

Texas Register

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Texas Register

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Information Available: The nine 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

Emergency Sections - sections adopted by state agencies on an emergency basis

Proposed Sections - sections proposed for adoption

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections - sections adopted following a 30-day public comment period

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 accumulative 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 a 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 17 (1992) is cited as follows: 17 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: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 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, 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 approved, collected volumes of Texas administrative rules.

How to Cite: Under the TAC scheme, each agency 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 rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

Texas Register Art Project

This program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students, grades K - 12, and to help students gain an insight into Texas government. The artwork is used to fill otherwise blank pages in the *Texas Register*. The blank pages are a result of the production process used to create the *Texas Register*. The artwork does not add additional pages and does not increase the cost of the *Texas Register*.

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The Governor

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Appointments Made March 9, 1992

The appointment of Robert Michael Franz to the **Governor's Committee on People with Disabilities** is hereby withdrawn. Mr. Franz is ineligible for the position to which he was appointed.

On February 21, 1992, Governor Ann Richards appointed Jerry D. Cooper of Dallas to be a member of the **Governor's Committee on People with Disabilities** for a term to expire February 1, 1994. Please correct your records to show that Mr. Cooper's term will expire on February 1, 1993.

On October 3, 1991, Governor Richards appointed Reverend Manager Dermot N. Brosnan to the **Texas Juvenile Probation Commission** for a term to expire August 31, 1993. Please change your records to show the correct expiration date as August 31, 1995.

To be a member of the **Texas Department of Housing and Community Affairs Board** for a term to expire January 31, 1995: Judith Barrett McDonald, 1615 Redbud, Nacogdoches, Texas 75961. Ms. McDonald is being appointed to a new position pursuant to Senate Bill 546, 72nd Legislature.

To be a member of the **Texas Council on Offenders With Mental Impairments** for a term to expire February 1, 1993: Carol A. Oeller, 10807 MacKenzie, Houston, Texas 77086. Ms. Oeller will be filling the unexpired term of Dr. Lisa Ann Blue of Dallas who resigned.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203568

Ann W. Richards
Governor of Texas





Name: Sarah Kehrt

School: Plano East Senior High, Plano ISD

Texas Ethics Commission

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: Texas Civil Statutes, Article 6252-9b; the Government Code, Chapter 302; the Government Code, Chapter 305; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Opinion Requests

AOR-1. The Texas Ethics Commission has received a request for an advisory opinion in regard to the Government Code, Chapter 305. The specific question is whether a registrant may report on his initial registration form the total amount of compensation that he will receive in 1992 compensation. The requestor seeks to report in this manner in order to obviate the need to file an amended statement when he actually receives additional compensation.

AOR-2. The Texas Ethics Commission has been asked to determine whether a judge may be required to register under the Government Code, Chapter 305 in the following circumstances: The judge is a member of a committee of the judicial section of the state bar and has been asked to deliver, on behalf of the committee, a request to the attorney general to withdraw an opinion. The judge does not receive compensation, but may receive reimbursement for travel and lodging expenses.

AOR-3. The Texas Ethics Commission has been asked to consider whether the provisions of Senate Bill Number 1 would prohibit an association of owners of recreational facilities from providing free passes to member recreational facilities to legislators and their families.

AOR-4. The Texas Ethics Commission has been asked to issue an advisory opinion in regard to whether Texas Civil Statutes, Article 6252-9b, §7A(a), applies to a former member of a governing body of a regulatory agency who left employment with the agency before the effective date of that section.

AOR-5. The Texas Ethics Commission has been asked to consider whether a legislator may participate in hunting trips under various circumstances.

In the first example the legislator pays for his own transportation. A private organization provides a hunting lease, a farmhouse to sleep in, and breakfast at a cafe.

In the second example the legislator pays for his own transportation. The legislator hunts deer on land owned by a private company, and the company provides food and lodging on the property.

The third hunting trip takes place in Mexico. A lobbyist provides transportation, food, lodging, and a place to hunt.

AOR-6. A lawyer has asked the Texas Ethics Commission to consider whether certain activities require the lawyer to register under the Government Code, Chapter 305.

The first question is whether a lawyer must register if he or she represents taxpayers in hearings before the office of the Comptroller of Public Accounts regarding petitions for redetermination or claims for refunds.

The second question is whether a lawyer must register if he or she represents taxpayers in suits against the state for refunds of taxes.

The third question is whether a lawyer must register if he or she makes inquiries of the comptroller on behalf of clients.

AOR-7. The Texas Ethics Commission has been asked to interpret the Election Code, §254.0391, which provides that during a special session a determination to accept or refuse a political contribution is to be made not later than the third day after the date the contribution is received. The question is whether that provision requires that the contribution be returned by the third day.

Issued in Austin, Texas, on March 10, 1992.

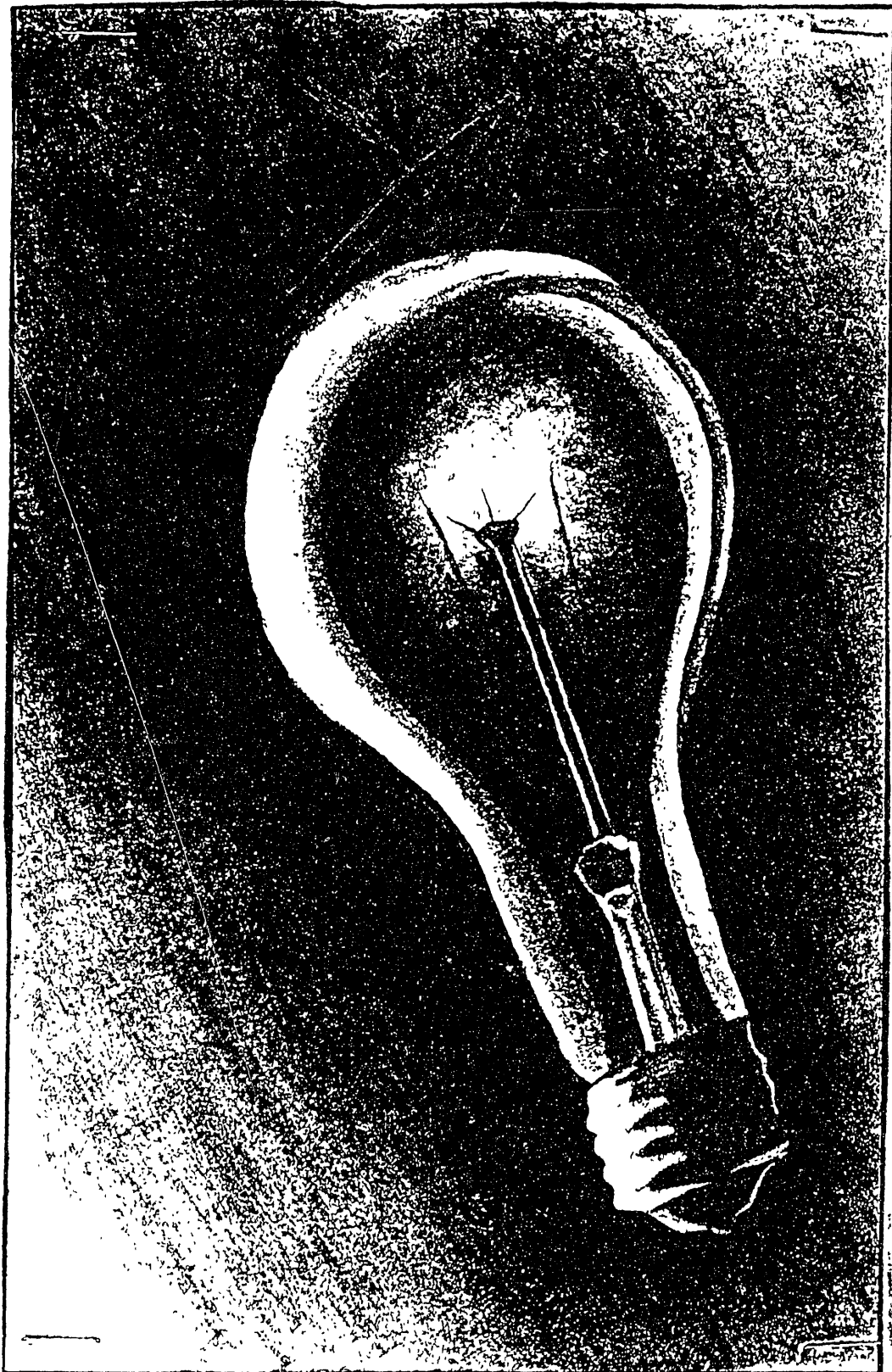
TRD-9203624

Sarah Woelk
Director, Advisory Opinions
Texas Ethics Commission

Filed: March 12, 1992

For further information, please call: (512) 463-5796





Name John Pierce

Grade 12

School: Plano East Senior High Plano ISD

Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

Symbology in amended emergency sections. 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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 11. Herbicide Regulations

• 4 TAC §11.2

The Texas Department of Agriculture (the department) adopts on an emergency basis an amendment to §11.2, concerning special provisions for Brazoria, Calhoun, Fort Bend, Jackson, Matagorda, and Wharton Counties.

The department is acting upon requests from county officials, on behalf of ranchers and farmers in Brazoria, Calhoun, Fort Bend, Jackson, Matagorda, and Wharton Counties for an immediate change of the dates during which the application of 2,4-D or any derivative thereof is prohibited in those counties. The current prohibition period begins on March 10 for those counties. County officials have requested that the beginning date be changed to allow the application of 2,4-D or any derivative thereof after March 10. The department believes that the changing of the prohibition dates as requested is both necessary and appropriate.

Upon request of county officials in Jackson, Matagorda, and Wharton Counties the department adopted on March 9, 1992, on an emergency basis, an amendment changing the beginning prohibition date from March 10 to March 25 for those counties. That amendment is scheduled to be published in the March 17 issue of the *Texas Register* (TRD 9203463).

Adverse weather conditions have created a situation compelling an immediate extension of the deadlines for applications of 2,4-D for weed and brush control in Jackson, Matagorda, and Wharton Counties. The continuation of unusually wet weather since the first of the year has prevented many herbicide applications from being made prior to the March 10, 1992 deadline, as applications under those conditions would have been impractical. The additional moisture should also result in additional weed population and growth. Allowing the uncontrolled growth of weeds and brush may result in substantially less available forage for cattle and other livestock which would tend to reduce yields. This could create a significant loss to Texas ranchers/farmers and the state's economy.

