pathogen and Vector Attraction Reduction

- 30 TAC §312.82

Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed amendment to §312.82, submitted by the Texas Natural Resource Conservation Commission has been automatically withdrawn, effective November 14, 1994. The amendment as proposed appeared in the May 10, 1994, issue of the *Texas Register* (19 TexReg 3552).

TRD-9450940



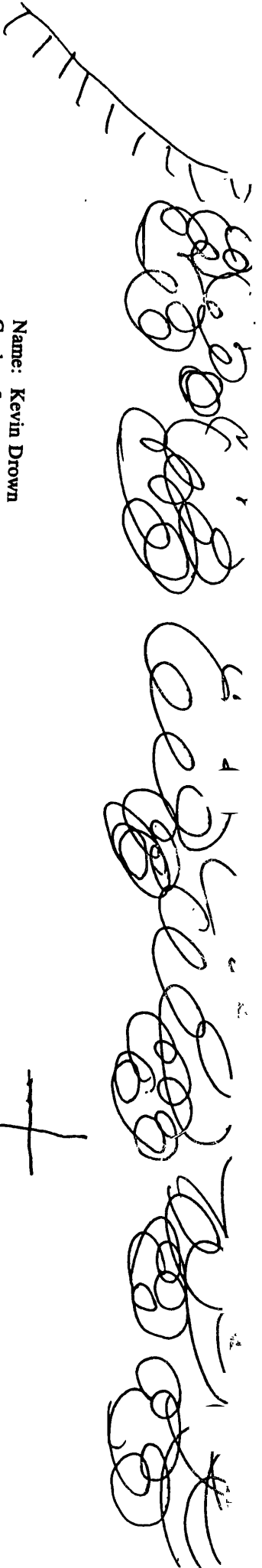
Subchapter F. Water Treatment Sludges

- 30 TAC §§312.121-312.124

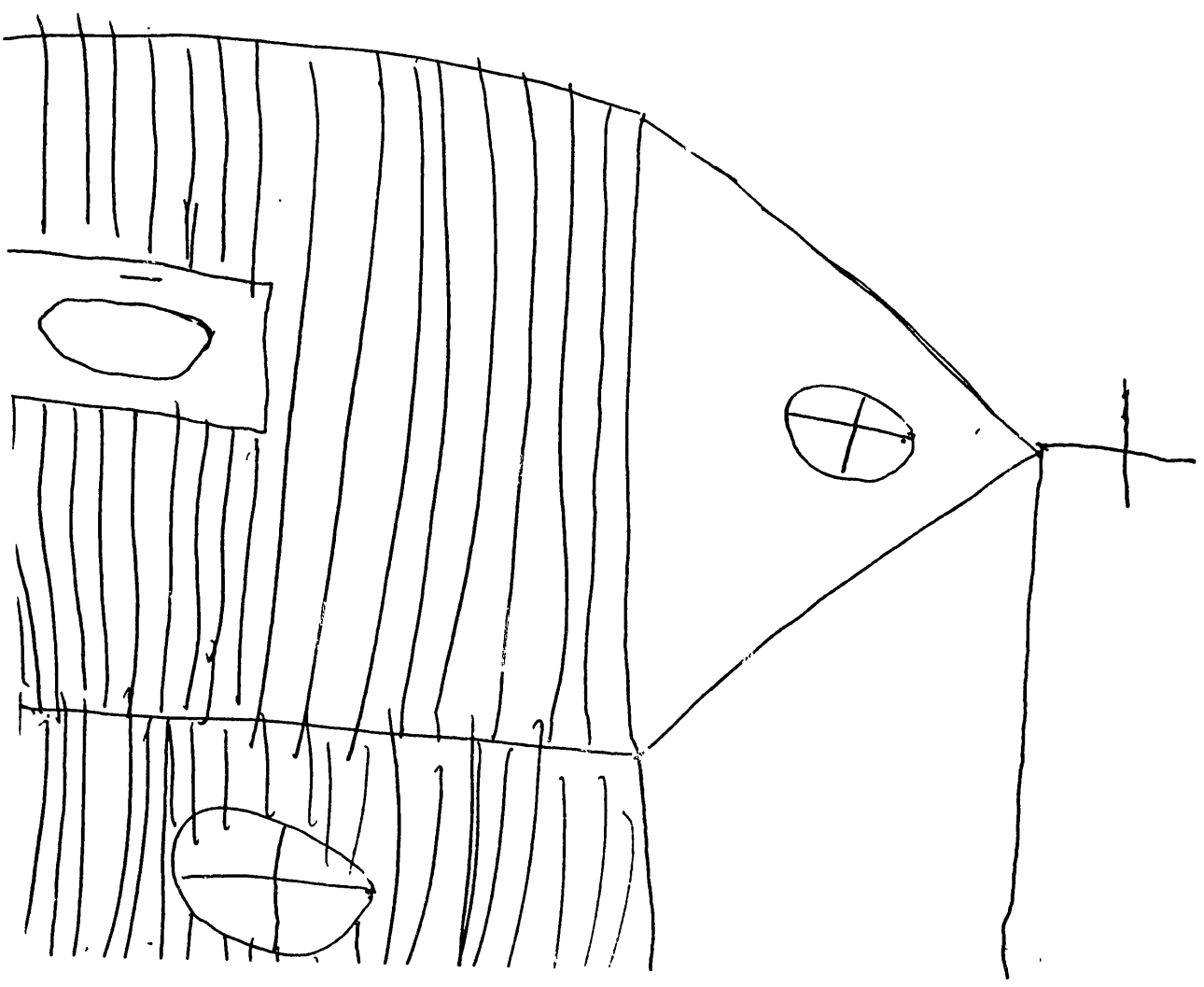
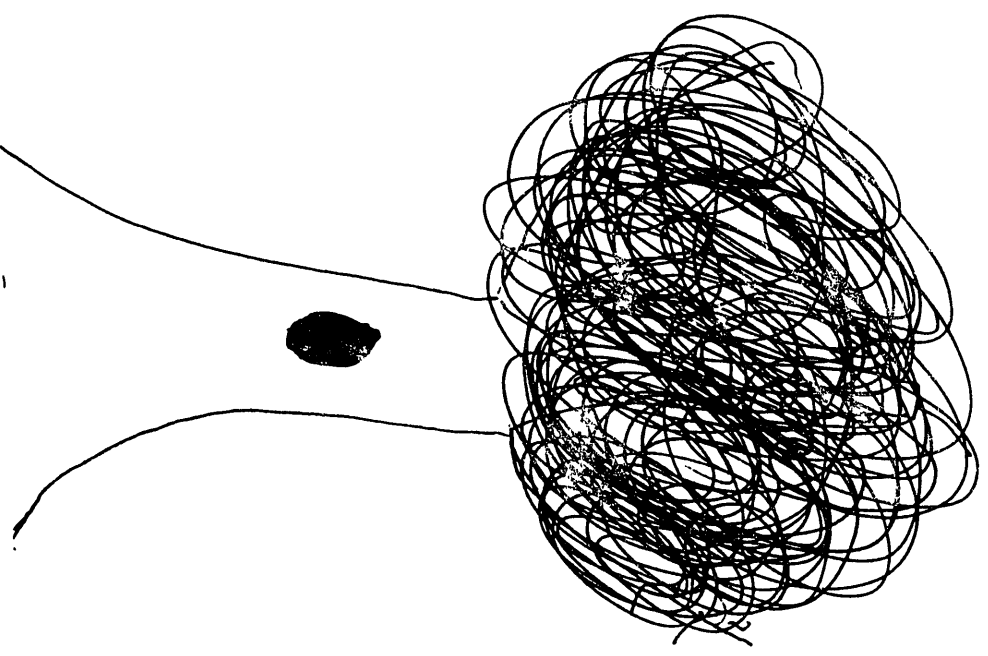
Pursuant to Texas Government Code, §2001.027 and 1 TAC §91.24(b), the proposed new §§312.121-312.124, submitted by the Texas Natural Resource Conservation Commission has been automatically withdrawn, effective November 14, 1994. The new sections as proposed appeared in the May 10, 1994, issue of the *Texas Register* (19 TexReg 3552).

TRD-9450941





Name: Kevin Drown
Grade: 5
School: Levi Fry Int. School, Texas City ISD



ADOPTED RULES

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

TITLE 1. ADMINISTRATION

Part V. General Services Commission

Chapter 113. Central Purchasing Division

Surplus Property Division

• 1 TAC §§113.71-113.76

The General Services Commission adopts the repeal of §§113.71-113.76, concerning state surplus property sales, without changes to the proposed text as published in the September 9, 1994, issue of the *Texas Register* (19 TexReg 7052).

The repeal is necessary in order to adopt new §§126.1-126.5, which provide requirements for the management of both state and federal surplus property functions by the General Services Commission, Intergovernmental Services Division.

The repeals will delete obsolete language.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 601b, §9.04 and §9.09, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the Article 9.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450973

Judith Monaco Porras
General Counsel
General Services
Commission

Effective date: December 6, 1994

Proposal publication date: September 9, 1994

For further information, please call: (512) 463-3960

Chapter 126. Intergovernmental Programs Division

State Surplus and Salvage Property

• 1 TAC §§126.1-126.5

The General Services Commission adopts new §§126.1-126.5, concerning state surplus and salvage property and new §§126.20-126.21, concerning federal surplus and salvage property. The new sections are adopted with changes to the proposed text as published in the September 9, 1994, issue of the *Texas Register* (19 TexReg 7055).

The new sections are required to provide procedures for management of federal surplus property by the intergovernmental programs division, delete obsolete provisions, and streamline procedures. In §126.2(c)(1), a final sentence has been added to clarify the term "competing equivalent request": The section now reads "...The first state agency, political subdivision or assistance organization that agrees to the established price before the expiration of 35 days shall be entitled to the property; provided however, first priority shall be given to a state agency in the event that a competing equivalent request is received from a political subdivision or assistance organization. Two or more requests shall be considered "competing and equivalent" for purposes of this rule if each meets the price established by the notifying or reporting agency and is received by that agency on the same business day within the 35 day period following dissemination of the monthly surplus listing." In §126.2(c)(3), the words "to the public" were inserted to amplify that disposition after the initial 35 day period would be made to the public: "If a transfer or acquisition of property is not arranged within 35 days after the dissemination of the surplus list as provided in (b) above, the commission shall dispose of the surplus or salvage to the public in accordance with §126.3 of this chapter." In §126.3(a), the ending phrase "...on a competitive bid basis" was replaced with "...by sealed bids or auction." In §126.20, Definitions, General Services Administration, the word "A" was replaced with the word "The": "General Services Administration-The federal agency having authority for the disposition and donation of federal surplus property." The definition of "political subdivision" in §126.20 was corrected to read: "Each political subdivision of the state, including counties,

municipalities, public school districts and volunteer fire departments."

The new rules repeal obsolete provisions relating to the Texas Surplus Property Agency; streamline the language previously used in §§113.71-113.76 which contained requirements for state surplus and salvage property and provide procedures for management of federal surplus property by the Intergovernmental Programs Division as the successor to the Texas Surplus Property Agency. In addition, new §§126.1-126.5 will make state surplus property available on a "first-come-first-served" basis, provided that, state agencies will be granted priority when competing equivalent requests are received.

Three written comments were received. Paul Barzack, for Texas A&M University, recommended several editorial changes to clarify the intent of various provisions and broaden the scope of others. In particular, Mr. Barzack recommended broadening the definition of surplus property in §126.20 to insert "grantee, or contractor" after the words "federal agency." William Burnett, for Texas Department of Transportation, opined that §126.2(c)(1) must be read to grant priority for transfer of state surplus to state agencies for the entire 35-day period prescribed in Texas Civil Statutes, Article 601b, Article 9, The Texas Department of Human Services commented in favor of the proposed sections.

The Texas A&M University and the Texas Department of Human Services commented in favor. The Texas Department of Transportation commented against.

Article 601b, Article 9 requires only that "[d]uring the 35-day period, priority shall be given to transfer to a state agency, under rules adopted by the commission." (emphasis added). The commission maintains that its authority to adopt rules necessary to accomplish the larger purposes of Article 9, i.e., "to realize the maximum return to the state in the sale and disposal of surplus property... and minimize losses from accumulations," includes the authority to offer surplus property on a "first-come-first-served" basis so long as state agencies are afforded priority when "competing equivalent requests" are received. The commission or transferring state agency need not await the expiration of 35 days to determine whether a competing equivalent request has been received from a state agency. Certain recommended changes that would assertedly improve the communicatory intent of the language were deemed unnecessary or unclear. The recommendation to broaden the definition of surplus prop-

erty in §126.20 would, arguably, exceed the Commission's current authority to accept federal surplus property as defined in 40 United States Code sections 483-484K and the State Plan of Operation.

These rules are adopted under Texas Civil Statutes, Article 601b, Article 9, §§9.04 and 9.09 which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purposes of the article.

Chapter 126. Intergovernmental Programs Division

State Surplus and Salvage Property §§126.1-126.5

§126.1. Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Assistance organization-

(A) a nonprofit organization that provides educational, health, or human services or assistance to homeless individuals;

(B) a nonprofit food bank that solicits, warehouses, and distributes edible but unmarketable food to agencies that feed needy families and individuals; and

(C) Texas Partners of the Americas, a registered agency with the Advisory Committee on Voluntary Foreign Aid, with the approval of the Partners of the Alliance office of the Agency for International Development.

Political subdivision-Each political subdivision of the state and volunteer fire departments.

Property-Personal property, not including real property or any interest in real property. Personal property affixed to real property may be sold as surplus or salvage property if its removal and disposition is to carry out a lawful objective.

Salvage property-Any personal property which-use, time, or accident is so depleted, worn out, damaged, used, or consumed that it has no value for the purpose for which it was originally intended.

State agency-Any department, commission, board, office or other agency as defined in Texas Civil Statutes, Article 601b, Article 1, §1.02, but excluding those agencies described in Article 9, §9.14. For purposes of acquiring property under these rules, the term "state agency" shall additionally include the Texas Civil Air Patrol.

Surplus Property-Any personal property which is in excess of the needs of any state agency and which is not required for its foreseeable needs. Surplus property may be used or new, but possesses some

usefulness for the purpose for which it was intended or for some other purpose.

§126.2. Disposition of Surplus and Salvage Property to State Agencies, Political Subdivisions and Assistance Organizations.

(a) General. All state agencies that determine they have surplus or salvage property shall inform the commission of the kind, number, location, condition, original cost or value, and date of acquisition of the property in a form prescribed by the commission. The commission shall, in turn, provide this information to other state agencies, political subdivisions, and assistance organizations.

(b) Dissemination of Information. A listing of currently available surplus or salvage property shall be disseminated monthly to state agencies and to those political subdivisions and assistance organizations which have requested this information. The commission will additionally maintain a mailing list, renewable annually, of political subdivisions and assistance organizations. The commission may charge an amount which shall not exceed the actual costs incurred by the commission in maintaining the mail list and in producing and mailing the information on surplus and salvage property.

(c) Offering surplus or salvage property to state agencies, political subdivisions and assistance organizations.

(1) For the first 35 days following dissemination of the monthly surplus listing, the notifying or reporting agency shall establish a price, if any. The first state agency, political subdivision or assistance organization that agrees to the established price before the expiration of 35 days shall be entitled to the property; provided, however, first priority shall be given to a state agency in the event that a competing equivalent request is received from a political subdivision or assistance organization. Two or more requests shall be considered "competing and equivalent" for purposes of this rule if each meets the price established by the notifying or reporting state agency on the same business day within the 35 day period following dissemination of the monthly surplus listing.

(2) If a transfer is made to a state agency, the participating agencies shall report the transaction to the comptroller as provided by law and the comptroller's State Property Accounting System. The comptroller shall then debit and credit the proper appropriations within the systems maintained by the comptroller.

(3) If a transfer or acquisition of the property is not arranged within 35 days after the dissemination of the surplus list as provided in subsection (b) of this section,

the commission shall dispose of the surplus or salvage to the public in accordance with 126.3 of this rule.

§126.3. Disposition of Surplus and Salvage Property to the Public.

(a) General. If no state agency, political subdivision, or assistance organization desires to receive any property reported as surplus or salvage, the commission may dispose of the property by sealed bids or auction, or delegate to the state agency having possession of the property the authority to sell the property by sealed bids or auction.

(b) Mailing list of bidders. The commission will maintain a mailing list of companies or individuals who have applied to bid on surplus or salvage property. The commission shall charge an annual subscription fee to recover the costs associated with maintaining and using the bidders list. Names may be deleted from the mailing list for: failure to bid, failure to make payment, failure to remove awarded items, or failure to renew the annual subscription fee. A bidder who has been removed from the bidders list for failure to pay for or remove surplus property may not be reinstated until a written request has been presented to and approved by the Director of the Intergovernmental Programs Division.

(c) Purchaser Fee. The commission or the agency shall assess and collect from the purchaser a 2.5% fee over and above the proceeds from the sale of the property to recover the costs associated with the sale of the property.

(d) Sealed bids. Sealed bids will be handled in accordance with §113.5 of this title (relating to bid submission, bid opening, and tabulation).

(1) If the value of any property or lot of property, either surplus or salvage, is estimated to be worth over \$1,000 of resale value, the sale shall be advertised at least one time in at least one newspaper of general circulation in the vicinity where the property is located.

(2) When a bid deposit is required, the deposit must be in the amount specified in the bid invitation. Only the following will be considered as meeting the bid deposit requirements: a cashier's check, a certified check, a money order, or cash in the amount specified in the bid invitation. Failure to include a bid deposit in the proper amount will automatically disqualify a bid.

(3) The commission will notify the successful bidder or bidders, on a sealed bid sale of surplus or salvage property, that an award has been made to them and specify a period of time for payment. In the event that a successful bidder fails to make

payment within the specified time, the commission may retain the bid deposit and consider it forfeited.

(4) When a successful bidder has paid the full amount due for the purchase of surplus or salvage property obtained-a sealed bid sale, the commission shall notify both the successful bidder and the agency holding the title of the surplus or salvage and authorize the transfer of possession. In the case of vehicles or other items which require title transfer, it shall be the responsibility of the agency holding title to complete the transfer of title to the successful bidder.

(e) Auctions. Surplus or salvage sold through the auction method shall be accompanied by an auctioneer's paid receipt. The auctioneer's paid receipt will serve as the authorization of the commission that the purchaser has in good faith complied with the conditions of the sale. In the case of vehicles or other items carrying titles, the agency holding the original title shall be responsible for the transfer to the successful bidder.

(f) Delegation of authority to state agency. If the commission determines that it is in the best interest of the state for an agency to dispose of its own surplus or salvage property to the public, it may authorize the agency to do so; however, an agency authorized to sell its own property to the public shall always seek competitive bids. The agency shall follow procedures provided by the commission at the time the delegation is granted and shall provide a report of the proceeds by assigned sale number no later than September 10 of each year for the prior fiscal year.

(g) Firearms. The purchaser of a surplus firearm must be a licensed firearms dealer.

(h) Rejection of bids. The state reserves the right to reject any bid or part of a bid, or waive minor technicalities.

(i) No resale value. If the commission or agency advertises surplus or salvage property for sale and receives no bids, or if items declared surplus or salvage by an agency have, in the judgment of the agency, no resale value, the agency may delete and dispose of the property in a manner to best serve the interest of the state.

(j) Delegation of deletion authority to the state agencies. The commission hereby delegates to the agency the authority to delete surplus or salvage property on the State Property Accounting System after disposition in accordance with these rules.

§126.4. Proceeds.

(a) The proceeds from the sale of any surplus or salvage property, less the

cost of advertising the sale, the cost, if any, of auctioneer services, and the amount of the fee collected under §126.3(c) of this title (relating to Sale and Disposition of Surplus and Salvage Property), shall be deposited to the credit of the item of appropriation to the agency for which the sale was made. The portion of the proceeds from the sale of any surplus or salvage property equal to the costs of advertising the sale and the costs of auctioneer services, if any, shall be deposited in the State Treasury to the credit of the item of appropriation to the Commission from which such costs were expended. The fee collected under §126.3(c) of this title shall be deposited in the State Treasury to the credit of the general revenue fund.

§126.5. Purchase of Chairs.

(a) The commission shall determine the fair market value of the chair which an appointed or elected official or executive head of an executive or legislative agency other than the legislature used during his or her tenure of service and which the official desires to purchase upon vacation of office or termination of service.

(b) The property manager of the state agency shall submit the following information about the chair to the commission:

- (1) acquisition date;
- (2) original cost;
- (3) inventory number;
- (4) description of chair including brand and model number;
- (5) current condition;
- (6) current estimated value; and
- (7) name of the appointed or elected official or executive head of the state agency and the date of vacation of office or termination of service.

(c) The commission will determine the fair market value of the chair and notify in writing the property manager of the state agency requesting the determination. Upon payment of the determined fair market value of the chair, the property manager may transfer the chair to the state official and remove the chair from any inventory of personal property.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450972

Judith Monaco Porras
General Counsel
General Services
Commission

Effective date: December 6, 1994

Proposal publication date: September 9, 1994

For further information, please call: (512) 463-3960

Federal Surplus and Salvage Property

• 1 TAC §126.20, §126.21

The new sections are adopted under Texas Civil Statutes, Article 601b, §9.04 and §9.09, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the Article 9.

§126.20. Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Donee—An organization certified by the commission as eligible under federal agency regulations to receive and utilize federal surplus property.

General Services Administration—The federal agency having authority for the disposition and donation of federal surplus property.

Nonprofit Organization—An organization that provides educational, health or human services or assistance to individuals.

Political subdivision—Each political subdivision of the state, including counties, municipalities, and public school districts and volunteer fire departments

Property—Personal property, not including real property or any interest in real property.

Surplus Property—Any personal property which is in excess of the needs of any federal agency and which is not required for its foreseeable needs. Surplus property may be used or new, but possesses some usefulness for the purpose for which it was intended or for some other purpose.

Texas State Plan of Operation—A document outlining the methods by which the commission will implement the rules and regulations as set forth by the General Services Administration.

§126.21. Donation.

(a) Donations. The commission will obtain and donate federal surplus property as provided by federal laws and regulation. Donations of the property will be limited to state agencies, political subdivisions, and nonprofit organizations which have been certified as donees meeting federal eligibility requirements.

(b) Cost recovery. Fees may be charged to donees to recover the costs of administering the program. Any fund established by these fees shall only be used for the support of this program.

(c) Public Auction. Property that the commission does not donate may be

disposed of by public auction. The commission will be responsible for providing auctioneering services, unless such services are provided by the General Services Administration.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450970

Judith Monaco Porras
General Counsel
General Services
Commission

Effective date: December 8, 1994

Proposal publication date: September 9, 1994

For further information, please call: (512) 463-3960

◆ ◆ ◆
**Part XII. Advisory
Council on State
Emergency
Communications**

Chapter 251. Regional Plans

• 1 TAC §251.6

The Advisory Commission on State Emergency Communications adopts new §251.6, concerning agency guidelines for strategic plans, amendments, and equalization surcharge allocation, with changes to the proposed text as published in the August 5, 1994, issue of the *Texas Register* (19 TexReg 6078).

The new section is adopted in order to provide ACSEC a process that authorizes the Councils of Governments to utilize a standardized and streamlined method for the plan amendment process for implementing approved strategic plan through 1997. The section provides procedures to facilitate the implementation, upgrade, replacement and maintenance of 9-1-1 services at the highest level possible for the public safety of citizens.

Comments generally in support of the new section were submitted by North Central Texas Council of Governments and Texas Association of Regional Councils 9-1-1 Coordinators Association. They concurred on comments submitted.

In regard to comments concurred by both parties, they commented that the reporting requirements and the amendment process were not consistent with the Uniforms Grant and Management System. The ACSEC agreed and changed the reporting requirement to a quarterly schedule and changed the budget level where percent changes are to be made. They will be made to the total budget instead of each level budget as originally proposed.

They asked for clarification in the language contained in subsection (f) relating to emergency amendments to regional plans that require equalization surcharge. They

commented that this did not address the service fee areas. The Commission agreed and changed the language from "equalization surcharge" to "funding."

They indicated, and the Commission concurred, that the language under subsection (d)(4) does not offer any additional guidance to amending regional plans, and that subsection (d)(3) satisfies the intent that changes be consistent with all ACSEC policies and procedures.

The Commission also approved the deletion of duplicative language found within the rule as published in the August 5, 1994, issue of the *Texas Register*.

The new section is adopted under the Health and Safety Code, Chapter 771, Subchapters C and D; and, the Texas Administrative Code, Part XII, Chapter 251, Regional Plans and Standards.

§251.6. Guidelines for Strategic Plans, Amendments, and Equalization Surcharge Allocation.

(a) Policy and Procedures. As authorized by the Texas Health and Safety Code, Chapter 771, The Advisory Commission on State Emergency Communications (ACSEC) may impose 9-1-1 emergency service fees and equalization surcharges to support the planning, development, and provision of 9-1-1 service throughout the State of Texas. In accordance with §771.055, such service implementation shall be consistent with regional plans developed by regional planning commission. These regional plans must meet standards established by the ACSEC and include a description of how money allocated to the region under this chapter is to be allocated in the region. Section 771.057 addresses amendments to regional plans and indicates that such amendments may be adopted in accordance with procedure established by the ACSEC.

(b) Strategic Plan Levels. Regional plans developed in accordance with Chapter 771, along with the commensurate allocation of the described funds shall reflect implementation consistent with the following three major strategic plan levels (in order of priority):

(1) Level I: 9-1-1 service generally associated with Automatic Number Identification (ANI), to include the following components and associated costs:

(A) Central office modification;

(B) 9-1-1 trunks;

(C) Alternative networks;

(D) Public Safety Answering Point (PSAP) equipment room preparation;

(E) PSAP/ANI displays, etc.;

(F) Telephone equipment;

(G) Language line;

(H) Maintenance and repair of customer premises equipment (CPE); and

(I) Capital recovery of the above equipment.

(2) Level II: 9-1-1 service generally associated with Selective Routing (SR) and Automatic Location Identification (ALI), to include the following components and associated costs:

(A) Master Street Assignment Guide (MSAG);

(B) SR/ALI/PSAP room preparation;

(C) Data links;

(D) ALI displays, etc.;

(E) Maintenance and repair of CPE;

(F) Addressing; and

(G) Capital recovery of the above equipment

(3) Level III: Other 9-1-1 equipment, services and enhancements to same, to include, but not limited to the following components and associated costs:

(A) Network improvements like additional trunk diversity, other redundancy, and cellular access;

(B) Other enhancements like emergency power, recorders, pagers, detectors/diverters, external ringers;

(C) Maintenance and repair of the above equipment; and

(D) Other.

(c) Strategic Plans. Regional plans developed in compliance with Chapter 771 shall include a strategic plan that projects regional 9-1-1 service costs, and service fee and other non-equalization surcharge revenues at least three years into the future, beginning September 1, 1994. Within the

context of §771.056(d), the ACSEC shall consider any revenue insufficiencies to represent need for equalization surcharge funding support.

(1) ACSEC may establish the format of strategic plans for the sake of identifying overall statewide requirements in its implementation.

(2) Strategic plans shall be reviewed and amended, as necessary, six months following initial adoption and approval by the ACSEC, or no later than March 1, 1995. Following that initial review, said plans shall be reviewed and amended, as appropriate, on an annual basis beginning September 1, 1995.

(3) Each annual review and update of strategic plans shall reflect a reconciliation of all actual implementation costs by component incurred for the year involved against projected strategic plan costs and revenues.

(4) Strategic plans shall be consistent with the three major implementation priority levels identified above and all applicable ACSEC policies and rules.

(5) A regional planning commission shall submit financial and performance reports at least quarterly on a schedule to be established by ACSEC. The financial report shall identify actual implementation costs by county, strategic plan priority level and component. The performance report shall reflect the progress of implementing the region's strategic plan.

(d) Amendments to Regional Plans.

(1) A regional planning commission may make changes to its approved regional plan to accommodate unanticipated requirements and/or to prevent disruption of its implementation schedule, contingent upon the following:

(A) The changes do not require additional equalization surcharge funds;

(B) The annual effect of such changes of strategic plan components within strategic plan levels do not exceed (5.0%) of the total strategic plan budget; and

(C) The changes are consistent with all ACSEC policies and procedures.

(2) Changes made to the regional plan must be reported in writing to the ACSEC within 15 working days of making the change. The documentation required for changes will be an amended budget, narrative, and related worksheets.

(3) Emergency situations requiring amendments to regional plans that re-

quire additional funding may be presented to the ACSEC for review and consideration contingent upon the availability of such funds.

(e) Allocation of Equalization Surcharge Funds.

(1) Consistent with this rule, the ACSEC shall allocate, by agreement, equalization surcharge funds to regional planning commissions and emergency communication districts based upon statewide strategic plan and district needs coupled with the projected availability of such funds over a three-year period.

(2) Equalization surcharge funds shall be allocated first to eligible recipients requiring such funds for administrative budgetary purposes, followed by Level I, II, and III activities in that order.

(3) If sufficient equalization surcharge funds are not available to fund all regional planning commission strategic plan and district requests, funds shall be allocated to provide a consistent level of 9-1-1 service throughout the State of Texas in accordance with the priority levels described. Such allocation may include but are not limited to one or more of the following:

(A) In reverse order of priority, reducing the number of priority level components supported with equalization surcharge funds;

(B) Requesting that appropriate strategic plans to be adjusted to allow for more implementation time; and/or

(C) In order of priority, proportionally allocating available funds among requesting agencies.

(4) The ACSEC may elect to hold a balance of equalization surcharge funds in reserve for emergencies and other contingencies.

(f) Funding Parameters. The Commission will look favorably on plan amendments for ancillary equipment that will improve the effectiveness and reliability of 9-1-1 call delivery systems. This will include the following when the equipment is for 9-1-1 call delivery: surge protection devices, uninterrupted power source (UPS), power backup, voice recorders, paging systems for 9-1-1 call delivery, security devices, and other back-up communication services.

(1) Paging Systems. Funding for paging systems may be approved when such systems are the most effective means of 9-1-1 call delivery and they do not replace other paging or radio alerting systems. Funding for paging will be limited to systems, where alternative systems or the sys-

tems now in use cause significant delay in 9-1-1 call delivery and where existing radio systems can be modified to accommodate paging. Funding for pagers (receivers) will be limited to only those necessary to alert the core responders within an organization (e.g., in a 15-member volunteer emergency medical group, only the on-call ambulance driver and one or two attendants would be furnished pagers).

(2) Voice Recording Equipment. Voice Loggers may be approved when the primary use of the equipment is in support of the 9-1-1 call-taking and call-delivery function. Extra capacity on such systems may be used for other public safety functions (such as dispatch), however, 9-1-1 funding will not be authorized for systems whose capacity clearly exceed actual or anticipated 9-1-1 requirements. Shared funding of larger systems to accommodate both a 9-1-1 PSAP and a PSAP operating agency's other needs will be considered. Other considerations include:

(A) The Commission will normally fund voice recording capability in a PSAP to record the conversation on each answering position used to answer emergency calls on a regular basis. (This means one recording channel per answering position instead of one channel per incoming line.)

(B) The Commission will also fund recording capability to record the transfer of an emergency call from the PSAP first answering the call to the agency that is responsible for providing the required emergency services. This recording capability will be limited to the minimum amount required to record the transfer of the caller and relaying of information to the service provider.

(C) The Commission will fund the purchase of voice recorders, as justified, to record 9-1-1 call delivery. Call volumes requiring recording in excess of 90 minutes per day will normally be required to justify larger systems.

(D) The funding of built-in cassette recorders to transfer information from another recorder will be approved only upon specific justification of need.

(E) Funding for search capability for recorders will be limited to the ability to locate an event by date and time.

(F) The Commission will not normally fund the purchase of both voice logging recorders and instant playback recorders in the same location.

(G) When the operator of a 9-1-1 PSAP and the providers of emergency services desire to use the same recording equipment funded by Regional Plan, the following guidelines will apply to determine the amount to be funded by the Commission.

(i) When the minimum size of recorder that can be purchased to serve the PSAP provides more channels than are needed by the PSAP to record the delivery of 9-1-1 calls, the other agency may use the extra channels and all funding will be provided by the Commission.

(ii) When the PSAP requires a given size of recording equipment, and the other agency requires additional channels, the Commission will fund the size of recording equipment needed to record the delivery of 9-1-1 calls, and the other agency will fund all additional equipment.

(iii) When the recording requirements of the other agency requires additional features or capabilities than would be required by the PSAP alone, the Commission will fund the equivalent amount of the system needed to serve the PSAP alone. For instance, if the PSAP could use a cassette recorder system to record the delivery of 9-1-1 calls, but another agency needs to record a radio channel that requires the capacity of a reel-to-reel recorder, the Commission will fund the equivalent cost of the cassette system.