The department believes that susceptible crops in Jackson, Matagorda, and Wharton Counties will not be harmed because the planting of those crops has not yet com-

menced and planting should not begin for another week, with emergence of those crops about a week after planting, or the week of March 23.

County officials on behalf of ranchers and farmers in Brazoria, Fort Bend, and Calhoun Counties have now requested that the March 10 date for those counties be extended due to similar adverse weather conditions in those counties that have prevented the making of herbicide applications prior to the March 10, 1990 deadline. The department believes that the extension of the prohibition date in Fort Bend and Calhoun Counties and that portion of Brazoria County both north of State Highway 35 and west of Highway 288 to March 20 is also necessary and will not endanger susceptible crops in that county.

Emergency amendments to subsection (g) change the beginning date for prohibition of the spraying of 2,4-D or any derivative thereof in Jackson, Matagorda, and Wharton Counties from March 10 to March 25 of each year, and change the prohibition date for the spraying of 2,4-D and any derivative thereof from March 10 to March 20 for Fort Bend and Calhoun Counties and that portion of Brazoria County both north of State Highway 35 and west of Highway 288.

The amendment is adopted on an emergency basis under the Texas Agriculture Code, §75.018, which gives the Texas Department of Agriculture the authority to consider a request for revision of a section, an exemption from a requirement of the Texas Herbicide Law, Chapter 75, or prohibition of spraying in one area and to adopt rules as the department deems appropriate; and Texas Civil Statutes, Article 6252-13(a)(5), which provide for the adoption of administrative rules on an emergency basis, without notice and comment.

§11.2. County Special Provisions.

(a)-(f) (No change.)

(g) Brazoria, Calhoun, Fort Bend, Jackson, Matagorda, and Wharton Counties.

(1) For that portion of Brazoria County both north of State Highway 35 and west of Highway 288 [Calhoun] and Fort Bend County, [Counties] the aerial application of 2,4-D or any derivative thereof is hereby prohibited between March 20 [10] and September 15 of each year.

(2) (No change.)

(3) The aerial application of 2,4-D or any derivative thereof is hereby

prohibited in Calhoun County between March 20 [10] and August 2 of each year.

(4)-(5) (No change.)

(h)-(11) (No change.)

Issued in Austin, Texas, on March 13, 1992.

TRD-9203753

Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: March 13, 1992

Expiration date: April 8, 1992

For further information, please call: (512) 463-7583

TITLE 37. PUBLIC SAFETY AND CORREC- TIONS

Part III. Texas Youth Commission

Chapter 91. Discipline and Control

Disciplinary Practices

• 37 TAC §91.3

The Texas Youth Commission (TYC) adopts on an emergency basis an amendment to §91.3, concerning the commission's rules of conduct, contraband, and dress. The symbolic expression subsection being added allows individual superintendents with approval of the director of institutions to prohibit expressions that prompt violence or potentially violent behavior. Serious attacks between gang members resulting from the display of certain colors and hand signals related to gang membership within or facilities presents an imminent peril to the health and safety of our youth, staff, and visitors.

The amendment is adopted on an emergency basis under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules, appropriate to proper accomplishment of its functions.

§91.3. Rules of Conduct, Contraband, and Dress.

(a) Policy. Texas Youth Commission (TYC) facilities and programs maintain youth discipline to the extent necessary to

keep order and provide a safe and constructive environment for youth, staff and visitors. Youth are expected to follow agencywide rules of conduct, contraband, and dress. Violations of the rules result in disciplinary consequences that are proportional to the severity and extent of the violation and follow appropriate due process. Rules in this policy may be restated in greater detail or otherwise adapted to accommodate a particular program in order to help clarify expected behavior in that program. All adapted or restated rules will remain consistent with the general rules of conduct. The rules are posted in a conspicu-

ous area accessible to youth in each facility and program.

(b) Rules.

(1)-(4) (No change.)

(5) **Symbolic expression.** A facility superintendent may adopt rules for the facility to prohibit any symbolic expression(s) that have been shown to precipitate violent behavior which endangers the safety of youth, staff, or visitors at the facility. All rules adopted by a superintendent and approved by the director of institutions must be clearly communi-

cated to each youth and posted at the same place as other rules set out in this policy. Unless it is repealed earlier, the authority granted in this subsection expires on March 31, 1993.

Issued in Austin, Texas on March 12, 1992.

TRD-9203780

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: March 16, 1992

Expiration date: July 14, 1992

For further information, please call: (512) 483-5244



Proposed Sections

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 any action may be 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 sections, 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 III. Office of the Attorney General

Chapter 55. Child Support Enforcement

Subchapter A. General Guidelines

• 1 TAC §§55.1-55.5

(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 Office of the Attorney General or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Office of the Attorney General proposes the repeal of §§55.1-55.5, concerning the general guidelines for the cooperation of the AFDC applicant/client in obtaining support, for the denial of AFDC grant amounts for failure to cooperate, and for the determination of good cause for refusing to cooperate.

These provisions are not necessary for the operation of the Office of the Attorney General as the designated Title IV-D child support enforcement agency for the State of Texas because the Texas Department of Human Services, the state's Title IV-A agency, makes the determination as to whether or not good cause exists for an AFDC applicant/recipient to refuse to cooperate in obtaining support.

Alice Embree, Manager for Strategic Planning, Child Support Enforcement Division of the Office of the Attorney General of Texas, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Embree also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to make clear the authority and responsibility of the Office of the Attorney General of Texas in performing the services and functions required by federal and state law and to make clear the means by which the agency performs the required functions and services. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held at 9 a.m., April 16, 1992, in Room 105, Reagan Building, 101 West 15th Street, Austin, Texas 78701, for public comment on this proposal. Persons or organizations wishing to appear at this hearing must submit a statement of intention to appear for comment, which includes the name of the organization or individual wishing to comment, the name(s) of each person who wishes to speak at the hearing, and the approximate amount of time each person will speak at the hearing, and the approximate amount of time each person will speak, to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017, no later than 5 p.m. on April 6, 1992. Each speaker or organization will be permitted a maximum of 20 minutes for oral presentation.

The repeals are proposed under the Human Resources Code, Chapter 76, which provides the Office of the Attorney General of Texas, as the state agency designated pursuant to Part D of Title IV of the federal Social Security Act (42 United States Code, §§651 et seq), with the authority to perform the functions and provide the services (locating absent parents; establishing paternity; establishing, enforcing, reviewing, and modifying child support obligations; and collecting and distributing support payments) required by federal and state law.

§55.1. Cooperation of the AFDC Applicant/Client in Obtaining Support.

§55.2. Failure to Cooperate.

§55.3. Good Cause for Refusing to Cooperate.

§55.4. Good Cause Determination.

§55.5. Evidence of Good Cause.

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 March 13, 1992.

TRD-9203784

Will Pryor
First Assistant Attorney
General
Office of the Attorney
General

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 463-2040

Subchapter B. Locate Services

• 1 TAC §§55.32, §55.33

(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 Office of the Attorney General or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Office of the Attorney General proposes the repeal of §§55.32 and §55.33, concerning the eligibility of persons applying for non-AFDC child support services and the requirements for applying for parental kidnapping and child custody services.

Current §55.32 is unnecessary for the operation of the Office of the Attorney General because the persons who may apply for child support services are determined by federal statutes and regulations.

Current §55.33 will be renumbered as §55.32, upon the repeal of the current section at §55.32.

Alice Embree, Manager for Strategic Planning, Child Support Enforcement Division of the Office of the Attorney General of Texas, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Embree also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to make clear the authority and responsibility of the Office of the Attorney General of Texas in performing the services and functions required by federal and state law and to make clear the means by which the agency performs the required functions and services. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held at 9 a.m., April 23, 1992, in Room 105, Reagan Building, 101 West 15th Street, Austin, Texas 78701, for public comment on this proposal. Persons or organizations wishing to appear at this hearing must submit a statement of intention to appear for comment, which includes the name of the organization or individual wishing to comment, the name(s) of each person who wishes to speak at the hearing, and the approximate amount of time each person will speak, to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017, no later than 5 p.m. on April 6, 1992. Each speaker or organization will be permitted a maximum of 20 minutes for oral presentation.

The repeals are proposed under the Human Resources Code, Chapter 76, which provides the Office of the Attorney General of Texas, as the state agency designated pursuant to Part D of Title IV of the federal Social Security Act (43 United States Code, §§651 et seq), with the authority to perform the functions and provide the services (locating absent parents; establishing paternity; establishing, enforcing, reviewing, and modifying child support obligations; and collecting and distributing support payments) required by federal and state law.

§55.32. Non-AFDC Locate-Only Services/Non-AFDC Full Child Support Services.

§55.33. Parental Kidnapping and Child Custody Services.

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 March 13, 1992.

TRD-9203787 Will Pryor
First Assistant Attorney
General
Office of the Attorney
General

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 463-2040

Subchapter C. Enforcement

• 1 TAC §§55.61, 55.101, 55.102

(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 Office of the Attorney General or in the Texas Register office, Room 243, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Office of the Attorney General proposes the repeal of §§55.61, 55.101, and 55.102, concerning notice to persons receiving child support services regarding their cases, the contesting of federal income tax refund intercept, and the contesting of reporting of past-due child support to credit reporting agencies.

Current §55.61 is unnecessary for the operation of the Office of the Attorney General because federal law already provides for persons receiving child support services to be informed of agency decisions regarding their cases.

Upon the repeal of the existing provision at §55.61, current §55.101 will be renumbered §55.61 and will begin Subchapter C, "Enforcement," which will be renamed "Administrative Review."

Current §55.102 does not accurately state current practice of the Office of the Attorney General in reporting the amounts of child support obligations to credit reporting agencies and will be replaced by a proposed new §55.103.

Alice Embree, Manager for Strategic Planning, Child Support Enforcement Division of the Office of the Attorney General of Texas, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Embree also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to make clear the authority and responsibility of the Office of the Attorney General of Texas in performing the services and functions required by federal and state law and to make clear the means by which the agency performs the required functions and services. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held at 9 a.m., April 23, 1992, in Room 105, Reagan Building, 101 West 15th Street, Austin, Texas 78701, for public comment on this proposal. Persons or organizations wishing to appear at this hearing must submit a statement of intention to appear for comment, which includes the name of the organization or individual wishing to comment, the name(s) of each person who wishes to speak at the hearing, and the approximate amount of time each person will speak, to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017, no later than 5 p.m. on April 6, 1992. Each speaker or organization will be permitted a maximum of 20 minutes for oral presentation.

The repeals are proposed under the Human Resources Code, Chapter 76, which provides the Office of the Attorney General of Texas, as the state agency designated pursuant to Part D of Title IV of the federal Social Security Act (42 United States Code, §651 et seq), with the authority to perform the functions and provide the services (locating absent parents; establishing paternity; establishing, enforcing, reviewing, and modifying child support obligations; and collecting and distributing support payments) required by federal and state law.

§55.61. Statute of Limitation Cases.

§55.101. Contesting Federal Tax Refund Intercept.

§55.102. Contesting Reporting to Credit Reporting Agencies.

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 March 13, 1992.

TRD-9203789 Will Pryor
First Assistant Attorney
General
Office of the Attorney
General

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 463-2040

Subchapter C. Administrative Review

• 1 TAC §§55.101-55.105

The Office of the Attorney General proposes new §§55.101-55.105, under Subchapter C, renamed "Administrative Review," concerning administrative review for contested cases before the agency regarding collection of child support by interception of federal income tax refunds and the reporting of child support obligations to consumer credit reporting agencies.

Proposed new §55.101 identifies the administrative procedures to be used, including informal resolution and a formal administrative review hearing, when a non-custodial parent contests the interception by the Office of the Attorney General of federal income tax refunds for the purpose of collecting past-due child support amounts or arrears.

Proposed new §55.102 sets forth the criteria for reports by the Office of the Attorney General to consumer reporting agencies about child support obligations owed by non-custodial parents.

Proposed new §55.103 defines the administrative procedures, including informal resolution and a formal administrative review hearing, to be followed when a non-custodial parent contests the amount of child support being reported by the Office of the Attorney General to consumer reporting agencies.

Proposed new §55.104 sets forth rules governing the time periods for obtaining administrative review of agency actions in contested cases before the agency.

Proposed new §55.105 states the regulation governing the proper address for submission of requests for administrative review of agency actions in contested cases and for mailing of agency decisions in contested cases.

Alice Embree, manager for strategic planning, Child Support Enforcement Division of the Office of the Attorney General, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Embree, 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 to make clear the authority of the Office of the Attorney General to perform the functions and services required by federal and state law, the means by which the agency will perform the required functions and services, and the relationship between the agency and individual parties to legal actions in which the agency participates. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held at 9 a.m., April 23, 1992, in Room 105, Reagan Building, 101 West 15th Street, Austin, Texas 78701, for public comment on this proposal. Persons or organizations wishing to appear at this hearing must submit a statement of intention to appear for comment, which includes the name of the organization or individual wishing to comment, the name(s) of each person who wishes to speak at the hearing, and the approximate amount of time each person will speak, to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017, no later than 5 p.m. on April 6, 1992. Each speaker or organization will be permitted a maximum of 20 minutes for oral presentation.

The new sections are proposed under the Human Resources Code, Chapter 76, which

provides the Office of the Attorney General of Texas, as the state agency designated pursuant to Part D of Title IV of the federal Social Security Act (42 United States Code, §§651 et seq), with the authority to perform the functions and provide the services (locating absent parents; establishing paternity; establishing, enforcing, reviewing, and modifying child support obligations; and collecting and distributing support payments) required by federal and state law.

§55.101. Contesting Federal Income Tax Refund Intercept.

(a) A non-custodial parent, who the Office of the Attorney General has determined owes past-due child support and whose federal income tax refund is therefore subject to interception by the Office of the Attorney General, may contest the determined amount of past-due child support or arrearages by contacting the Office of the Attorney General and submitting a written complaint to the Office of the Attorney General, Child Support Enforcement Division, at the office address which appears on the notice of an intended or actual administrative action, either:

(1) seeking to informally resolve any dispute; or

(2) requesting a formal administrative review hearing. Seeking to informally resolve any dispute shall not preclude the non-custodial parent from subsequently requesting a formal hearing.

(b) If the order upon which the Office of the Attorney General calculated the amount of past-due and owing child support was entered by a court of another state, the non-custodial parent may request a hearing in that state.

(c) The "Request for Administrative Review" must be submitted no later than 30 days from the date the non-custodial parent received notice of an intended or actual report of past-due amounts to the federal Internal Revenue Service and no later than 45 days from the date on the notice of an intended or actual report of past-due amounts to the federal Internal Revenue Service.

(d) A hearing shall be granted by the Office of the Attorney General upon the request of the non-custodial parent's submission, **NOT LESS THAN 30 DAYS**

FOLLOWING THE NON-CUSTODIAL PARENT'S RECEIPT OF NOTICE OF THE ACTUAL OFFSET, of a completed "Request for Administrative Review" form to be obtained from the Office of the Attorney General. (The "Request for Administrative Review" form for contesting federal income tax refund intercepts, appears at the end of this section.)

(e) In interstate cases where a non-custodial parent has requested a hearing in Texas to contest an arrearage amount calculated by the IV-D agency of another state, the Office of the Attorney General shall grant the requested hearing upon notification of the request by the other state. The non-custodial parent shall then be furnished with a "Request for Administrative Review" form and be required to return it to the Office of the Attorney General no later than 10 days prior to the hearing date.

(f) The parties may appear in person, with or without a representative. However, administrative review hearings will be held by telephone conference call, unless the administrative review hearing examiner grants a written request for an in-person hearing. Such request must be received by the hearing examiner no later than 10 days prior to the hearing. The hearing record shall be made by an audio recording of the telephone conference call.

(1) If the non-custodial parent so desires, he or she may submit any contentions and evidence in the form of an affidavit properly acknowledged, thereby making his or her participation unnecessary. If the non-custodial parent does not participate in the hearing, any properly acknowledged affidavit from the non-custodial parent may be submitted and admitted as evidence into the hearing record and may be considered by the hearing examiner in determining the facts.

(2) In non-AFDC cases, should the custodial parent choose not to participate, the information and affidavit provided at the time of application shall be considered. If the custodial parent does not participate in the hearing, any properly acknowledged affidavit from the custodial parent may be submitted and admitted as evidence into the hearing record and may be considered by the hearing examiner in determining the facts.

REQUEST FOR ADMINISTRATIVE REVIEW

TYPE OR PRINT CLEARLY:

I. NAME: _____ SOCIAL SECURITY NO. _____
ADDRESS: _____
TELEPHONE NO: (____) _____

II. State your grounds for contesting the claimed amount of past-due child support (attach additional sheet if necessary):

III. List the witnesses you intend to call in support of your contentions and the nature of their testimony (attach additional sheet if necessary):

- 1. _____
- 2. _____

IV. Describe the evidence you intend to introduce (court orders, payment records, cancelled checks, etc.) Please attach copies.

V. Attach a copy of the notice you received from the Office of Child Support Enforcement. Please note that only evidence, testimony, witnesses and matters disclosed above may be considered at the hearing. (Complete the following before a notary public only if you do not wish to personally appear at the hearing).

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared _____ who being by me duly sworn upon oath deposed and stated that the statements and allegations he/she has made in the above and foregoing Request for Administrative Review are true and correct to the best of his/her knowledge and that any and all attachments thereto are original copies or true and accurate reproductions of the original copies.

SUBSCRIBED AND SWORN TO BEFORE ME by _____ on this _____ day of _____, 19____, to certify which witness my hand and official seal.

Notary Public in and for
the State of Texas

My commission expires: _____

Form 1726
Feb. 1986

§55.102. Criteria for Reporting Past-Due Child Support to Consumer Credit Reporting Agencies.

(a) The Office of the Attorney General shall report the amount of a child support obligation, including the amount of any past-due child support, to consumer credit reporting agencies.

(b) The Office of the Attorney General shall report a past-due amount of child support as "past-due, and zero months delinquent," if:

(1) the court of continuing jurisdiction pursuant to the provisions of the Texas Family Code, §11.04 and §11.05 has previously entered an agreed order which adjudicated the amount of past-due child support owed by the non-custodial parent and required periodic payments to reduce that arrearage; and

(2) the non-custodial parent has timely paid each periodic payment for current and past-due child support required by that order.

§55.103. Contesting Reporting to Consumer Credit Reporting Agencies.

(a) A non-custodial parent, who owes a child support obligation and is therefore subject to being reported to consumer

credit reporting agencies by the Office of the Attorney General, may contest the amount of child support being reported by the Office of the Attorney General, including the determined amount of any past-due child support or arrears, by contacting the Office of the Attorney General and submitting a written complaint to the Office of the Attorney General, Child Support Enforcement Division, at the office address which appears on the notice of an intended or actual administrative action, either:

(1) seeking to informally resolve any dispute; or

(2) requesting a formal administrative review hearing. Seeking to informally resolve any dispute shall not preclude the non-custodial parent from subsequently requesting a formal hearing.

(b) A hearing shall be granted by the Office of the Attorney General upon the non-custodial parent's submission of a completed "Request for Administrative Review" form to be obtained from the Office of the Attorney General. (The "Request for Administrative Review" form for contesting consumer credit reporting appears at the end of §55.101 of this title (relating to Contesting Federal Income Tax Refund Intercept).)

(c) The "Request for Administrative Review" must be submitted no later

than 30 days from the date the non-custodial parent received notice of the proposed report of child support amounts to a consumer credit reporting agency and no later than 45 days from the date on the notice of the proposed report of child support amounts to a consumer credit reporting agency.

(d) The parties may appear in person, with or without a representative. However, administrative review hearings will be held by telephone conference call, unless the administrative review hearing examiner grants a written request for an in-person hearing. Such request must be received by the hearing examiner no later than 10 days prior to the hearing. The hearing record shall be made by an audio recording of the telephone conference call.

(1) If the noncustodial parent so desires, he or she may submit any contention and evidence in the form of an affidavit properly acknowledged, thereby making his or her participation unnecessary. If the non-custodial parent does not participate in the hearing, any properly acknowledged affidavit from the non-custodial parent may be submitted and admitted as evidence into the hearing record and may be considered by the hearing examiner in determining the facts.

(2) In non-AFDC cases, should the custodial parent choose not to participate, the information and affidavit provided at the time of application shall be considered. If the custodial parent does not participate in the hearing, any sworn affidavit from the custodial parent may be submitted and admitted as evidence into the hearing record and may be considered by the hearing examiner in determining the facts.