(H) To assist the Commission in reviewing and approving requests for funding for voice recording devices for 9-1-1 call delivery, requests for funding should include a worksheet, provided by the Commission, for each PSAP location.

(I) In reviewing requests for recording systems, the Commission will award funding, when justified, for the actual costs of basic recording systems not to exceed \$6,000 on 4-channel or equivalent systems, and not to exceed \$10,000 on up to 10-channel or equivalent recording systems. Requests for any other recording systems will require separate approval by the Commission.

(J) The Commission will consider funding of recording capabilities greater than those suggested by the guideline: when sufficient justification is provided as part of a Regional Plan.

(g) Emergency Power Equipment. Each PSAP location should be evaluated to determine if an emergency power system is required to insure the ability to answer 9-1-1 calls. A PSAP that receives a relatively small number of emergency calls per

day may be able to provide acceptable service without the availability of ANI or ALI for short periods of time. If the same PSAP is located in a location that is subject to prolonged power outages, it may need emergency power sources. Other considerations include.

(1) Where conditions exist that indicate a need for emergency power systems to support 9-1-1 call delivery, UPS should be considered as the emergency power system. Emergency generators (backup power) should be approved only in locations with a history, or potential, for extended interruptions of commercial power supplies. Generally, 9-1-1 funding will not be used to provide both emergency power and UPS. At least 75% of the capacity of any UPS system funded should directly support an existing (or planned) 9-1-1 system.

(2) Each request for UPS must include a worksheet showing the calculations used to determine the system size and batteries required. This worksheet must identify all equipment to be powered and the operating voltage and current drain of each piece of equipment. The request for UPS must identify the load capacity of the system requested and the length of time the batteries will operate the PSAP 9-1-1 equipment.

(3) The length of time that an UPS battery will be required to provide emergency power is a major factor in determining the cost of the UPS system. Each request for UPS must provide information justifying the size of the batteries requested. Information concerning the history of power failures at the PSAP location and the average time to restore power should be obtained from the local power company.

(4) If the history of power failures, or the expected restoral time, is more than can be economically justified for UPS batteries, backup power can be considered. Any request for an emergency generator in addition to an UPS shall include a comparison of the cost of an UPS system with sufficient batteries to the cost of the combination of UPS and backup power.

(5) There may be circumstances that justify the installation of an emergency generator (backup power) in addition to an UPS as the primary system for a PSAP location. In these cases, the request for emergency power must include an explanation and comparison of the relevant costs.

(6) When the operator of a 9-1-1 PSAP and the providers of emergency services desire to share the emergency power system funded by the Commission, the following guidelines will apply to determine the amount to be funded by the Commission:

(A) When the minimum size of emergency power system that can be purchased to serve the PSAP provides more capacity than is needed by the PSAP, the other agency may use the extra capacity and all funding will be provided by the Commission.

(B) When the PSAP requires a given size of emergency power system, and the other agency requires additional capacity, the Commission will fund the size of emergency power equipment needed to supply the PSAP alone and the other agency will fund all additional capacity.

(7) Funding may be approved for surge protection devices when they are used for protection of 9-1-1 specific electronic equipment.

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

(1) 9-1-1 Call Delivery—Delivery of a 9-1-1 call to the agency responsible for providing the emergency service required.

(2) 9-1-1 Funds—Funds assessed and disbursed in accordance with the Texas Health and Safety Code, Chapter 771.

(3) Emergency Communications District—A public agency or group of public agencies acting jointly that provided 9-1-1 service before September 1, 1987, or that had voted or contracted before that date to provide that service; or a district created under Health and Safety Code, Chapter 772, Subchapter B, C, or D, Chapter 772.

(4) Paging Systems—A radio system capable of transmitting tone, digital, and/or voice signals to small receiving devices designed to be carried by an individual.

(5) Power Backup—Power provided by a generator in the event regular utility services are interrupted.

(6) Recorders—Devices that capture and retain sound, including, but not limited to the following:

(A) Voice Loggers. A device that records sound on a permanent source for later review.

(b) Instant Recall Recorder. A device that records and temporarily stores calls for immediate review.

(7) Regional Plan—Each regional planning commission shall develop and plan for the establishment and operation of 9-1-1 service throughout the region that the regional planning commission serves. The service must meet the standards established by the ACSEC.

(8) **Regional Planning Commission**—A commission established under Local Government Code, Chapter 391, also referred to as a regional council of governments (COG), or simply, a regional council.

(9) **Security Devices**—Devices whose use is specific to the protection of 9-1-1 systems from intentional damage.

(10) **Strategic Plan**—As part of a regional plan, a document identifying 9-1-1 equipment and related activity, by strategic plan component, required to support planned levels of 9-1-1 service within a defined area of the state. The strategic plan normally covers at least a three year planning period, and specifically projects 9-1-1 implementation costs and revenues associated with the above including equalization surcharge requirements.

(A) **Strategic Plan Component**. Within a 9-1-1 implementation priority level, a category of 9-1-1 activity and/or equipment generally associated with 9-1-1 implementation cost.

(B) **Strategic Plan Level**. An ACSEC established state wide implementation priority generally associated with a level of 9-1-1 service—e.g., Automatic Number Identification, ANI.

(11) **Surge Protection Devices**—Devices designed to protect sensitive electronic equipment by preventing excessive electrical power from reaching and damaging such equipment.

(12) **Uninterrupted Power Source UPS**—Equipment that is designed to provide a constant power source for electronic systems. Capable of operating independently, for a designated period of time, should public or emergency electrical power sources fail.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450953

Mary A. Boyd
Executive Director
Advisory Council on State
Emergency
Communications

Effective date: December 6, 1994

Proposal publication date: August 5, 1994

For further information, please call: (512) 305-6911

◆ ◆ ◆

TITLE 4. AGRICULTURE

Part II. Texas Animal Health Commission

Chapter 35. Brucellosis

Subchapter A. Eradication of Brucellosis in Cattle

• 4 TAC §35.6

The Texas Animal Health Commission adopt an amendment to §35.6, concerning payment of indemnity for brucellosis-exposed cattle, without changes to the proposed text as published in the October 4, 1994, issue of the *Texas Register* (19 TexReg 7868).

The amendment is necessary to encourage more owners of brucellosis infected herds of cattle to select the depopulation option by offering to add state indemnity funds to those paid by the USDA when depopulation is accomplished within 45 days of offer.

No comments were received regarding adoption of the amendment. The Commission adopts the proposal without changes to allow Texas Animal Health Commission to pay \$100 per head for not more than 100 negative exposed, test-eligible females, and not more than five negative exposed, test-eligible males in addition to the indemnity paid by USDA.

The amendment is adopted under the Texas Agriculture Code, which provides the Texas Animal Health Commission with the authority to promulgate rules regarding indemnity payments to owners for brucellosis-exposed cattle.

The amendment implements the Texas Agriculture Code, §163.068.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 14, 1994.

TRD-8450926

Terry Beals, DVM
Executive Director
Texas Animal Health
Commission

Effective date: December 5, 1994

Proposal publication date: October 4, 1994

For further information, please call: (512) 719-0714

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 70. Industrialized Housing and Buildings

• 16 TAC §70.10, §70.100

The Texas Department of Licensing and Regulation adopts amendments to §70.10 and

§70.100, concerning Mandatory State Codes. Section 70.10 is adopted with changes to the proposed text as published in the September 30, 1994, issue of the *Texas Register* (19 TexReg 7748). Section 70.100 is adopted without changes and will not be republished. The amendments are adopted to comply with Federal requirements in the Energy Policy Act of 1992. In §70.10 the definition of ICBO was changed to delete the word "South" in the street address.

No comments were received regarding adoption of the amendments, however, one comment was received concerning the adopted codes. Texas Industrialized Housing and Buildings Act, Article 5221f-1, §2, specifies the building codes that the structures must be constructed to meet or exceed.

The amendments are adopted under Texas Civil Statutes, Article 5221f-1, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purposes of the Act.

§70.10. Definitions.

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

(1) **Act-Texas Civil Statutes**, Article 5221f-1.

(2) **ASHRAE**—American Society of Heating, Refrigeration and Air Conditioning Engineers, 1791 Tullie Circle, N.E., Atlanta, GA 30329.

(3) **Building site**—A lot, the entire tract, subdivision, or parcel of land on which industrialized housing or buildings are sited.

(4) **Building system**—The design and/or method of assembly of modules or modular components represented in the plans, specifications, and other documentation which may include structural, electrical, mechanical, plumbing, fire protection, and other systems affecting health and safety.

(5) **CABO**—Council of American Building Officials composed of ICBO, SBCCI, and Building Officials and Code Administrators International, Inc. (BOCA), 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041.

(6) **Closed construction**—That condition where any industrialized housing or building, modular component, or portion thereof is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.

(7) **Commercial structure**—An industrialized building classified by the applicable model code for occupancy and use groups other than residential for one or more families.

(8) Commissioner's designee—A person appointed by the commissioner to act in a capacity of authority.

(9) Compliance Control Program—The manufacturer's system, documentation, and methods of assuring that industrialized housing, buildings, and modular components, including their manufacture, storage, handling, and transportation conform with the Act and this chapter.

(10) Component—A sub-assembly, subsystem, or combination of elements for use as a part of a building system or part of a modular component that is not structurally independent, but may be part of structural, plumbing, mechanical, electrical, fire protection, or other systems affecting life safety.

(11) Decal—The approved form of certification issued by the department to the manufacturer to be permanently affixed to the module indicating that it has been constructed to meet or exceed the code requirements and in compliance with these sections.

(12) Design package—The aggregate of all plans, designs, specifications, and documentation required by these sections to be submitted to the design review agency, or required by the design review agency for compliance review, including the compliance control manual and the on-site construction documentation. Unique or site specific foundation drawings and special on-site construction details prepared for specific projects are not a part of the design package except as expressly set forth in §70.74 of this title (relating to Alterations and Deviations).

(13) Design review agency—An approved organization, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability to review designs, plans, specifications, and building systems documentation, and to certify compliance to these sections evidenced by affixing the council's stamp. The Act designates the department as a design review agency.

(14) ICBO—International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601.

(15) Industrialized builder—A person who is engaged in the assembly, connection, and on-site construction and erection of modules or modular components at the building site or who is engaged in the purchase of industrialized housing or buildings or of modules or modular components from a manufacturer for sale or lease to the public; a subcontractor of an industrialized builder is not a builder for purposes of these sections.

(16) Insignia—The approved form of certification issued by the department to the manufacturer to be permanently

affixed to the modular component indicating that it has been constructed to meet or exceed the code requirements and in compliance with the sections in this chapter.

(17) Installation—On-site construction (see paragraph (32) of this section).

(18) Lease, or offer to lease—A contract or other instrument by which a person grants to another the right to possess and use for a specified period of time in exchange for payment of a stipulated price.

(19) Local building official—The agency or department of a municipality or other local political subdivision with authority to make inspections and to enforce the laws, ordinances, and regulations applicable to the construction, alteration, or repair of residential and commercial structures.

(20) Manufacturer—A person who constructs or assembles modules or modular components at a manufacturing facility which are offered for sale or lease, sold or leased, or otherwise used.

(21) Manufacturing facility—The place other than the building site, at which machinery, equipment, and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming, or assembly of industrialized housing, buildings, modules, or modular components.

(22) Model—A specific design of an industrialized house, building, or modular component which is based on size, room arrangement, method of construction, location, arrangement, or size of plumbing, mechanical, or electrical equipment and systems therein in accordance with an approved design package.

(23) Module—A three dimensional section of industrialized housing or buildings, designed and approved to be transported as a single section independent of other sections, to a site for on-site construction with or without other modules or modular components.

(24) NFPA—National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(25) Nonsite specific building—An industrialized house or building for which the permanent site location is unknown at the time of construction.

(26) On-site construction—Preparation of the site, foundation construction, assembly and connection of the modules or modular components, affixing the structure to the permanent foundation, connecting the structures together, completing all site-related construction in accordance with designs, plans, specifications, and on-site construction documentation.

(27) Open construction—That condition where any house, building, or portion thereof is constructed in such a manner that all parts or processes of manufacture can be readily inspected at the building site without disassembly, damage to, or destruction thereof.

(28) Permanent foundation system—A foundation system for industrialized housing or buildings designed to meet the applicable building code as set forth in §70.100 of this title (relating to Mandatory State Codes) and §70.102 of this title (relating to Use and Construction of Codes).

(29) Person—An individual, partnership, company, corporation, association, or any other legal entity, however organized.

(30) Price—The quantity of an item that is exchanged or demanded in the sale or lease for another.

(31) Public—The people of the state as a whole to include individuals, companies, corporations, associations or other groups, however organized, and governmental agencies.

(32) Registrant—A person who, or which, is registered with the department pursuant to the rules of this chapter as a manufacturer, builder, design review agency, third party inspection agency, or third party inspector.

(33) Residential structure—Industrialized housing designed for occupancy and use as a residence by one or more families.

(34) Sale, sell, offer to sell, or offer for sale—Includes any contract of sale or other instrument of transfer of ownership of property, or solicitation to offer to sell or otherwise transfer ownership of property for an established price.

(35) SBCCI—Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213.

(36) Site or building site—A lot, the entire tract, subdivision, or parcel of land on which industrialized housing or buildings are sited.

(37) Special conditions and/or limitations—On-site construction documentation which alerts the local building official of items, such as handicapped accessibility or placement of the building on the property, which may need to be verified by the local building official for conformance to the mandatory state codes.

(38) Structure—An industrialized house or building which results from the complete assemblage of the modules, modular components, or components designed to be used together to form a completed unit.

(39) Third party inspector—An approved person or agency, private or public, determined by the council to be qualified by reason of facilities, personnel, experience, demonstrated reliability, and independence of judgement to inspect industrialized housing, buildings, and portions thereof for compliance with the approved plans, documentation, compliance control program, and applicable code.

(b) (No change.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450966

Jack W. Garrison
Executive Director
Texas Department of
Licensing and
Regulation

Effective date: December 6, 1994

Proposal publication date: September 30, 1994

For further information, please call: (512) 463-7357

TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 115. Control of Air Pollution from Volatile Organic Compounds

Subchapter C. Consumer Related Sources

Utility Engines

• 30 TAC §115.621, §115.625

The Texas Natural Resource Conservation Commission (TNRCC) adopts amendments to §115.621, concerning Utility Engines. Section 115.621 is adopted with changes to the proposed text as published in the July 29, 1994, issue of the *Texas Register* (19 TexReg 5825). Section 115.625 is adopted without changes and will not be republished. The amendments are in response to a petition filed by the Outdoor Power Equipment Institute (OPEI) requesting that TNRCC rescind §115.621 and §115.625.

The OPEI petition followed a lawsuit filed by the same organization. The OPEI claimed the Utility Engine rule was illegal because it was not identical to a similar rule passed by California, as required by the Federal Clean Air Act, §209, (FCAA) Amendments of 1990. The OPEI petition also requested that TNRCC consider alternate methods of obtaining reductions in volatile organic compounds (VOC)

other than the Utility Engine rule. The reductions claimed under the Utility Engine rule are part of the plan to reduce VOC by 15% in each of the four areas of Texas that do not meet the National Ambient Air Quality Standards (NAAQS) for ozone.

The amendment to §115.621 adds language that makes the section applicable to small internal combustion engines manufactured after August 1, 1996. The amendment to §115.621 also removes a set of emission standards due to take effect in 1999 that are more stringent than those effective in 1996. The more stringent standards have been made unnecessary by pending federal action. The final amendment to §115.621 changed the units in which emission standards are expressed to metric. The amendment to §115.625 removes language which established January 1, 1996 as the date after which no engine could be sold or leased unless it met emission standards stated in the section. The amendment deletes any specific reference to period of time in which engines failing to meet emission standards may be sold provided they are for emergency use.

A public hearing was held in Austin on August 22, 1994. Four commenters submitted testimony during the public comment period which closed on September 2, 1994.

The OPEI commented that the Texas Utility Engine rule, as it existed prior to the amendment, prohibited the sale or lease of equipment manufactured prior the effective date of the rule. This would cause equipment manufactured prior to the date to become unmovable inventory after the effective date of the Texas rule.

The TNRCC agreed that the language in the original rule could create a backlog of equipment that dealers could neither sell nor lease in Texas. Correcting this situation is a major reason for the amendment. The amended rule language now applies the lower emission standards only to engines manufactured after August 1, 1996.