(e) In interstate cases where a non-custodial parent has requested a hearing in Texas to contest a child support amount calculated by the IV-D agency of another state, the Office of the Attorney General shall grant the requested hearing upon notification of the request by the other state. The non-custodial parent shall then be furnished with a "Request for Administrative Review" form and required to return it to the Office of the Attorney General no later than 10 days prior to the hearing date.

§55.104. Timely Administrative Appeals.

(a) The submission of administrative appeals in writing as required by these rules shall be made by delivery or by first class United States mail in an envelope or wrapper properly addressed and with postage prepaid to the Office of the Attorney General, Child Support Enforcement Division, at the address which appears on the notice of intended or actual administrative action or final administrative review decision.

(b) In computing any period of time prescribed or allowed by these rules or any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, as defined by Texas Civil Statutes, Article 4591, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the last day of the period is the next day which is neither a Saturday, Sunday, nor legal holiday, any document filed by mail as provided in subsection (a) of this section is mailed on time when it is postmarked on the last day of the period.

(c) The date of submission of an administrative review request is presumed to be the date that a written request is postmarked by the United States Postal Service or dated by a postal meter. If the postmark and a postal meter date conflict, the appeal was submitted on the postmark date. An appeal received in an envelope bearing no legible postmark or postal meter date will be considered to be submitted three days before receipt by the child support enforcement program.

(d) There is no good cause exception to the preceding timeliness rules.

§55.105. Proper Address of Record.

(a) The address for the Office of the Attorney General, Child Support Enforcement Division, which appears on the notice of an intended or actual administrative action, is the proper address of record for the submission of an administrative review request.

(b) The address for the complainant which appears on the notice of an intended or actual administrative action is the proper address of record for the complainant until such time as the complainant submits written notification of a change of address to the proper address of record for the Office of the Attorney General, Child Support Enforcement Division. After an administrative review request has been submitted, the complainant's address on that request will be the complainant's address of record.

(c) A copy of the notice of hearing and the final decision shall be mailed by first class United States mail to the complainant and the complainant's legal representative, if any, in an administrative review.

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 March 13, 1992.

TRD-9203788

Will Pryor
First Assistant Attorney
General
Office of the Attorney
General

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 463-2040

Subchapter D. Forms For Child Support Enforcement

• 1 TAC §§55.111-55.119

The Office of the Attorney General proposes new §§55.111-55.119, under Subchapter D, designated "Forms for Child Support Enforcement," concerning forms relating to the withholding of child support from income, child support liens, and other forms which the Office of the Attorney General is directed or authorized to promulgate for general use in enforcing and collecting child support.

Proposed new §55.111 provides a "Notice of Delinquency" form, for use under the Texas Family Code, §14.44.

Proposed new §55.112 provides a "Motion to Stay Issuance and Delivery of Writ of Income Withholding" form, for use under the Texas Family Code, §14.44(c).

Proposed new §55.113 provides two related forms: "Writ of Income Withholding (To Employer)," for use under the Texas Family

Code, §14.45, revised to include a determination of arrears for purposes of the "Child Support Lien" under new Subchapter F of the Texas Family Code; and "Request for Issuance of Writ of Income Withholding," for use under the Texas Family Code, §14.45(a).

Proposed new §55.114 provides two related forms: Revised Writ of Income Withholding (To Employer)," for use under the Texas Family Code, §14.45, when the amounts to be withheld are reduced, as by emancipation of children or discharge of arrears included in the original writ; and "Request for Issuance of Revised Writ of Income Withholding," for use under the Texas Family Code, §14.45(f).

Proposed new §55.115 provides an "Employer's Motion for Hearing on Applicability of Writ or Order" form, to request judicial review of applicability of either a writ or an order, since the procedure and elements of proof are the same for both, pursuant to the Texas Family Code, §14.43 and §14.45.

Proposed new §55.116 provides a "Motion and Affidavit to Withdraw Writ of Income Withholding" form, for use under the Texas Family Code, §14.44(e).

Proposed new §55.117 provides two related forms. "Notice to Terminate Writ of Income Withholding," for use to notify an employer to stop withholding under the Texas Family Code, §14.45(f); and "Request for Issuance of Notice to Terminate Writ of Income Withholding," for use under the Texas Family Code, §14.45(f).

Proposed new §55.118 provides two related forms: "Employer's Order to Withhold Earnings for Child Support," a suggested form for the court order authorized by the Texas Family Code, §14.43, and "Request for Issuance of Order, to request that the clerk issue the employer's order pursuant to the Texas Family Code, §14.43.

Proposed new §55.119 provides three related forms: "Notice of Child Support Lien," a suggested form for the Child Support Lien Notice authorized by the Texas Family Code, Chapter 14, Subchapter F; "Release of Child Support Lien," a suggested form for a complete release and discharge of a child support lien; and "Partial Release of Child Support Lien," a suggested form for the partial release of child support lien as to particular property in accordance with the Texas Family Code, §14.976(b)(1).

Alice Embree, Manager for Strategic Planning, Child Support Enforcement Division of the Office of the Attorney General, has determined that there will not be fiscal implications as a result of enforcing or administering the sections.

Ms. Embree 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 to make clear the authority of the Office of the Attorney General to perform the functions and services required by federal and state law, the means by which the agency will perform the required functions and services, and the relationship between the agency and individual parties to legal actions in which the agency participates. There will be no effect

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

Comments on the proposal may be submitted to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held at 9 a.m., April 23, 1992, in Room 105, Reagan Building, 101 West 15th Street, Austin, Texas 78701, for public comment on this proposal. Persons or organizations wishing to appear at this hear-

ing must submit a statement of intention to appear for comment, which includes the name of the organization or individual wishing to comment, the name(s) of each person who wishes to speak at the hearing, and the approximate amount of time each person will speak, to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017, no later than 5 p.m. on April 6, 1992. Each speaker or organization will be permitted a maximum of 20 minutes for oral presentation.

The new sections are proposed under the Human Resources Code, Chapter 76, which provides the Office of the Attorney General of Texas, as the state agency designated

pursuant to Part D of Title IV of the federal Social Security Act (42 United States Code, §§651 et seq), with the authority to perform the functions and provide the services (locating absent parents; establishing paternity; establishing, enforcing, reviewing, and modifying child support obligations; and collecting and distributing support payments) required by federal and state law.

§55.111. Form for Notice of Delinquency. The following form is to be used by an authorized agency or the attorney for an obligee to initiate the writ of withholding process under the Texas Family Code, §14.44.

Cause No. _____

IN THE INTEREST OF

X _____
X _____
X _____

NOTICE OF DELINQUENCY
(TO OBLIGOR)

You, the OBLIGOR named below are given notice, pursuant to Section 14.44 Texas Family Code, that your employer will be required to withhold the amounts which are specified below for payment of your current child support for the children named below and/or for payment of the overdue support (arrearages) as follows:

OBLIGOR: _____
ADDRESS: _____

SSN: _____

OBLIGEE: _____

OBLIGOR'S EMPLOYER: _____
ADDRESS: _____

CHILD: _____
CHILD: _____
CHILD: _____
CHILD: _____
CHILD: _____
CHILD: _____

DOB: _____
DOB: _____
DOB: _____
DOB: _____
DOB: _____
DOB: _____

SSN: _____
SSN: _____
SSN: _____
SSN: _____
SSN: _____
SSN: _____

Current Support Due: \$ _____ Monthly
Arrearage Owed (including accrued interest): \$ _____
Arrearage Accrued from _____ to _____

Amount to be withheld initially upon service of writ:
Current Support: \$ _____ Monthly
On Arrearage Owed: \$ _____ Monthly

Amount to be withheld beginning _____:
Current Support: \$ _____ Monthly
On Arrearage Owed: \$ _____ Monthly

If you do not contest this withholding of an amount for current support and/or an amount of overdue support (arrearages) within 10 days after the receipt of this Notice of Delinquency, your employer will be notified to begin deducting from your pay the amounts specified above no later than the first pay period which occurs 14 days following the date on which the writ of income withholding is served upon the employer.

Any writ or order issued as a result of this proceeding shall include a determination of arrears and apply to your current or to any subsequent employer or period of employment.

If you claim that you are not the person who owes the child support, or are not in arrears, or that the arrears are not as much as listed on this Notice, you can request a hearing by completing the attached 'Motion to Stay Issuance and Delivery of Income Withholding' writ, and filing the Motion within 10 days of your receipt of this Notice with the Clerk of the Court listed on the top of this Notice.

Filing the attached Motion will stay issuance and delivery of the Writ of Income Withholding to your employer until a hearing is held.

A hearing must be held within 30 days and the attorney of record must be notified of the date, time and place of the hearing. The hearing will be limited to the disputed issues as stated on the Motion to Stay Issuance and Delivery of Writ of Income Withholding.

At the hearing the court will decide the contested delinquency and will either enter an order for income withholding or will decide that an order for income withholding should not be entered. It is anticipated that additional arrears will accrue, and upon hearing the court will be requested to confirm all amounts then due.

VERIFICATION

I, the undersigned, swear under oath that the above 'NOTICE OF DELINQUENCY' is true and correct.

Signature

Printed Name: _____

Signed under oath before me on _____

19____.

Notary Public, State of Texas

Printed Name of Notary

FILED BY:

Attorney Name: _____
Attorney of Record _____
Attorney Bar Card Number: _____
Office Address: _____
Office Telephone Number: _____
Fax Number: _____

CERTIFICATE OF DELIVERY

I, _____, certify a copy of this Notice of Delinquency was [mailed by first class mail] [hand delivered] [mailed by certified mail, return receipt requested] to Obligor on _____, 19____, in accordance with Section 14.44 Texas Family Code.

SENT TO: _____

SENT TO: _____

Signature Line _____

§55.112. Form for Motion to Stay Issuance and Delivery of Writ of Income Withholding. The following form is to be used by the obligor to move for a judicial stay of the writ of withholding process under the Texas Family Code, §14.44(c).

Cause No. _____

IN THE INTEREST OF

X
X
X

MOTION TO STAY ISSUANCE AND DELIVERY OF WRIT OF INCOME WITHHOLDING

Pursuant to Family Code Section 14.44(c) the undersigned contests the issuance of a writ of income withholding because:
(check each one that applies)
 I am not the obligor, the person who is required by a Court Order to support the children named in the Notice.
 There is no child support arrearage (past due support) because _____.
 The amount of arrearage stated in the notice is incorrect because _____.
(Please explain fully)

The information contained above is true and correct.