The OPEI submitted a large amount of the testimony on the question of whether or not Texas has supplied two years lead time prior to the enforcement of small engine emission factors as required by the FCAA, §209. The OPEI commented that the original rule did not provide two years lead time in that the rule would affect engines already manufactured prior to the effective date of the rule. The OPEI also stated that the existing Texas rule was inconsistent with the California rule and was, therefore, invalid under the FCAA, §209. They stated that an invalid rule does not provide proper two-year notification.

The validity of the original Texas rule is a question also raised in the December 1993 lawsuit filed by OPEI and will not be discussed in this evaluation. The emission standards that manufacturers will be required to meet are identical to the standards used by California and the federal government. The TNRCC recognizes the importance of using consistent standards nationwide and has not changed the standards that were part of the original rule as promulgated in November 1993 except to remove a more stringent set that was scheduled for implementation in

1999. The TNRCC believes that two years of lead time have been supplied as no changes are being made to standards that manufacturers will be required to meet in 1996.

The OPEI stated that Texas cannot disregard the two-year lead time by arguing that reductions in emissions realized from the rule are required to be in State Implementation Plans (SIPs) and creditable for 1996. The OPEI also commented that, since the California rule has not been approved by the United States Environmental Protection Agency (EPA) as required by the FCAA, §209 Texas cannot adopt the standards used by California.

For reasons stated earlier, TNRCC believes that two years of lead time have been provided to engine manufacturers. The TNRCC will not enforce small engine emission standards until EPA has approved the California program. The question of adopting the California standards was also raised in the OPEI lawsuit. While the lawsuit is not yet resolved, TNRCC believes that the FCAA does not prohibit the adoption of standards. This method allows manufacturers to know exactly which standards their engines will have to meet.

The OPEI additionally stated that the federal rule regulating small engines will take effect on August 1, 1996 with substantial reduction credits available, and the Texas rule is not necessary.

The EPA has published guidance for the federal small engine rule which recommends that states wishing to take credit for small engine reductions in their SIP's for 1996 retain a state rule for back-up in the event the federal rule is delayed. The TNRCC will follow this advice. Should the federal rule be enacted on time, TNRCC will evaluate the necessity for the state rule.

The EPA generally supports the Texas rule and encourages continued cooperation between TNRCC and OPEI to obtain emission credits for cleaner engines now entering the market.

The TNRCC will continue trying to expedite the process of obtaining these credits with the cooperation of OPEI. In testimony submitted by OPEI, they state that additional information concerning cleaner engines will be available shortly.

The EPA stated that TNRCC should publish the original preamble to the Texas utility engine rule to clarify the certification procedure for engines to be sold in Texas. Texas intends to allow engines certified for sale in California to be sold in Texas also. While the Executive Director of the TNRCC will issue a certification for the engines, the basis of that certification will be testing information associated with California acceptance of a particular engine model.

The EPA is not certain whether a modification to the Texas rule negates the original and starts a new industry notification clock.

While portions of the utility engine rule are being modified, the actual emission standards are not. They are the same standards as in the original rule, the California rule, and in the pending federal rule. The TNRCC believes

that the two-year notification requirement has been met through adoption of the original rule in November 1993, and does not intend for this rule modification to start a new clock.

The EPA commented that TNRCC should leave the standards time frame as it is in the original rule so that Texas can obtain credit beyond 1996.

The rule, as modified, will obtain sufficient credits in 1996 and beyond to allow Texas to meet the state's SIP requirements. A private individual commented that he was against rescinding the rule and was against removing the language that established January 1, 1996 as a cutoff day for selling or leasing noncomplying equipment.

The TNRCC believes it is premature to consider rescinding this rule. The January 1, 1996 cutoff date would have created a great deal of inventoried equipment that could neither be sold nor leased in Texas. The TNRCC believes this would have created an unnecessary economic burden for retailers and has modified the rule for that reason.

The same individual supports the promotion of electric alternatives to lawn and garden equipment and was against removing the more stringent 1999 standards.

The 1999 standards found in the California rule and the original Texas rule were stringent enough to promote the production of electric equipment, especially in two-cycle engine applications such as lawn mowing. The federal government will promulgate a second tier of standards shortly and Texas will use the federal rule for this second set of standards. The standards adopted by California are technology forcing and do not yet have federal approval.

The Southwest Association supported the amendments.

For consistency with the federal rule on small engines, TNRCC has changed the units in the emissions table to express limits in grams per kilowatt-hour. The actual mass emission rate is not changed.

The amendments are adopted under the Texas Health and Safety Code (Vernon 1992), the Texas Clean Air Act (TCAA), §382.017, which provides the TNRCC with the authority to adopt rules consistent with the policy and purposes of the TCAA.

§115.621. Control Requirements.

(a) This section shall be applicable to utility engines produced on or after August 1, 1996.

(b) No person shall sell, offer for sale, lease, or offer to lease any utility engine or equipment powered by a utility engine which does not satisfy the following emission standards:

Figure 1: 30 TAC §115.621(b)

(c) The Executive Director shall certify each class of utility engine for sale in Texas based on the following criteria:

(1) ability of the engine to meet the emission standards in subsection (a) of this section; and

(2) consumer warranty provisions adequate to cover a two-year period from the date of original purchase from the engine or equipment distributor.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 16, 1994.

TRD-9450997

Mary Ruth Holder
Director, Legal Services
Division
Texas Natural Resource
Conservation
Commission

Effective date: December 7, 1994

Proposal publication date: July 29, 1994

For further information, please call: (512) 239-1970

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 95. Medication Aides

Program Requirements

- 40 TAC §§95.101, 95.103, 95.105, 95.107, 95.109, 95.111, 95.113, 95.115, 95.117, 95.119, 95.121, 95.123, 95.125, 95.127

The Texas Department of Human Services (DHS) adopts new §§95.101, 95.103, 95.105, 95.107, 95.109, 95.111, 95.113, 95.115, 95.117, 95.119, 95.121, 95.123, 95.125, and 95.127, concerning the administration of medications to nursing facility residents, in new Chapter 95, Medication Aides. The new sections are adopted without changes to the proposed text as published in the September 20, 1994, issue of the *Texas Register* (19 TexReg 7394).

The justification for the new sections is to establish a new rule chapter to provide a foundation for regulating the administration of medications to residents of facilities, which include nursing facilities and correctional institutions. As part of DHS's revision and combining of the nursing facility licensure rules and Medicaid certification rules, the medication aide rules are being moved to this new chapter. Rules for medication aides were formerly Subchapter E of DHS's Chapter 90, Nursing Facilities and Related Institutions.

Significant changes have been made in the rules affecting medication aides in the areas of criminal convictions and formal hearings. Greater detail is included in the classifications of convictions which indicate the inability of a person to work as a medication aide. New language is being proposed to allow for the provision of one formal hearing for an alleged act of abuse, neglect, or misappropriation by

an individual holding both a permit for medication aide practice and a certificate for nurse aide practice.

The new sections will function by providing more appropriate placement of DHS's medication aide rules, providing more specific rule language affecting employment criteria, and providing for more efficient disposition of formal hearings.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Health and Safety Code, Chapter 242 which provides the department with the authority to regulate medication aides and under Texas Civil Statutes, Article 4413 (502), historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to long-term care licensing, certification, and surveys from the Texas Department of Health to the Texas Department of Human Services.

The new sections implement the Health and Safety Code, §§242.151-242.161.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450980

Nancy Murphy
Section Manager, Media
and Policy Services
Texas Department of
Human Services

Effective date: January 1, 1995

Proposal publication date: September 20, 1994

For further information, please call: (512) 450-3785

Part VI. Texas Commission for the Deaf and Hearing Impaired

Chapter 183. Board for Evaluation of Interpreters and Interpreter Certification

Subchapter B. Board Certification Procedures

- 40 TAC §183.131

The Texas Commission for the Deaf and Hearing Impaired adopts the repeal of §183.131, concerning Petition for Regrading, without changes to the proposed text as published in the August 23, 1994, issue of the *Texas Register* (19 TexReg 6656).

This repeal will make more efficient use of the resources of the certification program and adopt program policies standard to other state licensing agencies.

This repeal eliminates the petition for regrading of evaluations after a failing grade is received.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired with the authority to adopt and amend rules for administration and programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 14, 1994.

TRD-9450962

David W. Myers
Executive Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: December 6, 1994

Proposal publication date: August 23, 1994

For further information, please call: (512) 451-8494

Subchapter E. Fees

• 40 TAC §183.573

The Texas Commission for the Deaf and Hearing Impaired adopts an amendment to §183.573, concerning fees, without changes to the proposed text as published in the August 23, 1994, issue of the *Texas Register* (19 TexReg 6656).

This amendment deletes the fee for regrading in paragraph (8).

This amendment is adopted in conjunction with the elimination of regrading procedures to make more efficient use of the resources of the certification program and adopt program policies standard to other state licensing agencies.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §81.006(b)(3), which provides the Texas Commission for the Deaf and Hearing Impaired the authority to adopt rules for administration and programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on November 14, 1994.

TRD-9450963

David W. Myers
Executive Director
Texas Commission for the
Deaf and Hearing
Impaired

Effective date: December 6, 1994

Proposal publication date: August 23, 1994

For further information, please call: (512) 451-8494

Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notices of actions taken by the Department of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure Act.)

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the Department of Insurance, 333 Guadalupe, Austin.)

The Commissioner of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 2116 held at 9:00 a.m., November 7, 1994 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, adopted amendments proposed by the Texas Automobile Insurance Service Office (TAISO) to the Texas Automobile Rules and Rating Manual (the Manual), Rule 136, and Endorsements 583B and 585. TAISO's petition (Reference Number A-0494-09) was published in the October 4, 1994, issue of the *Texas Register* (19 TexReg 7893).

The changes to Manual Rule 136 (Motorcycles) segregate the physical damage coverages shown in the rate section of the rule and more clearly designate each paragraph and section by adding the appropriate roman numeral, number or letter. These are editorial changes, which improve the rule's clarity, as well as adding uniformity to this section of the Manual.

The changes to Manual Endorsement 585 (redesignated 585A) add a new paragraph to

specify that motorhome coverage is provided by the attachment of a miscellaneous type vehicle endorsement to the Personal Auto Policy. Further, the changes add a phrase clarifying that "the exclusions [listed] below are deleted from the Miscellaneous Type Vehicle Endorsement." The language presently contained in Endorsement 585 may have caused confusion by implying that the designated exclusions are to be deleted from the policy rather than from the endorsement.

The present numbering sequence of the exclusions contained in Part D to endorsement 583B (redesignated 583C)-Coverage for Damage to Your Auto contains an error in that it inadvertently labels two separate provisions exclusion 11. The 1992 revisions to the Personal Auto Policy include an exclusion 11 relating to coverage for the seizure of an auto. Separate and independent exclusions 11 and 12 were added by Endorsement 583B. The changes to Endorsement 583B eliminate the sequencing error by renumbering exclusions 11 and 12 contained in Part D of endorsement 583B to exclusions 12 and 13 respectively. These editorial changes are needed in order to eliminate the conflict of having two provisions labeled exclusion 11 in Part D relating to coverage for damage to an auto. Further, the changes are needed in order to insure proper interpretation and application of Endorsement 585A, which references and affects exclusions 12 and 13.

The amendments as adopted by the Commissioner of Insurance are shown in exhibits on file with the Chief Clerk under Reference Number A-0494-09, which are incorporated by reference into Commissioner's Order Number 94-1209.

The Commissioner of Insurance has jurisdiction over this matter pursuant to the Insurance Code, Articles 5.06, 5.96 and 5.98.

Consistent with the Texas Insurance Code, Article 5.96(h), the Department will notify all insurers writing automobile insurance of this adoption by letter summarizing the Commissioner's action.

IT IS THEREFORE THE ORDER of the Commissioner of Insurance that the Texas Automobile Rules and Rating Manual is amended as described herein, and the amendments are adopted to become effective at 12:01 a.m., February 1, 1995.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure Act.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's authority to adopt.

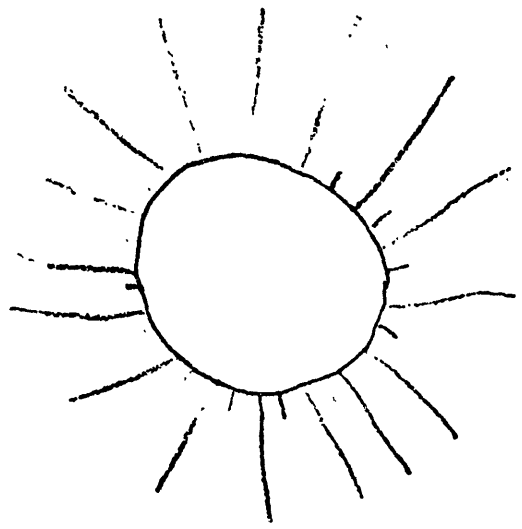
Issued in Austin, Texas, on November 16, 1994.

TRD-9451029

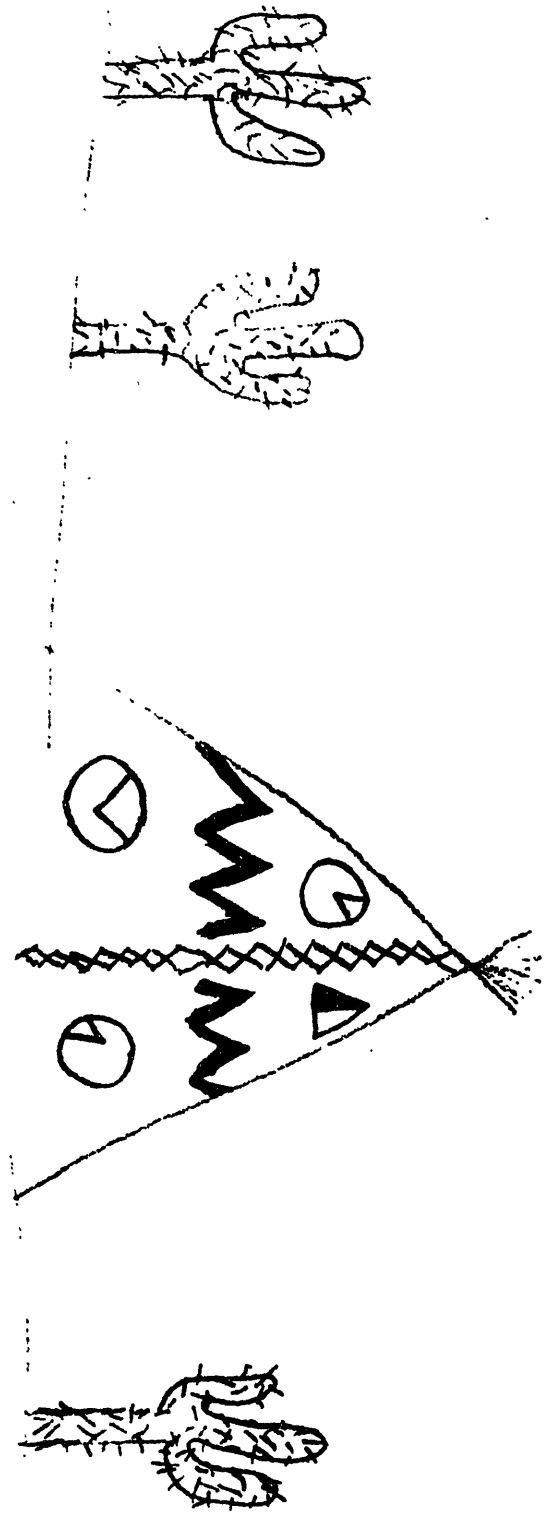
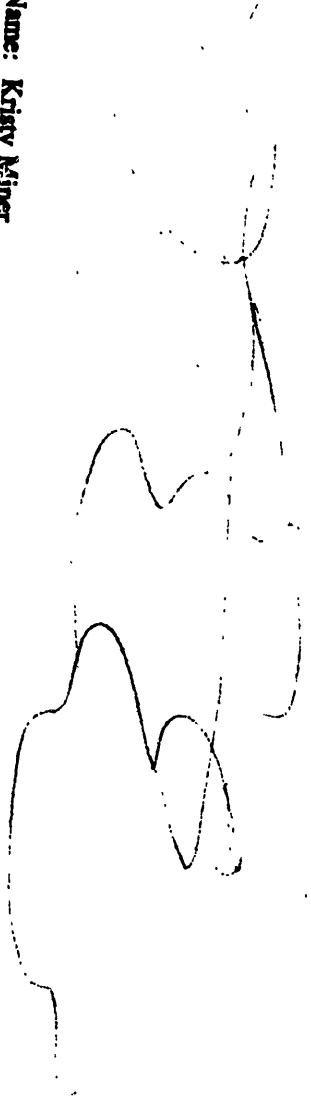
D. J. Powers
Chief Clerk and General
Counsel
Texas Department of
Insurance

Effective date: February 1, 1995

For further information, please call: (512) 463-6328



Name: Kristy Miner
Grade: 5
School: Levi Fry Int. School, Texas City ISD



TABLES AND GRAPHICS

Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is 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. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

Figure 1: 30 TAC 115.621(b)

Exhaust Emission Standards (grams per kilowatt-hour)

Calendar Year	Engine Class	Hydro-carbon plus oxides of nitrogen	Hydro-carbon	Carbon monoxide	Oxides of nitrogen	Part.
1996	I	16.1	-	402	-	1.2 *
	II	13.4	-	402	-	1.2 *
	III	-	295	805	5.36	-
	IV	-	241	805	5.36	-
	V	-	161	402	5.36	-

* Diesel engines only

- I - Engines less than 225 cubic centimeters (cc) displacement.
- II - Engines greater than or equal to 225 cc displacement.
- III - Hand held lawn and garden and utility equipment engines less than 20 cc displacement.
- IV - Hand held lawn and garden and utility equipment engines 20 cc to less than 50 cc displacement.
- V - Hand held lawn and garden and utility equipment engines greater than or equal to 50 cc displacement.

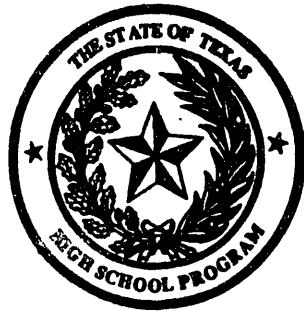
(c) The Executive Director shall certify each class of utility engine for sale in Texas based on the following criteria:

(1) ability of the engine to meet the emission standards in (a) of this section, and

(2) consumer warranty provisions adequate to cover a

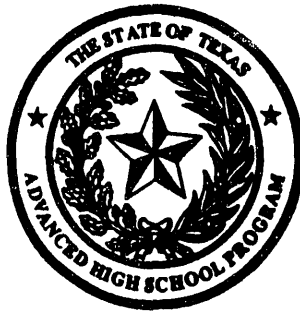
Texas Education Agency

Figure 1: 19 TAC §75.153(c)(1)



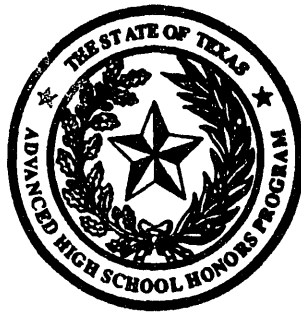
Texas Education Agency

Figure 2: 19 TAC §75.153(c)(2)



Texas Education Agency

Figure 3: 19 TAC §75.153(c)(3)



STATE OF TEXAS ACADEMIC ACHIEVEMENT RECORD

College Board Campus Code Number _____
 High School Program _____
 Advanced High School Program _____
 Advanced High School Honors Program _____
 Date of First Entry in 8th Grade _____
 TAAS Mastery, Exit Level _____

Full Legal Name Last First Middle Ethnicity _____
 Student ID Number _____
 Social Security Number _____
 Date of Birth _____
 Parents' or Guardians' Names _____
 Current Address _____
 Most Recent Former Address _____
 Home Phone () _____
 Business Phone () _____

Phone No. () _____
 High School Address _____
 District Name _____
 TEA County-District-Campus Number _____
 Rank _____ No. in Class _____
 Grade Point Average _____ Date Graduated _____
 Last District/High School Attended _____

Prepared Date of Graduation _____
 City _____

Science _____ Reading _____ Mathematics _____ Writing _____
 Social Studies _____
 Mo/Nr _____ Mo/Nr _____ Mo/Nr _____

Course Name	Grade 9			Grade 10			Grade 11			Grade 12			Signature and Title of School Official								
	Abbreviated Course Name	1st Sem Grade	2nd Sem Grade	Credit	Abbreviated Course Name	1st Sem Grade	2nd Sem Grade	Credit	Abbreviated Course Name	1st Sem Grade	2nd Sem Grade	Credit		Abbreviated Course Name	1st Sem Grade	2nd Sem Grade	Credit				
English Language Arts																					
Mathematics																					
Science																					
Social Studies																					
Economics/Business Enterprise																					
Health																					
Physical Ed/Recreational																					
Other Languages																					
Fine Arts																					
Computer Science																					
Vocational Education																					
Business Education																					
Other Electives																					
Local Credit																					
<p>Total Credits for Year</p> <p>Regular School Year: 1st Sem [], 2nd Sem [], Total [] Entered Reason: [] [] [] Withdrew Reason: [] [] []</p>													<p>Total Credits for Year</p> <p>Regular School Year: 1st Sem [], 2nd Sem [], Total [] Entered Reason: [] [] [] Withdrew Reason: [] [] []</p>			<p>Total Credits for Year</p> <p>Regular School Year: 1st Sem [], 2nd Sem [], Total [] Entered Reason: [] [] [] Withdrew Reason: [] [] []</p>			<p>Total Credits for Year</p> <p>Regular School Year: 1st Sem [], 2nd Sem [], Total [] Entered Reason: [] [] [] Withdrew Reason: [] [] []</p>		

NOTE: In the Abbreviated Course Name column, space is provided to the right of the dashed line for H-Honors Courses, P-Advanced Placement Courses, I-International Baccalaureate Courses, R-Remedial/Remedial Courses, S-Special Education Courses (list with modified content or mastery levels as a result of an IEP decision), Other _____

Accomplished By: Yes [] No []
 Texas Education Agency: Yes [] No []
 Southern Association of Secondary Schools: Yes [] No []

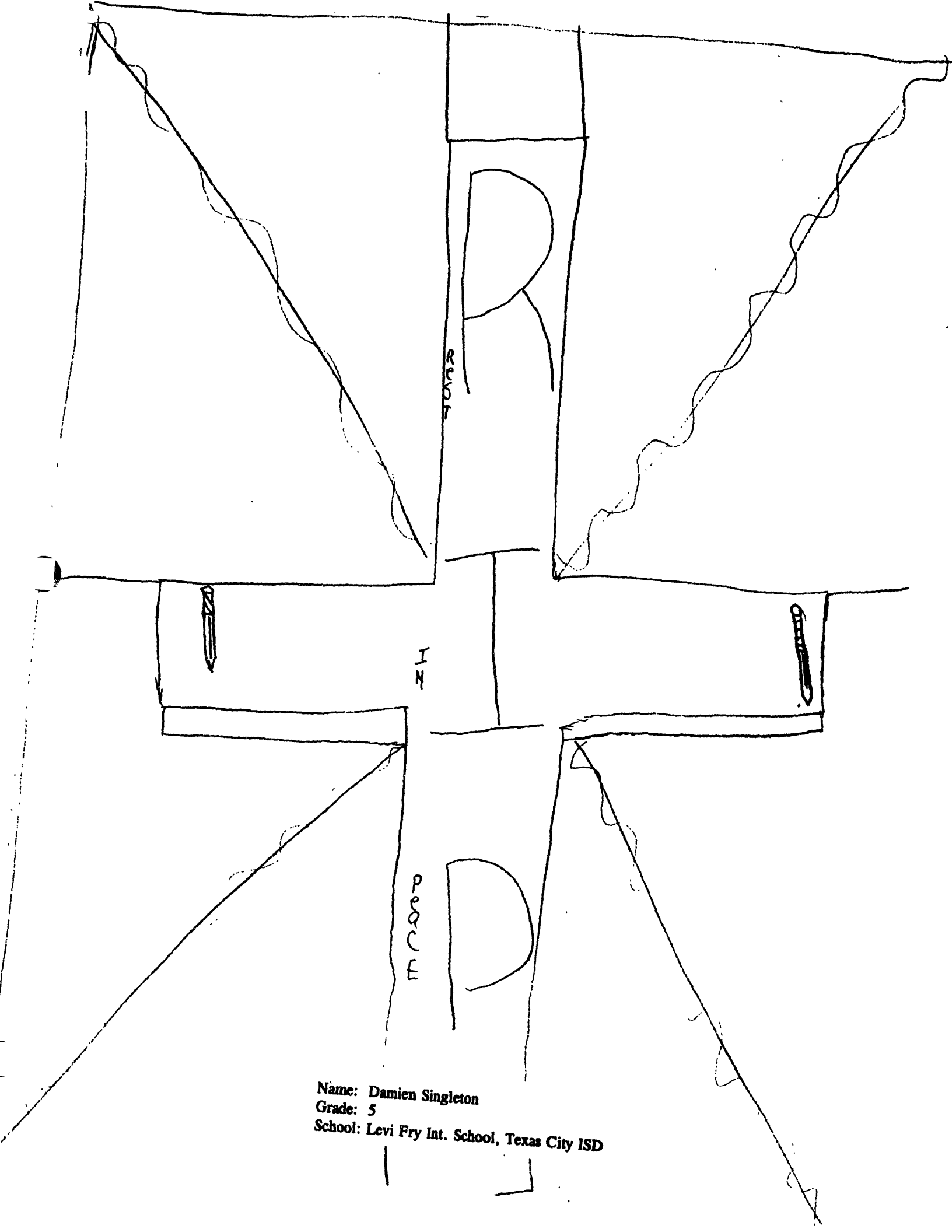
FOR LOCAL USE

STANDARDIZED TEST/TAAS RESULTS

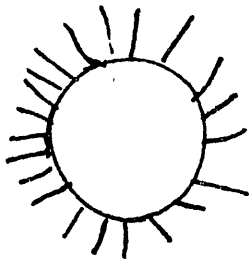
ACADEMIC ACHIEVEMENT RECORD SENT:		ACADEMIC ACHIEVEMENT RECORD SENT:	
REQUESTING AGENCY	DATE SENT	REQUESTING AGENCY	DATE SENT

HONORS / ACTIVITIES

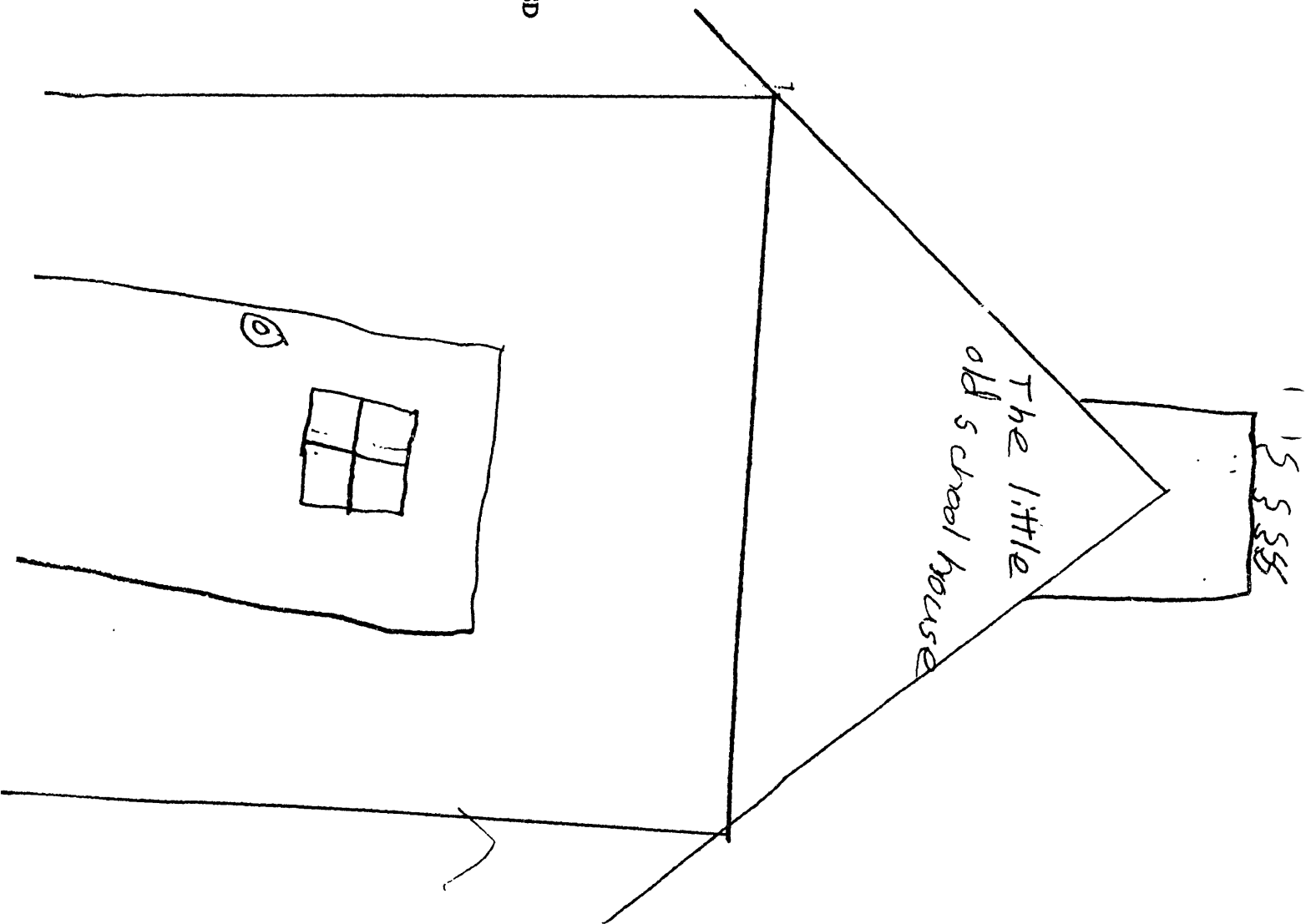
SPECIAL COMMENTS



Name: Damien Singleton
Grade: 5
School: Levi Fry Int. School, Texas City ISD



Name: Paul Salazar
Grade: 5
School: Levi Fry Int. School, Texas City ISD



OPEN MEETINGS

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the **Texas Register**.

Emergency meetings and agendas. Any of the governmental entities listed above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. All emergency meeting notices filed by governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the **Texas Register**.

Meeting Accessibility. Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

The State Bar of Texas

Friday, November 18, 1994, 10:00 a.m.
The Texas Law Center, 1414 Colorado,
Room 104

Austin

Emergency Revised Agenda

Board of Directors

AGENDA:

Add: TAB 5(E) closed session to discuss potential and/or pending litigation pursuant to Texas Government Code, §551.071, regarding Texans Against Censorship, Inc., et al. v. the State Bar of Texas, James M. McCormack, and the District 1A Grievance Committee of the State Bar of Texas (Cause Number 3: 94 CV 61);

TAB 5(F) end of closed session/return to open session: consider and take appropriate action regarding agenda item #5(e), if any.

Reason for emergency: This item requires action prior to the next scheduled meeting of the State Bar of Texas Board of Directors.

Contact: Pat Hiller, P.O. Box 12487, Austin, Texas 78711, 1-800-204-2222.

Filed: November 16, 1994, 4:49 p.m.

TRD-9451045

Office of the Governor, Criminal Justice Division

Monday, November 28, 1994, 9:00 a.m.

Hyatt Hotel, 208 Barton Springs Road, Panhandle Room

Austin

Texas Crime Stoppers Advisory Council/Education Committee

AGENDA:

I. Call to order, II. Roll call, III. Approval of minutes, IV. Report on Special Topics School, V. Develop curriculum and speakers for fiscal year 1995 state conference, VI. Develop curriculum and speaker for Regional Basic School, VII. Discuss development of training videos.

Contact: Paula Alvarez-Crampton, P.O. Box 12428, Austin, Texas 78701, (512) 463-1784.

Filed: November 15, 1994, 3:14 p.m.

TRD-9450967

Monday, November 28, 1994, 1:00 p.m.

Hyatt Hotel, 208 Barton Springs Road, Panhandle Room

Austin

Texas Crime Stoppers Advisory Council/Regular Meeting

AGENDA:

I. Call to order, II. Approve minutes of August 20, 1994 and October 7, 1994 meetings, III. Texas Department of Criminal Justice Crime Stoppers program report, IV. Review of certification application, V. Team manager's report, VI. 1995 conference report, VII. Education Committee re-

port, VIII. Schedule next meeting date, IX. Adjourn.

Contact: Paula Alvarez-Crampton, P.O. Box 12428, Austin, Texas 78701, (512) 463-1784.

Filed: November 15, 1994, 3:15 p.m.

TRD-9450968

Texas Department of Human Services

Tuesday, December 6, 1994, 9:00 a.m.