Your (printed or typed) Name	Signature
(area code) Home Phone Number	Address
(area code) Employer Phone Number	City, State, Zip Code
Driver License Number	Social Security Number

Sworn to before me this ____ day of _____, 19____.

(notary seal) _____
 Notary Public, State of Texas
 Printed Name: _____

CERTIFICATE OF SERVICE

I, _____, do hereby certify that a true and correct copy of the foregoing has been served upon the parties or their representatives, as shown below, on the ____ day of _____, 19____.

SENT TO: _____ SENT TO: _____

 Signature Line

INFORMATION REGARDING MOTION TO STAY ISSUANCE AND DELIVERY OF WRIT OF INCOME WITHHOLDING

- 1) If you believe that you have a valid reason to prevent a Writ of Income Withholding from being issued to your employer you may file the Motion to Stay Issuance and Delivery of Writ of Income Withholding.
- 2) The sole grounds for successfully contesting the issuance of the Writ are:
 - a) you are not the person who owes child support for the child(ren) named in the Notice.
 - b) you are not behind in the payment of child support; or
 - c) you are not behind as much in the payment of child support as stated in the Notice.
- 3) If you have grounds for contesting the issuance of a writ, you must within ten days from the date you received the Notice of Delinquency, file the Motion to Stay Issuance and Delivery of Writ of Income Withholding with the Clerk of the Court.
- 4) You must verify the statements in your Motion to Stay Issuance and Delivery of Writ of Income Withholding before a notary public. The address of the Court Clerk where you should file your motion is below.

File at:

 _____, Texas _____

§55.113. Forms for Writ of Income Withholding (To Employer) and to Request Issuance of Writ of Income Withholding.

(a) The following form is to be issued by the clerk of the court to an employer under the Texas Family Code, §14.45(a).

Cause No. _____

IN THE INTEREST OF

X
X
X

WRIT OF INCOME WITHHOLDING
(TO EMPLOYER)

You, the employer of the Obligor, are directed to withhold income from the Obligor's disposable earnings from this employment as follows:

OBLIGOR: _____
ADDRESS: _____

OBLIGEE: _____
SSN: _____

SSN: _____

CHILD: _____
CHILD: _____
CHILD: _____
CHILD: _____

DOB: _____
DOB: _____
DOB: _____
DOB: _____

SSN: _____
SSN: _____
SSN: _____
SSN: _____

DETERMINATION OF ARREARS:

The NOTICE OF DELINQUENCY which is the basis of this writ alleged an arrearage (including accrued interest) of \$ _____ as of _____ and Obligor has not timely filed a MOTION TO STAY ISSUANCE AND DELIVERY OF WRIT OF INCOME WITHHOLDING to challenge said determination of arrearage.

"ARREARAGE" DEFINED:

As used in this writ the term "arrearage" means:

1. periodic payments on lump sum child support, whether past due or not; or
2. periodic payments of past due regular and/or medical child support.

WITHHOLDING EARNINGS FOR CHILD SUPPORT:

Any employer of the Obligor is directed to begin withholding from Obligor's disposable earnings no later than the first pay period which occurs 14 days following the date this Writ is served on the employer.
The amount of earnings to be withheld is:

- (1) \$ _____ if the Obligor is PAID MONTHLY, which is \$ _____ on current support and \$ _____ on the arrearage owed.
- (2) \$ _____ if the Obligor is PAID TWICE MONTHLY, which is \$ _____ on current support and \$ _____ on the arrearage owed.
- (3) \$ _____ if the Obligor is PAID EVERY OTHER WEEK, which is \$ _____ on current support and \$ _____ on the arrearage owed.
- (4) \$ _____ if the Obligor is PAID EVERY WEEK, which is \$ _____ on current support and \$ _____ on the arrearage owed.

The employer shall withhold earnings in the above amount until _____.

Beginning with the first pay period following the above date, the amount of earnings to be withheld is:

- (1) \$ _____ if the Obligor is PAID MONTHLY, which is \$ _____ on current support and \$ _____ on the arrearage owed.
- (2) \$ _____ if the Obligor is PAID TWICE MONTHLY, which is \$ _____ on current support and \$ _____ on the arrearage owed.
- (3) \$ _____ if the Obligor is PAID EVERY OTHER WEEK, which is \$ _____ on current support and \$ _____ on the arrearage owed.
- (4) \$ _____ if the Obligor is PAID EVERY WEEK, which is \$ _____ on current support and \$ _____ on the arrearage owed.

The employer shall withhold earnings in the above amount until _____.

MAXIMUM AMOUNT WITHHELD:

The maximum amount to be withheld shall not exceed 50 percent of the Obligor's disposable earnings. If more than one order or writ is received for different children of the same Obligor, payments should be made according to Section 14.43(l) Texas Family Code.

METHOD OF PAYMENT

The employer is directed to pay all amounts withheld on each regular pay day to:

(AS LOCAL REGISTRY REQUIRES)

All payments shall also identify the Obligor, Obligee, the date of withholding, and cause number, which is _____.

NOTICE OF CHANGE OF EMPLOYMENT:

An employer is to notify the Court and the Obligee within seven (7) days of the date that the Obligor terminates employment. The employer must provide the Obligor's last known address and the name and address of the Obligor's new employer, if known.

REFERENCE TO THE INCOME WITHHOLDING LAW:

Attached to this writ is a copy of Texas Family Code, Section 14.43, which sets forth rights, duties, and potential liabilities of employers, in addition to the provisions of this writ.

Issued on _____, 19____.

(Seal of Office)

Clerk of the _____ Court
County, Texas
By _____
Deputy

CLERK'S RETURN

Came to hand on _____, 19____, at _____ o'clock _____.m., and
executed on _____, 19____, at _____ o'clock _____.m., by
delivery by certified mail, return receipt requested, to the employer named within, as herein
directed, a true copy of this writ together with a copy of Section 14.43 Texas Family Code.

This original returned on _____, 19____.

Clerk of the _____ Court
County, Texas
By _____
Deputy

(b) The following form is to be used to request that the clerk of the court issue a writ of withholding to an employer under the Texas Family Code, §14.45(a).

Cause No. _____

IN THE INTEREST OF

X
X
X

REQUEST FOR ISSUANCE OF WRIT OF INCOME WITHHOLDING

To the Clerk of the Court:

Pursuant to Section 14.45(a) Texas Family Code, you are requested to issue a writ of income withholding, with a copy of Section 14.43 Texas Family Code to:

Obligor's Employer: _____
Address: _____

Requested: _____ 19_____
Attorney Name: _____
Attorney of Record _____
State Bar No: _____
Office Address: _____
Telephone No. _____
FAX NO: _____

§55.114. Forms for Revised Writ of Income Withholding and for Request for Issuance of Revised Writ of Income Withholding.

(a) The following form is to be issued by the clerk of the court as a REVISED writ of withholding to an employer under the Texas Family Code, §14.45(f). This form is to be used without a new notice of delinquency to the obligor; there-

fore, it should be used only if the amount to be withheld is to be reduced. If the accumulation of additional arrears makes additional withholding necessary, then a new notice of delinquency should be issued.

Cause No. _____

IN THE INTEREST OF

X
X
X

REVISED WRIT OF INCOME WITHHOLDING (TO EMPLOYER)

This revised writ supersedes the writ issued _____, 19____.

You, the employer of the Obligor, are directed to withhold income from the Obligor's disposable earnings from this employment as follows:

OBLIGOR: _____
ADDRESS: _____
SSN: _____

OBLIGEE: _____
SSN: _____

CHILD: _____
CHILD: _____
CHILD: _____
CHILD: _____
CHILD: _____

DOB: _____
DOB: _____
DOB: _____
DOB: _____
DOB: _____

SSN: _____
SSN: _____
SSN: _____
SSN: _____
SSN: _____

"ARREARAGE" DEFINED:

- As used in this writ the term "arrearage" means:
1. periodic payments on lump sum child support, whether past due or not; or
 2. periodic payments of past due regular and/or medical child support.

WITHHOLDING EARNINGS FOR CHILD SUPPORT:

Any employer of the Obligor is directed to begin withholding from Obligor's disposable earnings no later than the first pay period which occurs 14 days following the date this Writ is served on the employer. The amount of earnings to be withheld is:

- (1) \$ _____ if the Obligor is PAID MONTHLY, which is \$ _____ on current support and
\$ _____ on the arrearage owed.
- (2) \$ _____ if the Obligor is PAID TWICE MONTHLY, which is \$ _____ on current support and
\$ _____ on the arrearage owed.
- (3) \$ _____ if the Obligor is PAID EVERY OTHER WEEK, which is \$ _____ on current support
and \$ _____ on the arrearage owed.
- (4) \$ _____ if the Obligor is PAID EVERY WEEK, which is \$ _____ on current support and
\$ _____ on the arrearage owed.

The employer shall withhold earnings in the above amount until _____.

Beginning with the first pay period following the above date, the amount of earnings to be withheld is:

- (1) \$ _____ if the Obligor is PAID MONTHLY, which is \$ _____ on current support and
\$ _____ on the arrearage owed.
- (2) \$ _____ if the Obligor is PAID TWICE MONTHLY, which is \$ _____ on current support and
\$ _____ on the arrearage owed.
- (3) \$ _____ if the Obligor is PAID EVERY OTHER WEEK, which is \$ _____ on current support
and \$ _____ on the arrearage owed.
- (4) \$ _____ if the Obligor is PAID EVERY WEEK, which is \$ _____ on current support and
\$ _____ on the arrearage owed.

The employer shall withhold earnings in the above amount until _____.

MAXIMUM AMOUNT WITHHELD:

The maximum amount to be withheld shall not exceed 50 percent of the Obligor's disposable earnings. If more than one order or writ is received for different children of the same Obligor, payments should be made according to Section 14.43(l) Texas Family Code.

METHOD OF PAYMENT

The employer is directed to pay all amounts withheld on each regular pay day to:

(AS LOCAL REGISTRY REQUIRES)

All payments shall also identify the Obligor, Obligee, the date of withholding, and cause number, which is _____.

NOTICE OF CHANGE OF EMPLOYMENT:

An employer is to notify the Court and the Obligee within seven (7) days of the date that the Obligor terminates employment. The employer must provide the Obligor's last known address and the name and address of the Obligor's new employer, if known.

REFERENCE TO THE INCOME WITHHOLDING LAW:

Attached to this writ is a copy of Texas Family Code, Section 14.43, which sets forth rights, duties, and potential liabilities of employers, in addition to the provisions of this writ.

Issued on _____, 19____.

Clerk of the _____ Court
County, Texas

(Seal of Office)

By _____
Deputy

CLERK'S RETURN §

Came to hand on _____ executed on _____ 19____ at _____ o'clock ____m., and by certified mail, return receipt requested, to the employer named within, as herein directed, a true copy of this writ together with a copy of Section 14.43 Texas Family Code.

This original returned on _____ 19____
Clerk of the _____ Court
By _____ County, Texas
Deputy

(b) The following form is to be used to request that the clerk of the court issue a REVISED writ of withholding to an employer under the Texas Family Code, §14.45(f).

Cause No. _____

IN THE INTEREST OF

X
X
X

REQUEST FOR ISSUANCE OF REVISED WRIT OF INCOME WITHHOLDING

To the Clerk of the Court:
Pursuant to Section 14.45(f) Texas Family Code, you are requested to issue the attached Revised Writ of Income Withholding, with a copy of Section 14.43 Texas Family Code to:

Obligor's Employer: _____
Address: _____

Requested: _____ 19____

Attorney Name: _____
Attorney of Record
State Bar No: _____
Office Address: _____

Telephone No. _____
FAX NO: _____

§55.115. Form for Employer's Motion for Hearing on Applicability of Writ or Order of Withholding. The following form is to

be used by an employer of the obligor to request judicial determination as to the applicability of a writ or court order of withholding under the Texas Family Code,

§14.45(d) and §14.43(j). "Employer" is broadly defined in the Texas Family Code, §14.30 to include individuals, partnerships, corporations, and governmental entities.

Cause No. _____

IN THE INTEREST OF

X
X
X

EMPLOYER'S MOTION FOR HEARING ON APPLICABILITY OF WRIT OR ORDER

This Motion is brought by _____ (Employer) pursuant to Section 14.45(d) or 14.43(j), Texas Family Code, seeking a hearing on the writ (order) issued in this case on _____, 19____ and delivered to Employer on _____, 19____.

Employer should not be required to withhold in accordance with the Writ (Order) of Income Withholding because:

Hearing on this Motion shall be held within fifteen (15) days following filing of the Motion, Section 14.43(j), Texas Family Code.

Obligor's Employer: _____
Address: _____

FILED BY: _____
Attorney Name: _____
Attorney of Record
Attorney Bar Card Number: _____
Office Address: _____

Office Telephone Number: _____
Fax Number: _____

CERTIFICATE OF SERVICE

I, _____ do hereby certify that a true and correct copy of the foregoing has been served upon the parties or their representatives, as shown below, on the _____ day of _____, 19____.

SENT TO: _____

SENT TO: _____

SIGNATURE LINE

§55.116. Form for Motion and Affidavit to Withdraw Writ of Income Withholding. The following form is used by an obligor to request that a writ of withholding previously issued to an employer under the Texas Family Code, §14.45 be withdrawn after judicial review.

Cause No. _____

IN THE INTEREST OF

X
X
X

MOTION AND AFFIDAVIT TO WITHDRAW WRIT OF INCOME WITHHOLDING

Pursuant to Texas Family Code Section 14.44(e) the undersigned requests the Court to Withdraw the Writ of Income Withholding previously issued because:

- 1) A motion to stay issuance and delivery of the writ was not timely filed because the Notice of Delinquency was not received by the Obligor; and
- 2) the following grounds exist for contesting the Writ of Income Withholding

(check each one that applies)

- I am not the obligor, the person who is required by a Court Order to support the children named in the Notice.
- There is no child support arrearage (past due support) because _____.
- The amount of arrearage stated in the notice is incorrect because _____.

(Please explain fully)

The information contained above is true and correct.

 Signature

 Your (printed or typed) Name

 (area code) Home Phone Number

 Address _____ City, State, Zip Code

 (area code) Employer Phone Number

 Driver License Number _____ Social Security Number _____

Sworn to before me this _____ day of _____, 19__.

(notary seal) _____
 Notary Public, State of Texas
 Printed Name: _____

CERTIFICATE OF SERVICE

I, _____, do hereby certify that a true and correct copy of the foregoing has been served upon the parties or their representatives, as shown below, on the _____ day of _____, 19__.

SENT TO: _____ SENT TO: _____

 SIGNATURE LINE
 INFORMATION REGARDING MOTION AND AFFIDAVIT TO WITHDRAW
 WRIT OF INCOME WITHHOLDING

- 1) If you DID NOT RECEIVE the Notice of Delinquency prior to the issuance of the Writ of Income Withholding issued to your employer, you may file the Motion and Affidavit to Withdraw Writ of Income Withholding within thirty (30) days after the effective date of the Writ of Income Withholding.
- 2) The sole grounds for successfully contesting the issuance of the Writ are:
 - a) you are not the person who owes child support for the child(ren) named in the writ.
 - b) you are not behind in the payment of child support; or
 - c) you are not behind as much in the payment of child support as stated in the writ.
- 3) You must sign the Motion and Affidavit under oath before a Notary Public and file it with the Clerk of the Court at the address below within thirty (30) after the effective date of the Writ of Income Withholding.
- 4) You should file the Motion and Affidavit and request a hearing as soon as possible, since withholding will continue until the judge rules on your case.

File at: _____

 _____, Texas _____

§55.117. Forms for Notice to Terminate Writ of Income Withholding and for Request for Issuance of Notice to Terminate Writ of Income Withholding.

(a) The following form is to be issued by the clerk of the court to notify an employer that the writ of withholding previously issued has been terminated pursuant to the Texas Family Code, §14.45(f).

IN THE INTEREST OF _____ Cause No. _____
 X
 X
 X

**NOTICE TO TERMINATE WRIT OF INCOME WITHHOLDING
 (TO EMPLOYER)**

You, the employer of the Obligor, are directed to terminate withholding of income pursuant to the writ issued _____, 19____.

OBLIGOR: _____ OBLIGEE: _____
 ADDRESS: _____ SSN: _____

 SSN: _____

CHILD: _____ DOB: _____ SSN: _____
 CHILD: _____ DOB: _____ SSN: _____
 CHILD: _____ DOB: _____ SSN: _____
 CHILD: _____ DOB: _____ SSN: _____

This notice of termination is effective only for the writ described above, and does not affect any other order or writ which may be in effect.

Issued on _____, 19____.

Clerk of the _____ Court
 (Seal of Office) _____ County, Texas
 By _____
 Deputy

CLERK'S RETURN

Came to hand on _____, 19____, at _____ o'clock _____.m., and executed on _____, 19____, at _____ o'clock _____.m., by delivery by certified mail, return receipt requested, to the employer named within, as herein directed, a true copy of this writ together with a copy of Section 14.43 Texas Family Code.

This original returned on _____, 19____.

 Clerk of the _____ Court
 _____ County, Texas
 By _____ Deputy

(b) The following form is to be used to request that the clerk of the court issue a notice to terminate a writ of withholding to an employer under the Texas Family Code, §14.45.

Cause No. _____

IN THE INTEREST OF

X
X
X

REQUEST FOR ISSUANCE OF NOTICE TO TERMINATE
WRIT OF INCOME WITHHOLDING

To the Clerk of the Court:

Pursuant to Section 14.45(f) Texas Family Code, you are requested to issue the attached Notice to Terminate Writ of Income Withholding to:

Obligor's Employer: _____
Address: _____

Requested: _____, 19____.

Attorney Name: _____
Attorney of Record
State Bar No: _____
Office Address: _____

Telephone No. _____
FAX NO: _____

§55.118. Forms for Employer's Order to Withholding Earnings for Child Support and for Request for Issuance of Order.

(a) The following form is to be used as the court order that provides that income be withheld from the disposable earnings of the obligor for the payment of regular child support and for child support arrearages, as required by the Texas Family Code, §14.43.

Cause No. _____

IN THE INTEREST OF

X
X
X

EMPLOYER'S ORDER TO WITHHOLD EARNINGS FOR CHILD SUPPORT

The Court ORDERS you, the employer of the Obligor, to withhold income from the Obligor's disposable earnings from this employment as follows:

OBLIGOR

Name: _____
Address: _____
Social Security Number: _____

OBLIGEE

Name: _____
Address: _____
Social Security Number: _____

CHILDREN

NAME	SEX	DATE OF BIRTH	SSN	DRIVER LICENSE	PLACE OF BIRTH
------	-----	---------------	-----	----------------	----------------

REFERENCE TO THE INCOME WITHHOLDING LAW

Attached to this order is a copy of Section 14.43, Texas Family Code, which sets forth rights, duties and potential liabilities of employers, in addition to the provisions of this order.

WITHHOLDING EARNINGS FOR CHILD SUPPORT

The Court ORDERS that any employer of the Obligor shall begin withholding from Obligor's disposable earnings no later than the first pay period which occurs 14 days following the date this order is served on the employer.

METHOD OF PAYMENT

The Court ORDERS the employer to pay all amounts withheld on each regular pay day through the _____ for distribution. All payments shall also identify the Obligor, Obligee, and the cause number _____.

MAXIMUM AMOUNT WITHHELD

The maximum amount to be withheld shall not exceed 50 percent of the Obligor's disposable earnings.

"ARREARAGE" DEFINED

As used in this order the term "arrearage" means:

1. periodic payments on lump sum child support, whether past due or not; or
2. periodic payments of past due regular and/or medical child support.

The Court ORDERS the employer to withhold the following amounts from the earnings of the Obligor:

\$ _____ if the Obligor is PAID MONTHLY, which is
 \$ _____ on current support and
 \$ _____ on the arrearage.
 \$ _____ if the Obligor is PAID TWICE MONTHLY, which is
 \$ _____ on current support and
 \$ _____ on the arrearage.
 \$ _____ if the Obligor is PAID EVERY OTHER WEEK, which is
 \$ _____ on current support and
 \$ _____ on the arrearage owed.
 \$ _____ if the Obligor is PAID EVERY WEEK, which is
 \$ _____ on current support and
 \$ _____ on the arrearage owed.

The Court ORDERS the employer to withhold the above amount until _____.

The Court ORDERS the employer to withhold the following amounts from the earnings of the Obligor:

\$ _____ if the Obligor is PAID MONTHLY, which is
 \$ _____ on current support and
 \$ _____ on the arrearage.

\$ _____ if the Obligor is PAID TWICE MONTHLY, which is
 \$ _____ on current support and
 \$ _____ on the arrearage.