701 West 51st Street, Third Floor, West Tower, Room 360

Austin

Advisory Committee for Personal Care Facilities

AGENDA:

According to the agenda, the Advisory Committee for Personal Care Facilities will: call the roll; introduce new members; hear sub-committee reports reviewing the feasibility of lowering construction requirements, licensing rules regarding the characteristics of residents, and complaint/incident investigation procedures; hear report from the Policy Development Coordinator, LTCR; hear coordinators report; address other business; and adjourn.

Contact: Barbara Crenwelge, P.O. Box 149030, Mail Code Y-976, Austin, Texas 78714-9030, (512) 834-6697.

Filed: November 16, 1994, 2:45 p.m.

TRD-9451037

◆ ◆ ◆
**Texas Department of Licens-
ing and Regulation**

Tuesday, November 29, 1994, 9:00 a.m.

920 Colorado, E.O. Thompson Building,
Third Floor

Austin

Inspections and Investigations, Talent
Agencies

AGENDA:

According to the complete agenda, the Department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Bonjelle and Manfred Saval, Bonnie Harris and Bonjelle, Inc. doing business as Top Models, et al and Bonjelle World Model Center for violation of the Texas Revised Civil Statutes Annotated, Article 5221a-9, §§2(a) and (b), 4(a)(3), 5(a), 9(a) and (b), 13(b), Article 9100, 16 TAC §§78.20(a), 78.21(b)(1)(F), 78.21(b)(1)(I), 78.21(b)(1)(K), 78.21(b)(1)(M), 78.70(a) and (b), 78.74, 78.76(a) and (c), the Texas Government Code, Chapter 2001 and the Business and Commerce Code, Chapter 17.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: November 16, 1994, 9:01 a.m.

TRD-9450999

◆ ◆ ◆
**Texas Council on Offenders
With Mental Impairments**

Thursday, December 1, 1994, 3:30 p.m.

TDCJ, Pardons and Parole Building, Board
Room, 8610 Shoal Creek Boulevard

Austin

Program Committee

AGENDA:

Thursday, December 1, 1994, the Program Committee of the Texas Council on Offenders with Mental Impairments will meet at the Texas Department of Criminal Justice, Pardons and Parole Division, Board Room, 8610 Shoal Creek Boulevard, Austin, Texas. According to the complete agenda, the committee will call the meeting to order, hear introductions, approve minutes, hear a presentation of the Children's Mental Health Plan, hear an overview of Parole Research Project, hear program presentations, hear status report on continuity of care, discuss housing barriers for special needs offenders and adjourn.

Each item above includes discussion and action as necessary.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5406.

Filed: November 15, 1994, 1:17 p.m.

TRD-9450959

◆ ◆ ◆
**Executive Council of Physical
Therapy and Occupational
Therapy Examiners**

Monday, November 28, 1994, 9:30 a.m.

3001 South Lamar Boulevard, Suite 101

Austin

AGENDA:

I. Call to order.

II. Executive session pursuant to §551.071 of the Government Code to meet with the Assistant Attorney General to receive legal advice regarding employment law and personnel law.

III. Executive session pursuant to §551.074 of the Government Code to discuss the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the executive director, the Physical Therapy Coordinator, and the Occupational Therapy Coordinator.

IV. Return to open session for further discussion and possible action regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of the executive director, the Physical Therapy Coordinator, and the Occupational Therapy Coordinator.

V. Adjournment.

Contact: Nina Hurter, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: November 15, 1994, 11:38 a.m.

TRD-9450952

◆ ◆ ◆
**Texas State Board of Exam-
iners of Psychologists**

Friday, December 9, 1994, 8:30 a.m.

9101 Burnet Road, Suite 212

Austin

Psychological Associate Advisory Commit-
tee

AGENDA:

The Psychological Associate Advisory Committee will meet to consider public comments; minutes of the last meeting; by-laws and procedures; rules; planning for the next Advisory Committee meeting; reports from the following sub-committees: Publi-

cations and Research, Public Information and Relations, Disciplinary Sanctions, Financial Advisory, Legal Issues, Professional/Ethical Standards and Development, Legislative, Professional Reimbursement Guidelines and Supervisory Guidelines; and to seek legal advice in executive session pursuant to Title 5, Chapter 551, Government Code, §551.071.

Contact: Rebecca E. Forkner, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: November 16, 1994, 4:39 p.m.

TRD-9451044

◆ ◆ ◆
**Public Utility Commission of
Texas**

Monday, December 12, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

AGENDA:

A prehearing conference will be held at the above date and time in Docket Number 13614-complaint of Ray Wolfe against Medina Electric Cooperative, Inc.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 15, 1994, 3:51 p.m.

TRD-9450975

◆ ◆ ◆
Texas Senate

Tuesday-Wednesday, November 29-30,
1994, 9:00 a.m.

1400 Congress Avenue, Capitol Extension,
House Appropriations, Room E1.030

Austin

Senate Committee on Health and Human
Services

AGENDA:

I. Call to order

II. Roll call and opening remarks

III. Senate committee minutes

IV. Progress report

V. Public testimony

VI. Committees discussion and deliberation

VII. Other business

VIII. Adjourn

Contact: Camille Miller, P.O. Box 12068,
Austin, Texas 78711, (512) 463-0360.

Filed: November 16, 1994, 4:16 p.m.

TRD-9451042

Texas Department of Transportation

Monday, November 28, 1994, 1:00 p.m.
The Omni Austin Hotel, 700 San Jacinto,
Rotunda Room

Austin

Public Transportation Advisory Committee

AGENDA:

Approve minutes. Briefing on commission meetings. Update on financial needs for Section Nine operators. Final review of proposed rulemaking concerning environmental review and public involvement for transportation projects. Public transportation legislative issues. Briefing on State Transportation Plan. Briefing on statewide transit study. Briefing on division's Public Transportation Strategic Plan. Update on coordination issues.

Contact: Diane Northam, 125 East 11th Street, Austin, Texas 78701, (512) 463-8630.

Filed: November 16, 1994, 2:11 p.m.

TRD-9451035

University Interscholastic League

November 16, 1994, 4:03 p.m.

3001 Lake Austin Boulevard, Suite 3.200
Austin

Emergency Meeting

Waiver Review Board (Conference Call.)

AGENDA:

AA. Request for retroactive waiver of Israel Flores, Collinsville High School for foreign exchange students.

Reason for emergency: Protest of eligibility made on November 15. Referred to Waiver Board by District Executive Committee at 11:00 a.m. on November 16. Eligibility must be determined prior to first round playoffs in football on Friday, November 18.

Contact: Chas Breithaupt, 23001 Lake Austin Boulevard, Austin, Texas 78713, (512) 471-5883.

Filed: November 16, 1994, 2:03 p.m.

TRD-9451032

The University of Texas at Austin

Friday, November 18, 1994, 1:00 p.m.

Conference Room, Belmont Hall 232, 21st and San Jacinto

Austin

Intercollegiate Athletics for Men (Executive Session)

AGENDA:

Convene into open session, recess into executive session, reconvene into open session, approve minutes of September 16, 1994, items from executive session, development, schedules/schedule changes, budget/budget items, tickets/ticket policy, construction, new business and old business.

Contact: Betty Corley, P.O. Box 7399, Austin, Texas 78713, (512) 471-5757.

Filed: November 15, 1994, 12:35 p.m.

TRD-9450955

Regional Meetings

Meetings filed November 15, 1994

The Colorado River Municipal Water District Board of Directors will meet at the Big Spring Country Club, Howard County, Big Spring, December 1, 1994, at 11:30 a.m. Information may be obtained from O. H. Ivie, Box 869, Big Spring, Texas 79721, (915) 267-6341. TRD-9450974.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, November 29, 1994, at 4:00 p.m. Information may be obtained from Kathy Pierson, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9450957.

The Eastland County Appraisal District Appraisal Review Board will meet at 100 Main Street, Eastland, December 7, 1994, at 10:00 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9450964.

The Permian Basin Regional Planning Commission Metropolitan Planning Organization met at 2910 La Force Boulevard, Midland, November 21, 1994, at 2:00 p.m. Information may be obtained from Terri Moore, P.O. Box 60660, Midland, Texas 79711, (915) 563-1061. TRD-9450958.

The Shackelford Water Supply Corporation (Called Meeting.) Director met at the Fort Griffin Restaurant, Albany, November 18, 1994, at Noon. Information may be obtained from E. O. Fincher, Box 1295, Albany, Texas 76430, (915) 762-2519. TRD-9450948.

The South Texas Private Industry Council, Inc. (Emergency Revised Agenda.) met at 901 Kennedy Street, Zapata, November 17, 1994, at 4:00 p. m. (Reason for emergency: In order to meet deadline.) Information may be obtained from Myrna V. Herbst, P.O. Box 1757, Laredo, Texas 78044-1757, (210) 722-0546. TRD-9450976.

Meetings Filed November 16, 1994

The Andrews Center Board of Trustees will meet at 2323 West Front Street, Board Room, Tyler, November 22, 1994, at 3:00 p.m. Information may be obtained from Richard DeSanto, P.O. Box 4730, Tyler, Texas 75712, (903) 597-1351. TRD-9451043.

The Cash Water Supply Corporation Board of Directors met at the Corporation Office, FM 1564 at Highway 34, Greenville, November 21, 1994, at 7: 00 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129, Greenville, Texas 75404-8129, (903) 883-2695. TRD-9451038.

The Education Service Center, Region XI Board of Directors will meet at the Education Service Center, Region XI, 3001 North Freeway, Fort Worth, November 29, 1994, at Noon. Information may be obtained from Dr. Ray Chancellor, 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9451001.

The Gulf Bend Center (Emergency Meeting. Conference Call.) Board of Trustees met at the Gulf Bend Center, 1502 East Airline, Victoria, November 16, 1994, at 2:00 p.m. (Reason for emergency: To approve resolution for grant application before deadline.) Information may be obtained from Agnes Moeller, 1502 East Airline, Victoria, Texas 77901, (512) 575-0611. TRD-9451030.

The Henderson County Appraisal District Board of Directors met at 1751 Enterprise Street, Athens, November 21, 1994, at 5:30 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9451034.

The Lower Rio Grande Valley Development Council Hidalgo County Metropolitan Planning Organization met at the TxDOT District Office, 600 West Expressway US 83, Pharr, November 21, 1994, at 7:00 p.m. Information may be obtained from Edward L. Molitor, 4900 North 23rd Street, McAllen, Texas 78504, (210) 682-3481. TRD-9450996.

The Lubbock Regional MHMR Center Board of Trustees met at 1602 Tenth Street, Board Room, Lubbock, November 21, 1994, at Noon. Information may be obtained from Gene Menefee, P.O. Box 2828, Lubbock, Texas 79408, (806) 766-0202. TRD-9451039.

The North Texas Private Industry Council Nortex Regional Planning Commission will meet at 4309 Jacksboro Highway, Suite 200, Wichita Falls, November 30, 1994, at 12:15 p.m. Information may be obtained from Earl Nunneley, P.O. Box 59, Nocona, Texas 76255, (817) 322-5281. TRD-9451007.

The Northeast Texas Municipal Water District Board of Directors met at Highway 250 South, Hughes Springs, November 21, 1994, at 10:00 a.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (903) 639-7538. TRD-9451036.

City of Wichita Falls Metropolitan Planning Organization met at 1104 Broad Street, Wichita Falls ISD Administration Building, Wichita Falls, November 21, 1994, at 7:00 p.m. Information may be obtained from Steve Seese, P.O. Box 1431, Wichita Falls, Texas 76307, (817) 761-7451. TRD-9451033.



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, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Commission on Alcohol and Drug Abuse

Notice of Request for Proposals

The Texas Commission on Alcohol and Drug Abuse (TCADA) in conjunction with the Texas Department of Criminal Justice (TDCJ), under the authority of the Texas Health and Safety Code, Title 6, Subtitle B, Chapter 461, gives notice of a Substance Abuse Felony Punishment Facility and In-Prison Therapeutic Communities (SAFP/ITC95) Request for Proposals (RFP). The RFP provides an avenue for applicants to request funds to provide all aspects of therapeutic community programming to offenders who have a history of drug or alcohol abuse and need drug or alcohol treatment. TCADA is soliciting applications for SAFP and ITC programs for the following locations and may also use applications submitted through this RFP for additional sites later in the year-SAFPs: Winnsboro, Texas, 500 beds for adult males; Hondo, Texas, 500 beds for adult males; Burnet, Texas, 500 beds for adult females; Dayton, Texas, 500 beds for adult females; and ITC: Location to be determined, 300 beds for adult females.

To request a copy of the RFP, call the Funding Processes Department at (512) 867-8752 or write to: Texas Commission on Alcohol and Drug Abuse, Funding Processes Department, 710 Brazos, Austin, Texas 78701-2576.

SAFP facilities are chemical dependency treatment programs utilizing a modified therapeutic community (TC) concept hosted within the Institutional Division of TDCJ. Authorized by Texas Civil Statutes, Article 4413 (401), §1.131, TCADA contracts for the provision of chemical dependency treatment services, while the Institutional Division provides the facility and subsequent services and security. Eligible defendants as provided in Code of Criminal Procedure, Article 42.12, §14; and Government Code, Chapter 493; and eligible offenders, who are on probation or parole, who are chemically dependent or have a history of chemical use, shall be provided a primary course of therapeutic community treatment for a period of nine to 12 months. After discharge from the SAFP, the TC graduates shall be referred into a continuum of care for an additional period of 15 months.

ITC facilities are chemical dependency treatment programs utilizing a modified TC concept hosted within the Institutional Division of TDCJ. Authorized by Texas Civil Statutes, Article 4413 (401), §1.131, TCADA contracts for the provision of chemical dependency treatment services, while the Institutional Division provides the facility and subsequent services and security. Eligible inmates as provided in Code of Criminal Procedure, Article 42.09, §8(a); and Government Code, Chapter 499; and eligible offend-

ers, who are chemically dependent or have a history of chemical use, shall be provided a primary course of therapeutic community treatment for a period of nine to 12 months. After discharge from the TC, graduates shall be referred into a continuum of care for an additional period of 15 months.

The closing date for receipt of applications by TCADA is 5:00 p.m. on January 3, 1995.

Eligible applicants are public, private nonprofit, and for-profit entities. Private nonprofit and for-profit organizations shall be incorporated and shall maintain good standing as a corporation. Preference will be given to applicants with experience in the development and implementation of therapeutic community chemical dependency treatment programs in an incarcerate-based setting and/or in the treatment of chemically dependent offenders in an intensive residential setting. There are additional eligibility requirements found in the RFP.

The maximum amount of funds that will be available annually is anticipated to be \$9,344,000 authorized from the General Appropriations Act through an interagency contract between TDCJ and TCADA.

Technical assistance will be offered through a workshop which will be held on December 1, 1994 for all potential applicants. The workshop will be devoted to discussion of RFP requirements and technical assistance with application preparation. The following is helpful workshop information-date: December 1, 1994; time: 9:30 a.m.-4:00 p.m.; location: Texas National Guard Armory; 5601 FM 45 South, Brownwood, Texas; contact person: Major Kevin Estep; (915) 643-5575.

A tour of the SAFP Program at the Havins Unit is planned in conjunction with the workshop. Business attire is required. No purses or cameras will be allowed on the unit. A driver's license or proper photo identification will be required. There will be no admission without proper photo identification. Please contact Major Kevin Estep at (915) 643-5575 at least 24 hours in advance of the workshop. Provide the names of no more than two persons per organization who will attend the workshop. Meals can be provided for \$1.00 per person at the TDCJ-Havins Unit, if notified in advance. Individuals needing auxiliary aids or services should notify Major Kevin Estep at (915) 643-5575 at least two working days prior to the meeting by mail or telephone.

It is TCADA's intent that all programmatic questions asked and answered be made in the presence of those attending, therefore, the only questions which will be answered after the workshop will be limited to form completion and information regarding submission requirements.

Issued in Austin, Texas, on November 14, 1994.

TRD-9450961

J. Ben Bynum
Executive Director
Texas Commission on Alcohol and Drug
Abuse

Filed: November 15, 1994

Office of the Attorney General
Correction of Error

The Office of the Attorney General adopted new §§61.7, 61.10, 61.19-61.21, 61.23-61.26, 61.28, 61.35-61.38, and amended §§61.2, 61.6, 61.17, 61.27, 61.31, and 61.32 concerning Crime Victims' Compensation. The rules appeared in the August 16, 1994, issue of the *Texas Register* (19 TexReg 6419).

Due to submission error the effective date was published as "August 26, 1994" instead of "September 1, 1994".

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 Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	11/21/94-11/27/94	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on November 14, 1994.

TRD-9451000
Leslie L. Pettijohn
Acting Commissioner

Filed: November 16, 1994

Texas Department of Health
Notices of Emergency Cease and Desist
Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Palestine Veterinary Clinic (registrant-R19194) of Palestine to cease and desist using the Picker x-ray unit (Model Number 808, Serial Number 736) until the exposure timing device has been repaired and the unit no longer permits a continuous exposure. The bureau determined that the use of x-ray equipment that does not terminate the exposure results in unnecessary radiation exposure to the operators of the unit and any individuals who hold the patients, thereby constituting an immediate threat to public health and safety, and the existence of an emergency.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on November 8, 1994.

TRD-9450989
Susan K. Steeg
General Counsel
Texas Department of Health

Filed: November 15, 1994

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Texas Imaging Center (licensee-L04260) of Houston to cease and desist from using any licensable amount of radioactive material in Texas until the licensee demonstrates to the bureau the employees can safely and competently handle radioactive material. During a recent inspection, the bureau determined that radioactive material was being used by unauthorized persons who had not documented to the bureau they were knowledgeable in radiation safety and/or the use of the radioactive material. The bureau finds that an emergency exists requiring immediate action to protect the public health and safety.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on November 8, 1994.

TRD-9450990
Susan K. Steeg
General Counsel
Texas Department of Health

Filed: November 15, 1994

Notices of Preliminary Report for
Assessment of Administrative Penalties
and Notice of Violation

Notice is hereby given that the Bureau of Radiation Control (bureau) issued a notice of violation and proposal to assess an administrative penalty to Dallas/Fort Worth Medical Center (registrant-R00374) of Grand Prairie for violations of the Texas Regulations for Control of Radiation. A total penalty of \$5,000 is proposed to be assessed to the registrant for deliberately exposing an individual to radiation without authorization from a licensed practitioner and for non-healing arts purposes. The registrant is further

required to provide written evidence satisfactory to the bureau regarding the corrective actions taken and the date or dates of implementation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on November 8, 1994.

TRD-9450891 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: November 15, 1994

◆ ◆ ◆

Notice is hereby given that the Bureau of Radiation Control (bureau) issued a notice of violation and proposal to assess an administrative penalty to H and H X-Ray Services, Inc. (licensee-L02516) of Tyler. A penalty of \$9,000 is proposed to be assessed the licensee for violations of the Texas Regulations for Control of Radiation. The violations created a potential threat to the health and safety of the public and the environment. The licensee is further required to provide written evidence satisfactory to the bureau regarding the corrective actions taken and the date full compliance has been (will be) achieved.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on November 8, 1994.

TRD-9450992 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: November 15, 1994

◆ ◆ ◆

Notice of Suspension of an Industrial Radiographer I.D. Card

Texas Department of Health, having duly filed a complaint pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has suspended the following industrial radiographer I.D. card: Mike Lynn Womble, Texas City, Texas I.D. Card Audit Number 04336, October 27, 1994.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, The Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on November 8, 1994.

TRD-9450988 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: November 15, 1994

◆ ◆ ◆

Texas Department of Insurance Notices of Hearing

The Texas Department of Insurance proposes the repeal of §§25.1-25.806, concerning the licensing, regulation, and examination of insurance premium finance companies.

This chapter must be repealed so that the commissioner can simultaneously adopt a new chapter. The proposed new chapter replaces the repealed sections with other provisions regarding the regulation of insurance premium finance companies. This repeal and adoption of a new chapter will provide more effective regulation of insurance premium finance companies and give consumers improved notice of the availability and services of insurance premium finance companies. The proposed new chapter, which would replace the chapter proposed for repeal, appears elsewhere in the Texas Register. The Department will consider the adoption of repeal §§25.1-25.806 in a public hearing under Docket Number 2131, scheduled for 8:00 a.m. on December 16, 1994 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas.

The repeal is proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451028 D. J. Powers
Chief Clerk and General Counsel
Texas Department of Insurance

Filed: November 16, 1994

◆ ◆ ◆

The Texas Department of Insurance proposes new §§25.1-25.90, concerning the licensing, regulation, and examination of insurance premium finance companies. The proposed new chapter replaces the old chapter which has been proposed for repeal elsewhere in the *Texas Register*. The adoption of a new chapter will provide more effective regulation of insurance premium finance companies and give consumers improved notice of the availability and services of insurance premium finance companies.

Subchapter A—This subchapter sets out general provisions for the regulation of insurance premium finance companies. It includes a provision which states that an insurance premium finance company may not finance a policy submitted through the Texas Automobile Insurance Plan Association (TAIPA) unless the insurance agent discloses to the insured or prospective insured that a payment plan is available through TAIPA. This subchapter also contains a provision which prohibits an insurance premium finance company, or an agent which owns or is affiliated with an insurance premium finance company, from paying inducements to agents for submitting premium finance business to it.

Subchapter B—This subchapter addresses licensing and regulation of insurance premium finance companies. It establishes the types of activities which require a premium finance license, the procedures required to apply for a license, and the license renewal process. The subchapter contains a summary of the various fees collected by the

Texas Department of Insurance for the licensing and regulation of insurance premium finance companies. The subchapter also contains the procedures for notifying the Texas Department of Insurance of relocation of a licensed office, change of mailing address, ownership change and name change.

Subchapter C-Subchapter C contains provisions regarding the operations of insurance premium finance companies. It sets out procedures for notification to insureds of unacceptable loans, acceptance or rejection of loans, account adjustments, increase or decrease in financed premiums, and information on finance rates and charges. The subchapter also sets out the procedures and notification requirements for cancellation of a policy by the insurance premium finance company.

Subchapter D-This subchapter sets out the procedures insurance premium finance companies must comply with when advertising their services.

Subchapter E-Subchapter E contains provisions for the examination of insurance premium finance companies and filing of annual reports. It also establishes the payment schedule for the general administrative expense assessment paid by insurance premium finance companies.

Proposal of this new chapter includes the adoption by reference of new forms and instructions to the forms for use by all insurance premium finance companies subject to this chapter and the Insurance Code, Chapter 24. The Texas Department of Insurance has filed a copy of the forms with the Texas Register. Persons desiring copies of the forms and instructions may obtain them from the Premium Finance Licensing Unit, Mail Code 107-5A, Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas, 78714-9104.

The Department will consider the adoption of repeal §§25.1-25.90 in a public hearing under Docket Number 2132, scheduled for 8:00 a.m. on December 16, 1994 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas.

The chapter is proposed pursuant to the Insurance Code, Articles 24.09 and 1.03A, and the Government Code, §§2001.004 et seq (Administrative Procedure Act). Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out the provisions of Chapter 24 (regulating insurance premium finance companies). Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code, §§2001.004 et seq authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedures for adoption of rules by a state agency.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451027
D. J. Powers
Chief Clerk and General Counsel
Texas Department of Insurance

Filed: November 16, 1994

◆ ◆ ◆
Notice of Public Hearing Promulgation of Title Insurance Premium Rates and Amendments to the Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas

Notice that the biennial title insurance hearing under Docket Number 2124 will be held before the Commissioner of Insurance at 10:00 a.m. on December 12, 1994, was published in the November 15, 1994, issue of the *Texas Register* (19 TexReg 9051). A prehearing conference was set for 4:00 on November 30, 1994. At that hearing, the Commissioner will transfer the docket to the State Office of Administrative Hearings. All deadlines for prefiled testimony and the date for the hearing are hereby suspended until further order of the Administrative Law Judge assigned to the case. Parties wishing to participate in the case must file with the docket clerk of the Department of Insurance a Motion for Admission as a Party by 5:00 p.m. on November 28, 1994.

Issued in Austin, Texas, on November 16, 1994.

TRD-9451026
D. J. Powers
Chief Clerk and General Counsel
Texas Department of Insurance

Filed: November 16, 1994

◆ ◆ ◆
**Texas Department of Mental Health
and Mental Retardation**

Notice of Public Hearing (Austin)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in Austin, Texas, at the Texas Department of Mental Health and Mental Retardation Auditorium, 909 West 45th Street, on Monday, December 12, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450983
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994
◆ ◆ ◆

Notice of Public Hearing (Dallas)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding elements of the funding methodology and implementation strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in Dallas, Texas, at the Dallas County MHMR Center Meeting Room, Room 931, 1341 West Mockingbird Lane, on Wednesday, December 7, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450981
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Notice of Public Hearing (El Paso)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding

elements of the funding methodology and implementation strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in El Paso, Texas, at the Texas Tech University School of Medicine, 4801 Alberta, on Wednesday, December 14, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450986
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Notice of Public Hearing (Harlingen)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding elements of the funding methodology and implementation strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in Harlingen, Texas, at the Rio Grande State Center Auditorium, 1405 Rangerville Road, on Tuesday, December 13, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450984
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Notice of Public Hearing (Houston)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding elements of the funding methodology and implementation strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in Houston, Texas, at the Fonteno Building, MHMRA of Harris County, 2850 Fannin, on Thursday, December 8, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450982 Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Notice of Public Hearing (Kerrville)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding elements of the funding methodology and implementation

strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in Kerrville, Texas, at the Municipal Auditorium, 910 Main Street, on Monday, December 5, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450978 Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Notice of Public Hearing (Lubbock)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding elements of the funding methodology and implementation strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in Lubbock, Texas, at the Godeke Library, 6601 Quaker Avenue, on Thursday, December 1, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450977 Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Notice of Public Hearing (Lufkin)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding elements of the funding methodology and implementation strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in Lufkin, Texas, at the Chamber of Commerce Meeting Room, on Wednesday, December 7, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450980
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Notice of Public Hearing (San Angelo)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding elements of the funding methodology and implementation strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in San Angelo, Texas, at the MHMR Center of Concho Valley, 1501 Beauregard, on Tuesday, December 6, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450979
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Notice of Public Hearing (Wichita Falls)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will conduct a series of public hearings to receive comments on the draft reports of the Authority/Provider Task Force and the Equity of Access Task Force.

The Authority/Provider Task Force was created to propose a clear articulation of the role of the mental health and mental retardation authority and a clear delineation of the differences between that authority role and the more traditional role of service provider. The task force was asked to recommend changes in the TXMHMR system needed to ensure implementation of the authority role. A draft report contains strategies for realizing such a system. Final recommendations, which incorporate public comment, will be presented to the Board in January 1995.

The Equity of Access Task Force was appointed to develop recommendations for a fair, sensible statewide approach to improve equity of access to TXMHMR services. The task force has made several initial decisions regarding elements of the funding methodology and implementation strategies for presentation to the Board in January 1995.

The hearings for these two reports are being held jointly, due to the related nature of their subjects. Citizens will be able to testify regarding either or both reports.

A public hearing is scheduled to be held in Wichita Falls, Texas, at the Woman's Forum Auditorium, 2120 Speedway, on Tuesday, December 13, 1994, 3:00 p.m. to 7:00 p.m.

Individuals requiring an interpreter for the hearing impaired should contact Norma Weitzel, Office of Strategic Planning, by calling (512) 206-4556 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450985
Ann K. Utley
Chair, Texas MHMR Board
Texas Department of Mental Health and
Mental Retardation

Filed: November 15, 1994

Texas Natural Resource Conservation Commission
Notice of State Implementation Plan Adoption

On November 9, 1994, the Texas Natural Resource Conservation Commission adopted a revision to the State Implementation Plan (SIP) for the control of ozone air pollution for the Houston/Galveston and Beaumont/Port Arthur nonattainment areas. Public hearings on the proposed revision were held September 1 and 2, 1994 in Beaumont and Houston. The revision was developed in response to the Federal Clean Air Act Amendments of 1990 which require a Post-1996 Rate-of-Progress SIP revision to be submitted to the United States Environmental Protection Agency by November 15, 1994. The revision demonstrates how the Houston/Galveston and Beaumont/Port Arthur nonattainment areas intend to achieve a 3.0% per year reduction of volatile organic compounds and/or oxides of nitrogen until the year 1999 for Beaumont/Port Arthur or the year 2007 for Houston/Galveston, or until an earlier year demonstrated by modeling to be the attainment year. Please contact Elizabeth Johnson-Orr, Regulation Development Section, at (512) 239-1967 for additional information on the adoption.

Issued in Austin, Texas, on November 16, 1994.

TRD-9450996 Mary Ruth Holder
Director, Legal Division
Texas Natural Resource Conservation Commission

Filed: November 16, 1994

◆ ◆ ◆
Public Hearing Notice

The staff of the Texas Natural Resource Conservation Commission (TNRCC) will conduct a public hearing to consider whether the Executive Director's Emergency Executive Order to authorize the installation and construction of temporary package boilers at the Cedar Bayou, Harris County, Texas facility of Amoco Chemical Company should be affirmed, modified, or denied and set aside. The public hearing will be held on Tuesday, December 6, 1994 at the TNRCC, Park 35 Office Complex in Room 308E of Building C at 10:00 a.m.

The public hearing shall be conducted in accordance with §382.063 of the Texas Health and Safety Code.

For additional information contact Randall Terrell, Staff Attorney, Legal Division, TNRCC, P.O. Box 13087, Austin, Texas, (512) 293-0577.

Issued in Austin, Texas, on November 15, 1994.

TRD-9451006 Mark Jordan
Director, Water Policy Division
Texas Natural Resource Conservation Commission

Filed: November 16, 1994, 9:26 a.m.

◆ ◆ ◆
Texas Public Finance Authority
Request for Proposal for Underwriter/Dealer

The Texas Public Finance Authority is requesting proposals for Underwriter for Texas Public Finance Authority

Alternative Fuels Program Tax Exempt Commercial Paper Revenue Notes, Series A. The deadline for proposal submission is Noon, Friday, December 2, 1994. The Authority will select the Underwriter/Dealer based upon responses to this RPP and the Information Registration Statement on file with the Authority. No appointment is intended to be for a specific period of time.

Copies of the Request for Proposal may be obtained by calling or writing Michell Conner or Patricia Logan, Texas Public Finance Authority, P.O. Box 12906, Austin, Texas 78711, (512) 463-5544.

Issued in Austin, Texas, on November 15, 1994.

TRD-9451008 Anne L. Schwartz
Executive Director
Texas Public Finance Authority

Filed: November 16, 1994

◆ ◆ ◆
Public Utility Commission of Texas
Notices of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on November 3, 1994, to amend a certificate of convenience and necessity pursuant to §§16(a), 18(b), 50, 52, and 54 of the Public Utility Regulatory Act. A summary of the application follows.

Docket Title and Number. Application of Southwestern Bell Telephone Company to amend Certificate of Convenience and Necessity within Tarrant and Denton counties, Docket Number 13616, before the Public Utility Commission of Texas.

The Application. In Docket Number 13616, Southwestern Bell Telephone Company seeks approval of the application to amend the boundary between the Haslet and Roanoke zones of its Fort Worth Metropolitan exchange in order to reflect the manner in which telecommunication service is presently being administered.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before December 30, 1994.

Issued in Austin, Texas, on November 14, 1994.

TRD-9450827 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 14, 1994

◆ ◆ ◆
Notice is given to the public of the filing with the Public Utility Commission of Texas an application on November 8, 1994, to amend a certificate of convenience and necessity pursuant to §§16(a), 18(b), 50, 52, and 54 of the Public Utility Regulatory Act. A summary of the application follows.

Docket Title and Number. Application of Central Texas Telephone Cooperative, Inc. to amend Certificate of Con-

venience and Necessity within Concho County, Docket Number 13634, before the Public Utility Commission of Texas.

The Application. In Docket Number 13634, Central Texas Telephone Cooperative, Inc. seeks approval of the application to amend the boundary between its Melvin exchange and GTE Southwest, Inc.'s Menard exchange in order to provide telecommunication service to the affected area.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before January 5, 1995.

Issued in Austin, Texas, on November 14, 1994.

TRD-9450928 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 14, 1994

◆ ◆ ◆

Notice of Application to Locate and Maintain Records Outside the State of Texas

Notice is given to the public of the filing with the Public Utility Commission of Texas an application for a waiver of Public Utility Commission Substantive Rule 23.14, which requires public utilities to keep all records necessary for regulation within the State of Texas.

Docket Title and Number. Application of sale, transfer, or merger of Eaglenet, Inc., Docket Number 13173.