\$ _____ if the Obligor is PAID EVERY OTHER WEEK, which is
 \$ _____ on current support and
 \$ _____ on the arrearage owed.

\$ _____ if the Obligor is PAID EVERY WEEK, which is
 \$ _____ on current support and
 \$ _____ on the arrearage owed.

The Court ORDERS the employer to withhold the above amount until _____.

The Court ORDERS the employer to withhold the following amounts from the earnings of the Obligor:

\$ _____ if the Obligor is PAID MONTHLY, which is
 \$ _____ on current support and
 \$ _____ on the arrearage.

\$ _____ if the Obligor is PAID TWICE MONTHLY, which is
 \$ _____ on current support and
 \$ _____ on the arrearage.

\$ _____ if the Obligor is PAID EVERY OTHER WEEK, which is
 \$ _____ on current support and
 \$ _____ on the arrearage owed.

\$ _____ if the Obligor is PAID EVERY WEEK, which is
 \$ _____ on current support and
 \$ _____ on the arrearage owed.

The Court ORDERS the employer to withhold the above amount until _____.

CALCULATING DISPOSABLE EARNINGS

The employer shall calculate the Obligor's disposable earnings which are subject to withholding for child support, as follows:

- a. Determine the "earnings" of the Obligor, which means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, disability and retirement program and unemployment benefits.
- b. Subtract the following sums to calculate the Obligor's "disposable earnings":
 - (1) any amounts required by law to be withheld, i.e., Federal Income Tax and Federal FICA or OASI tax (Social Security), Railroad Retirement Act contributions;
 - (2) union dues;
 - (3) nondiscretionary retirement contributions by the Obligor; and
 - (4) medical, hospitalization, and disability insurance coverage for the Obligor's child(ren).

MORE THAN ONE ORDER WITHHOLDING

In the event that you receive more than one "Writ of Withholding" or "Order of Income Withholding," for the named employee you shall pay an equal amount towards the current support portion of all orders or writs until each order is individually complied with, and thereafter pay equal amounts on the arrearage portion of all orders or writs until each order or writ is complied with, or until the maximum total amount of allowable withholding, 50 percent of the obligor's disposable earnings, is reached.

NOTICE OF CHANGE OF EMPLOYMENT

The Court ORDERS an employer to notify the Court and the Obligor within seven (7) days of the date that the Obligor terminates employment. The Court ORDERS the employer to provide the Obligor's last known address and the name and address of the Obligor's new employer, if known.

Signed this the _____ day of _____, 19____.

 JUDGE PRESIDING

(b) The following form is to be used by a prosecuting attorney, the Office of the Attorney General, the obligor, or the obligee to request the clerk of the court to cause a certified copy of an order of income withholding to be delivered to a named "Employer" of the obligee. "Employer" is broadly defined in the Texas Family Code, §14.30 to include individuals, partnerships, corporations, and government entities.

Cause No. _____

IN THE INTEREST OF

X
X
X

REQUEST FOR ISSUANCE OF ORDER

TO THE CLERK OF THE COURT:

Pursuant to Section 14.43, Texas Family Code, _____ requests that you issue a certified copy of the Employer's Order to Withhold From Earnings for Child Support, signed by the Court on _____, 19__, and a copy of Section 14.43, Texas Family Code to the employer listed below.

Obligor's Employer: _____

CLERK'S CERTIFICATE OF NOTICE TO EMPLOYER

In accordance with Section 14.43, Texas Family Code, I certify that the following documents was mailed on this date to the above-named employer:

- 1. a certified copy of the Employer's Order to Withhold from Earnings for Child Support signed by the Court on _____, 19__, and
- 2. a copy of Section 14.43, Texas Family Code.

Signed this ____ day of _____, 19__.

_____, District Clerk
_____, County, Texas

By: _____
Deputy

Certified Mail No: _____
Return Receipt Requested.

§55.119. Forms for Child Support Lien Notice, for Release of Child Lien Release, and for Partial Release of Child Support Lien.

(a) The following form is to be filed with the county clerk of a county in

which real or personal property of the obligor is believed to be located in accordance with the Texas Family Code, Chapter 14, Subchapter F. Notice of the lien may be given to any person known to be in possession of real or personal property of the

obligor, and if such notice is given the property may not be paid over, released, sold, transferred, encumbered, or conveyed without incurring the penalties provided by the Texas Family Code §14.981.

IN THE INTEREST OF

IN THE _____ COURT

CHILD(REN)

COUNTY, TEXAS

NOTICE OF CHILD SUPPORT LIEN

OBLIGOR:	_____	DATE OF BIRTH:	_____
ADDRESS:	_____	DRIVER'S LICENSE NUMBER:	_____
	_____	SOCIAL SECURITY NUMBER:	_____
OBLIGEE:	_____	SOCIAL SECURITY NUMBER:	_____
CHILD:	_____	SOCIAL SECURITY NUMBER:	_____
CHILD:	_____	SOCIAL SECURITY NUMBER:	_____
CHILD:	_____	SOCIAL SECURITY NUMBER:	_____
CHILD:	_____	SOCIAL SECURITY NUMBER:	_____
CHILD:	_____	SOCIAL SECURITY NUMBER:	_____

AMOUNT OF CHILD SUPPORT ARREARS: \$ _____

DATE OF ORDER OR WRIT WHICH DETERMINED ARREARS: _____

DATE ARREARS DETERMINED IF DIFFERENT FROM ABOVE: _____

RATE OF INTEREST ON ARREARS: _____% IT IS ANTICIPATED THAT ADDITIONAL ARREARS WILL ACCRUE, AND UPON JUDICIAL FORECLOSURE OF THIS LIEN, THE COURT WILL BE REQUESTED TO CONFIRM ALL AMOUNTS THEN DUE.

The arrears are payable to _____, _____, _____, and to _____.

I swear that the above facts are true and correct.

CLAIMANT/PREPARER

SUBSCRIBED AND SWORN TO BEFORE ME this ____ day of _____, 199__.

(notary seal)

Notary Public, State of Texas

Printed Name: _____

(b) The following form is to be filed with the county clerk of a county in which a child support lien has been filed when the payment in full of all child support, costs, and attorney fees has been made.

Cause No. _____

IN THE INTEREST OF

IN THE _____ COURT

CHILD(REN)

COUNTY, TEXAS

RELEASE OF CHILD SUPPORT LIEN

To the County Clerk

_____ County, Texas

And to: _____

Please take note pursuant to Texas Family Code Section 14.978 that all child support due, together with costs and reasonable attorneys fees relating to the child support lien described below, have been paid in full. This release constitutes a complete release of any claim which I may have under the said child support lien.

OBLIGOR: _____
ADDRESS: _____

DATE OF BIRTH: _____
DRIVER'S LICENSE NUMBER: _____

OBLIGEE: _____
DATE OF CHILD SUPPORT LIEN BEING RELEASED: _____

SOCIAL SECURITY NUMBER: _____
SOCIAL SECURITY NUMBER: _____

The above facts are true and correct.

CLAIMANT/PREPARER

SUBSCRIBED AND SWORN TO BEFORE ME this ___ day of _____, 199__.

(notary seal)

Notary Public, State of Texas

Printed Name: _____

(c) The following form is to be filed with the PERSON IN POSSESSION of property to which a child support lien has attached, when the payment in full of all child support, costs, and attorney fees has not been made, but the claimant has agreed to release specific property to the obligor.

Cause No. _____

IN THE INTEREST OF

IN THE _____ COURT

CHILD(REN)

COUNTY, TEXAS

PARTIAL RELEASE OF CHILD SUPPORT LIEN

TO: _____
(Person in Possession)

ADDRESS: _____

Pursuant to Texas Family Code Section 14.976(b)(1), you are hereby authorized and directed to release to the obligor or his/her designee the below described property. This release constitutes a complete release of any claim with respect to such property which I may have against you under Section 14.981 of the Family Code.

OBLIGOR: _____

DATE OF BIRTH: _____

ADDRESS: _____

DRIVER'S LICENSE NUMBER: _____

SOCIAL SECURITY NUMBER: _____

PROPERTY TO WHICH THIS RELEASE APPLIES: _____

THIS PARTIAL RELEASE OF LIEN DOES NOT CONSTITUTE A RELEASE OF AS TO ANY PORTION OF THE CHILD SUPPORT ARREARS NOT OTHERWISE SATISFIED, AND DOES NOT CONSTITUTE A RELEASE OF THE OBLIGOR'S PROPERTY IN THE HANDS OF ANY PERSON OTHER THAN THE ABOVE ADDRESSEE.

The arrear are payable to _____, _____, _____, and to _____.

I swear that the above facts are true and correct.

CLAIMANT

SUBSCRIBED AND SWORN TO BEFORE ME this ____ day of _____, 199__.

(notary seal)

Notary Public, State of Texas

Printed Name: _____

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 March 13, 1992.

TRD-9203790

Will Pryor
First Assistant Attorney
General
Office of the Attorney
General

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 463-2040



Subchapter F. Collections and Distribution

• 1 TAC §§55.121-55.123

(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 Office of the Attorney General or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Office of the Attorney General proposes the repeal of §§55.121-55.123, concerning the removal of children from the AFDC grant and the recovery of child support directly paid to, and retained by, an AFDC recipient.

Sections 55.121-55.123 are not necessary for the operation of the Office of the Attorney General because federal law determines how to deal with the issue of AFDC recipients who receive and retain direct payments of child support.

Alice Embree, Manager for Strategic Planning, Child Support Enforcement Division of the Office of the Attorney General of Texas has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Embree also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to make clear the authority and responsibility of the Office of the Attorney General of Texas in performing the services and functions required by federal and state law and to make clear the means by which the agency performs the required functions and services. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held at 9 a.m., April 23, 1992, in Room 105, Reagan Building, 101 West 15th Street, Austin, Texas 78701, for public comment on this proposal. Persons or organizations wishing to appear at this hearing must submit a statement of intention to appear for comment, which includes the name of the organization or individual wishing to comment, the name(s) of each person who wishes to speak at the hearing, and the approximate amount of time each person will speak, to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017, no later than 5 p.m. on April 6, 1992. Each speaker or organization will be permitted a maximum of 20 minutes for oral presentation.