The Application. Eaglenet, Inc. is requesting, among other things, approval to maintain certain records in Guymon, Oklahoma.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf within 15 days of the date this notice is published.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450995 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 16, 1994

◆ ◆ ◆

Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Webb County, Laredo, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for approval of a 30-station addition to the existing PLEXAR-Custom service for

Webb County pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13635.

The Application. Southwestern Bell Telephone Company is requesting approval of a 30-station addition to the existing Plexar-Custom service for Webb County. The geographic service market for this specific service is the Laredo, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 14, 1994.

TRD-9450907 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 14, 1994

◆ ◆ ◆

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Harlandale ISD, San Antonio, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for approval of a new PLEXAR-Custom service for Harlandale ISD pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13638.

The Application. Southwestern Bell Telephone Company is requesting approval of a new Plexar-Custom service for Harlandale ISD. The geographic service market for this specific service is the San Antonio, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 14, 1994.

TRD-9450929 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 14, 1994

◆ ◆ ◆

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for General Services Administration-Corpus Christi, Corpus Christi, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for approval of a new PLEXAR-Custom service for General Services Administration-Corpus Christi pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13639.

The Application. Southwestern Bell Telephone Company is requesting approval of a new Plexar-Custom service for

General Services Administration-Corpus Christi. The geographic service market for this specific service is the Corpus Christi, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450999 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 15, 1994



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for General Services Administration-El Paso, El Paso, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for approval of a new PLEXAR-Custom service for General Services Administration-El Paso pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13640.

The Application. Southwestern Bell Telephone Company is requesting approval of a new Plexar-Custom service for General Services Administration-El Paso. The geographic service market for this specific service is the El Paso, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450994 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 16, 1994



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Belton ISD, Belton, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for approval of a new PLEXAR-Custom service for Belton ISD pursuant to Public Utility

Commission Substantive Rule 23.27. Docket Number 13645.

The Application. Southwestern Bell Telephone Company is requesting approval of a new Plexar-Custom service for Belton ISD. The geographic service market for this specific service is the Belton, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450993 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 16, 1994



Notice of Joint Petition for Extended Area Service (EAS) from the Charlotte and Jourdanton Exchanges to the San Antonio Metropolitan Exchanges

Notice is hereby given to the public of the filing with the Public Utility Commission of Texas (Commission) of a joint petition and agreement on November 2, 1994, seeking approval of extended area telephone service (EAS) from the Charlotte and Jourdanton Exchanges to the San Antonio Metropolitan Exchanges pursuant to Public Utility Commission Substantive Rule 23.49(b)(8).

Project Number and Title. Joint Petition of the Cities of Charlotte and Jourdanton, GTE Southwest, Inc., and Southwestern Bell Telephone Company for Extended Area Service to the San Antonio Metropolitan Exchange, Project Number 13611.

The Joint Petition and Agreement. The Charlotte and Jourdanton Exchanges, served by GTE Southwest, Inc., (GTE), have requested EAS in the form of optional toll-free one-way and two-way community calling plans (Texas Local Calling Plan) to the San Antonio Metropolitan Exchanges, served by Southwestern Bell Telephone Company (SWB). The Texas Local Calling Plan will be available to GTE's single-party customers and will consist of three options as follows.

Option 1: Community Calling Plan. This option will provide seven digit one-way calling on a usage basis. This is a measured one-way EAS arrangement. A \$1.00 monthly subscription fee is proposed to be charged to each customer subscribing to this option. The usage charges are in lieu of previous toll charges. These usage charges will be in addition to the current flat-rate charges for local exchange service and are as follows:

<u>Rate Band</u>	<u>Miles</u>	<u>First Minutes</u>	<u>Each Additional Minute</u>
A	0-07	0.030	0.015
B	8-14	0.042	0.021
C	15-21	0.060	0.030
D	22-28	0.084	0.042
E	29+	0.093	0.054

The above-mentioned rates for the Community Calling Plan shall be discounted as follows:

<u>Discounted Time Period</u>	<u>Amount of Discount</u>
5:00 p.m. to 11:00 p.m., (Monday through Friday and Sunday)	25%
11:00 p.m. and 8:00 a.m. (Daily)	40%
8:00 a.m. to 5:00 p.m. (Sunday)	40%
All day on Saturday and on the following holidays: New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day	40%

Option 2: Premium Calling Plan. This option will provide unlimited seven digit one-way calling for a flat

monthly rate. These monthly rates are in addition to the current charges for local exchange service, and will be as follows:

<u>Business Service</u>	<u>Premium Calling Plan Rate Additive</u>
One-Party Business	\$ 36.70
Key Line	\$ 42.90
PBX	\$ 59.95
 <u>Residential Service</u>	
One-Party Residence	\$ 16.75

Option 3: Premium Plus Calling Plan. This option will provide unlimited seven digit two-way calling. The monthly rates and charges for this option will be in addition to the current charges for local exchange service and will be as follows:

Business Service

One-Party Business
Key Line
PBX

Premium Plus Calling Plan Rate Additive

\$ 73.85
\$ 85.80
\$119.85

Residential Service

\$ 33.45

IntraLATA toll service between the Charlotte and Jourdanon Exchanges to the San Antonio Exchanges will continue to be available to those Charlotte and Jourdanon customers who do not wish to choose any of the options referenced above. There will be no change in rates of Southwestern Bell Company's San Antonio customers as a consequence of the implementation of EAS in the Charlotte and Jourdanon Exchanges.

Telephone number changes will only be required under the Premium Plus Calling Plan (Option 3, above), and no one-time charges will apply to individual customer accounts during an introductory 90-day period. A nonrecurring charge will apply for both business and residential customers after the expiration of the 90-day introductory period.

The joint applicants have requested that the petition be processed administratively pursuant to Public Utility Commission Substantive Rule 23.49(b)(8)(C)(ix). Persons who wish to intervene in the proceeding or comment upon the actions sought should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Commission's Office of Public Information at (512) 458-0388, by January 23, 1995. The telecommunication device for the deaf (TTY) is (512) 458-0221.

Issued in Austin, Texas, on November 14, 1994.

TRD-9450925 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: November 14, 1994



Texas Department of Transportation
Public Notice

The Texas Traffic Records Council is scheduled to have a meeting December 1, 1994, 1:30 p.m. at the Texas Department of Transportation (TxDOT), located at 150 East

Riverside, Room 309C, Austin Texas. The Traffic Records Council is a TxDOT advisory committee composed of representatives for TxDOT, Department of Public Safety, Texas Health Department, metropolitan planning organizations, and county and city officials. The purpose of the Traffic Records Council is to improve the traffic record systems in Texas. Items on the Council's agenda include reports from its technology and Standards, and Education and Information, Data Linkage committees. There will also be a report on the Annual Traffic Records Forum held November 1 and 2, 1994.

For further information, contact Jim Taylor, Traffic Operations Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701, (512) 416-3150.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450851 Diane L. Northam
Legal Executive Assistant
Texas Department of Transportation

Filed: November 15, 1994



In the November 15, 1994 issue of the *Texas Register* (19 TexReg 8958), the Texas Department of Transportation published proposed new §§22.10-22.15, concerning Use of State Highway Right-of-Way, under Title 43 of the Texas Administrative Code. The deadline for receipt of written comments was 5:00 p.m. on December 9, 1994. The deadline for this public comment period has been changed to 5:00 p.m. on December 15, 1994.

Issued in Austin, Texas, on November 15, 1994.

TRD-9450850 Diane L. Northam
Legal Executive Assistant
Texas Department of Transportation

Filed: November 15, 1994



1994 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1994 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on March 11, July 22, November 11, and November 29. A asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, October 11	THIRD QUARTERLY INDEX	
76 Friday, October 14	Monday, October 10	Tuesday, October 11
77 Tuesday, October 18	Wednesday, October 12	Thursday, October 13
78 Friday, October 21	Monday, October 17	Tuesday, October 18
79 Tuesday, October 25	Wednesday, October 19	Thursday, October 20
80 Friday, October 28	Monday, October 24	Tuesday, October 25
81 Tuesday, November 1	Wednesday, October 26	Thursday, October 27
82 Friday, November 4	Monday, October 31	Tuesday, November 1
83 Tuesday, November 8	Wednesday, November 2	Thursday, November 3
Friday, November 11	NO ISSUE PUBLISHED	
84 Tuesday, November 15	Wednesday, November 9	Thursday, November 10
85 Friday, November 18	Monday, November 14	Tuesday, November 15
86 Tuesday, November 22	Wednesday, November 16	Thursday, November 17
87 Friday, November 25	Monday, November 21	Tuesday, November 22
Tuesday, November 29	NO ISSUE PUBLISHED	
88 Friday, December 2	Monday, November 28	Tuesday, November 29
89 Tuesday, December 6	Wednesday, November 30	Thursday, December 1
90 Friday, December 9	Monday, December 5	Tuesday, December 6
91 Tuesday, December 13	Wednesday, December 7	Thursday, December 8
92 Friday, December 16	Monday, December 12	Tuesday, December 13
93 Tuesday, December 20	Wednesday, December 14	Thursday, December 15
94 Friday, December 23	Monday, December 19	Tuesday, December 20
95 Tuesday, December 27	Wednesday, December 21	Thursday, December 22
96 *Friday, December 30	Friday, December 23	Tuesday, December 27

1995 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1995 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on July 7, November 10, November 28, and December 29. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Tuesday, January 3	Wednesday, December 28	Thursday, December 29
2 Friday, January 6	Monday, January 2	Tuesday, January 3
3 Tuesday, January 10	Wednesday, January 4	Thursday, January 5
4 Friday, January 13	Monday, January 9	Tuesday, January 10
5 Tuesday, January 17	Wednesday, January 11	Thursday, January 12
Friday, January 20	1993 ANNUAL INDEX	
6 Tuesday, January 24	Wednesday, January 18	Thursday, January 19
7 Friday, January 27	Monday, January 23	Tuesday, January 24
8 Tuesday, January 31	Wednesday, January 25	Thursday, January 26
9 Friday, February 3	Monday, January 30	Tuesday, January 31
10 Tuesday, February 7	Wednesday, February 1	Thursday, February 2
11 Friday, February 10	Monday, February 6	Tuesday, February 7
12 Tuesday, February 14	Wednesday, February 8	Thursday, February 9
13 Friday, February 17	Monday, February 13	Tuesday, February 14
14 Tuesday, February 21	Wednesday, February 15	Thursday, February 16
15 Friday, February 24	*Friday, February 17	Tuesday, February 21
16 Tuesday, February 28	Wednesday, February 22	Thursday, February 23
17 Friday, March 3	Monday, February 27	Tuesday, February 28
18 Tuesday, March 7	Wednesday, March 1	Thursday, March 2
19 Friday, March 10	Monday, March 6	Tuesday, March 7
20 Tuesday, March 14	Wednesday, March 8	Thursday, March 9
21 Friday, March 17	Monday, March 13	Tuesday, March 14
22 Tuesday, March 21	Wednesday, March 15	Thursday, March 16
23 Friday, March 24	Monday, March 20	Tuesday, March 21
24 Tuesday, March 28	Wednesday, March 22	Thursday, March 23
25 Friday, March 31	Monday, March 27	Tuesday, March 28
26 Tuesday, April 4	Wednesday, March 29	Thursday, March 30
27 Friday, April 7	Monday, April 3	Tuesday, April 4
28 Tuesday, April 11	Wednesday, April 5	Thursday, April 6
Friday, April 14	FIRST QUARTERLY INDEX	
29 Tuesday, April 18	Wednesday, April 12	Thursday, April 13
30 Friday, April 21	Monday, April 17	Tuesday, April 18
31 Tuesday, April 25	Wednesday, April 19	Thursday, April 20

32 Friday, April 28	Monday, April 24	Tuesday, April 25
33 Tuesday, May 2	Wednesday, April 26	Thursday, April 27
34 Friday, May 5	Monday, May 1	Tuesday, May 2
35 Tuesday, May 9	Wednesday, May 3	Thursday, May 4
36 Friday, May 12	Monday, May 8	Tuesday, May 9
37 Tuesday, May 16	Wednesday, May 10	Thursday, May 11
38 Friday, May 19	Monday, May 15	Tuesday, May 16
39 Tuesday, May 23	Wednesday, May 17	Thursday, May 18
40 Friday, May 26	Monday, May 22	Tuesday, May 23
41 Tuesday, May 30	Wednesday, May 24	Thursday, May 25
42 Friday, June 2	*Friday, May 26	Tuesday, May 30
43 Tuesday, June 6	Wednesday, May 31	Thursday, June 1
44 Friday, June 9	Monday, June 5	Tuesday, June 6
45 Tuesday, June 13	Wednesday, June 7	Thursday, June 8
46 Friday, June 16	Monday, June 12	Tuesday, June 13
47 Tuesday, June 20	Wednesday, June 14	Thursday, June 15
48 Friday, June 23	Monday, June 19	Tuesday, June 20
49 Tuesday, June 27	Wednesday, June 21	Thursday, June 22
50 Friday, June 30	Monday, June 26	Tuesday, June 27
51 Tuesday, July 4	Wednesday, June 28	Thursday, June 29
Friday, July 7	NO ISSUE PUBLISHED	
52 Tuesday, July 11	Wednesday, July 5	Thursday, July 6
Friday, July 14	Second Quarterly Index	
53 Tuesday, July 18	Wednesday, July 12	Thursday, July 13
54 Friday, July 21	Monday, July 17	Tuesday, July 18
55 Tuesday, July 25	Wednesday, July 19	Thursday, July 20
56 Friday, July 28	Monday, July 24	Tuesday, July 25
57 Tuesday, August 1	Wednesday, July 26	Thursday, July 27
58 Friday, August 4	Monday, July 31	Tuesday, August 1
59 Tuesday, August 8	Wednesday, August 2	Thursday, August 3
60 Friday, August 11	Monday, August 7	Tuesday, August 8
61 Tuesday, August 15	Wednesday, August 9	Thursday, August 10
62 Friday, August 18	Monday, August 14	Tuesday, August 15
63 Tuesday, August 22	Wednesday, August 16	Thursday, August 17
64 Friday, August 25	Monday, August 21	Tuesday, August 22
65 Tuesday, August 29	Wednesday, August 23	Thursday, August 24
66 Friday, September 1	Monday, August 28	Tuesday, August 29
67 Tuesday, September 5	Wednesday, August 30	Thursday, August 31
68 Friday, September 8	*Friday, September 1	Tuesday, September 5
69 Tuesday, September 12	Wednesday, September 6	Thursday, September 7
70 Friday, September 15	Monday, September 11	Tuesday, September 12

71 Tuesday, September 19	Wednesday, September 13	Thursday, September 14
72 Friday, September 22	Monday, September 18	Tuesday, September 19
73 Tuesday, September 26	Wednesday, September 20	Thursday, September 21
74 Friday, September 29	Monday, September 25	Tuesday, September 26
75 Tuesday, October 3	Wednesday, September 27	Thursday, September 28
76 Friday, October 6	Monday, October 2	Tuesday, October 3
Tuesday, October 10	THIRD QUARTERLY INDEX	
77 Friday, October 13	Monday, October 9	Tuesday, October 10
78 Tuesday, October 17	Wednesday, October 11	Thursday, October 12
79 Friday, October 20	Monday, October 16	Tuesday, October 17
80 Tuesday, October 24	Wednesday, October 18	Thursday, October 19
81 Friday, October 27	Monday, October 23	Tuesday, October 24
82 Tuesday, October 31	Wednesday, October 25	Thursday, October 26
83 Friday, November 3	Monday, October 30	Tuesday, October 31
84 Tuesday, November 7	Wednesday, November 1	Thursday, November 2
Friday, November 10	No Issue Published	
85 Tuesday, November 14	Wednesday, November 8	Thursday, November 9
86 Friday, November 17	Monday, November 13	Tuesday, November 14
87 Tuesday, November 21	Wednesday, November 15	Thursday, November 18
88 Friday, November 24	Monday, November 20	Tuesday, November 21
Tuesday, November 28	NO ISSUE PUBLISHED	
89 Friday, December 1	Monday, November 27	Tuesday, November 28
90 Tuesday, December 5	Wednesday, November 29	Thursday, November 30
91 Friday, December 8	Monday, December 4	Tuesday, December 5
92 Tuesday, December 12	Wednesday, December 6	Thursday, December 7
93 Friday, December 15	Monday, December 11	Tuesday, December 12
94 Tuesday, December 19	Wednesday, December 13	Thursday, December 14
95 Friday, December 22	Monday, December 18	Tuesday, December 19
96 Tuesday, December 26	Wednesday, December 20	Thursday, December 21
Friday, December 29	NO ISSUE PUBLISHED	