The repeals are proposed under the Human Resources Code, Chapter 76, which provides the Office of the Attorney General of Texas, as the state agency designated pursuant to Part D of Title IV of the federal Social Security Act (42 United States Code, §§651 et seq), with the authority to perform the functions and provide the services (locating absent parents; establishing paternity; establishing, enforcing, reviewing, and modifying child support obligations; and collecting and distributing support payments) required by federal and state law.

§55.121. Removing Children from the AFDC Grant.

§55.122. Child Support Inappropriately Retained by an AFDC Recipient.

§55.123. Notice of the Recipient.

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 March 13, 1992.

TRD-9203792 Will Pryor
First Assistant Attorney
General
Office of the Attorney
General

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 463-2040

◆ ◆ ◆
• 1 TAC §55.140

The Office of the Attorney General proposes new §55.140, concerning the procedures for

contested cases before the agency regarding distribution of child support collections. Such procedures are required by federal law to resolve disputes as to distribution of child support collected on public assistance cases.

Alice Embree, manager for strategic planning, Child Support Enforcement Division of the Office of the Attorney General, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Embree also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to make clear the authority of the Office of the Attorney General to perform the functions and services required by federal and state law, the means by which the agency will perform the required functions and services, and the relationship between the agency and individual parties to legal actions in which the agency participates. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held at 9 a.m., April 23, 1992, in Room 105, Reagan Building, 101 West 15th Street, Austin, Texas 78701, for public comment on this proposal. Persons or organizations wishing to appear at this hearing must submit a statement of intention to appear for comment, which includes the name of the organization or individual wishing to comment, the name(s) of each person who wishes to speak at the hearing, and the approximate amount of time each person will speak, to Tom Laramey, General Counsel, Child Support Enforcement Division, Office of the Attorney General, P.O. Box 12017, Austin, Texas 78711-2017, no later than 5 p.m. on April 6, 1992. Each speaker or organization will be permitted a maximum of 20 minutes for oral presentation.

The new section is proposed under the Human Resources Code, Chapter 76, which provides the Office of the Attorney General of Texas, as the state agency designated pursuant to Part D of Title IV of the federal Social Security Act (42 United States Code, §§651 et seq), with the authority to perform the functions and provide the services (locating absent parents; establishing paternity; establishing, enforcing, reviewing, and modifying child support obligations; and collecting and distributing support payments) required by federal and state law.

§55.140. Contesting Distribution of Collections on Child Support Obligations Applied

to Unreimbursed Public Assistance Payments.

(a) A custodial parent or other person entitled to receive child support, whose family has received public assistance under the Texas Human Resources Code, Chapter 31, may contest the amounts from collections on child support obligations retained by the state to be applied to unreimbursed assistance to the family by contacting the Office of the Attorney General, Child Support Enforcement Division, and:

(1) seeking to informally resolve any dispute; or

(2) requesting a detailed written explanation of child support collection and how such collections have been distributed by the agency; or

(3) requesting a formal administrative review hearing. Seeking to informally resolve any dispute shall not preclude the custodial parent from subsequently requesting a formal hearing.

(b) A custodial parent must first request a detailed written explanation of child support collections and how such collections have been distributed by the agency before requesting a formal administrative review hearing regarding such distribution. (The "Request for Distribution Details" form regarding collections and distribution appears at the end of this section.)

(c) A hearing shall be granted and conducted by the Office of the Attorney General upon the custodial parent's submission of a completed "Request for Administrative Review" form to be obtained from the Office of the Attorney General. The "Request for Administrative Review" must be submitted in writing no later than 30 days after the date which appears on the "Distribution Details of Child Support Payments," which will be sent to the custodial parent upon receipt by the agency of the "Request for Distribution Details." If the dispute is resolved informally before the hearing, the formal request shall be dismissed. (The "Request for Administrative Review" form for contesting distribution of collections appears at the end of this section).

(d) The custodial parent may participate in the hearing, with or without a representative. The custodial parent may submit any contentions and evidence in the form of an affidavit properly acknowledged, thereby making his or her participation in the hearing unnecessary.

(e) The following forms have been promulgated for use in the distribution review process.



Office of the Attorney General
State of Texas

Child Support Enforcement Division

DAN MORALES
ATTORNEY GENERAL

AG Case Number:
NCP Name:

re: ADMINISTRATIVE REVIEW:
DISTRIBUTION OF CHILD SUPPORT PAYMENTS

Dear Parent:

If you are not satisfied with the distribution explanation on the Form 1756, Distribution Details of Child Support Payments, you have the right to request an Administrative Review.

To request an Administrative Review, you must:

- complete the 'Request for Administrative Review - Distribution of Child Support Payments' below
sign, date and return the form in the enclosed envelope

Upon receipt of your completed request, the Child Support Officer (CSO) assigned to your case will review the child support payment(s) in question. If the CSO determines that an adjustment should be made in your favor, the CSO will forward that recommendation. If the recommendation is approved, the CSO will inform you and the Child Support Enforcement Division State Office will mail you a check.

If the CSO determines that an adjustment is not appropriate, the CSO will forward your Form 1757 and the collection and distribution information on your case to the Administrative Review Coordinator, who will schedule an Administrative Review hearing and will mail notices of the hearing to you and to the Distribution Manager of the Child Support Enforcement Division.

The Administrative Review Hearing Examiner will conduct a formal hearing via telephone conference call, in which you may participate, but your participation is not required. No in-person hearings will be conducted. Although legal counsel will not be provided for you, you may be represented by legal counsel at the hearing. Evidence may be submitted by testimony, sworn affidavits or other documents. The hearing examiner will issue an administrative review decision based solely on the evidence submitted during the hearing.

Note: This process may require at least two months.

(CUT HERE)

REQUEST FOR ADMINISTRATIVE REVIEW - DISTRIBUTION OF CHILD SUPPORT PAYMENTS

TO: Office of the Attorney General
Child Support Enforcement Division

AG Case Number:
NCP Name:
CP Name:
CP SSN:

I request an Administrative Review of the distribution of my child support payment(s) for the months of
through for the following reason(s):

I do do not (check one) wish to participate in the telephone conference hearing.

Signature of Custodial Parent Today's Date
Area Code and Telephone Number

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

Form 1757
September 1991



**Office of the Attorney General
State of Texas
Child Support Enforcement Division**

DAN MORALES
ATTORNEY GENERAL

DISTRIBUTION INQUIRY RESPONSE

AG Case Number: _____
NCP Name: _____

Dear Parent:

I have reviewed the distribution of the child support payment(s) for your case and have determined that:

- An adjustment in your favor has been made and a check will be forwarded to you.
- Your child support payment(s) was/were properly distributed.
- No child support payments were made by the non-custodial parent (NCP).
- _____

If you still have questions regarding the distribution of your child support payment(s) and would like a detailed explanation, please complete, sign, date and return the form below in the enclosed envelope.

Thank you,

Child Support Officer

(CUT HERE)

REQUEST FOR DISTRIBUTION DETAILS

TO: Office of the Attorney General
Child Support Enforcement Division

AG Case Number: _____
NCP Name: _____
CP Name: _____
CP SSN: _____

I request a written explanation of the distribution of child support payment(s) made on my case during the period _____ through _____
(Month & Year) (Month & Year)

Signature of Custodial Parent _____ Today's Date _____

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

Form 1755
September 1991



Office of the Attorney General

State of Texas

Child Support Enforcement Division

DAN MORALES
ATTORNEY GENERAL

DISTRIBUTION DETAILS OF CHILD SUPPORT PAYMENTS

AG Case Number:
NCP Name:

Blank lines for case information

Dear Parent:

This chart provides a detailed explanation of the distribution of your child support payments by the Child Support Enforcement Division (CSED). Please review the amounts in the chart, read the "Note" below, and review the information at the bottom of this page.

Table with columns: Child Support Collections (Date, Amount) and Distribution of Payments (To You, To the State)

NOTE: The dates listed reflect either the date when:

- the employer withheld the payment from the NCP's wages or
the payment was first received, e.g., by:
- the District Clerk
- a Domestic Relations Office
- a CSED local office or
- the CSED State Office

Child Support Payment Plan:

Table with columns: Type, Amount, Frequency. Rows: Current, Back Support

Unpaid child support as of this date:

- owed to you
owed to the state

Your monthly AFDC grant amount

Amount of your total AFDC payments not yet repaid to the state

Requesting An Administrative Review

If you still disagree with the detailed explanation above, you have the right to request a State Office Administrative Review within 30 days of the date on this form. See the attached Form 1757, Request for Administrative Review - Distribution of Child Support Payments.

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

Form 1758
September 1991

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 March 13, 1992.

TRD-9203791 Will Pryor
First Assistant Attorney
General
Office of the Attorney
General

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 463-2040

TITLE 22. EXAMINING BOARDS

Part V. Texas State Board of Dental Examiners

Chapter 105. State Dental Peer Review-Grievance Committee

Area Committee and State Ap- peals Committee

• 22 TAC §§105.1-105.27

(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 State Board of Dental Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas State Board of Dental Examiners proposes the repeal of §§105. 1-105.27, and 105.41, concerning Peer Review Grievance Committee areas. The repeals will bring agency rules into compliance with the new statutes as passed by the legislature. The information in these rules is now contained in the Health and Safety Code, Title 6, Chapter 467, Peer Assistance Program.

C. Thomas Camp, executive director, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Camp also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to bring agency rules into compliance with the new statutes as passed by the legislature. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The repeals are proposed under Texas Civil Statutes, Article 4551i, which provide the Texas State Board of Dental Examiners with

the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§105.1. Area.

§105.2. Area Committee.

§105.3. Area Committee Officers.

§105.4. Area Committee Duties.

§105.5. Area Complaints.

§105.6. Secretary's Duties.

§105.7. Chairman and Vice Chairman's Duties.

§105.8. Area Committee Quorum.

§105.9. Forms and Procedure.

§105.10. Time Factors-Notice.

§105.11. Counsel.

§105.12. Waiver(s).

§105.13. Conduct of Hearings.

§105.14. Position Papers or Briefs.

§105.15. Decisions.

§105.16. Disqualification of a Member(s).

§105.17. Tenure of Area Committee Mem- bers.

§105.18. Vacancies.

§105.19. Elections.

§105.20. Removal of a Committee Member.

§105.21. State Appeals Committee Mem- bers.

§105.22. Tenure of State Appeals Commit- tee Members.

§105.23. Officers of the State Appeals Com- mittee.

§105.24. Meetings of the State Appeals Committee.

§105.25. Funds-Fee.

§105.26. Records.

§105.27. Effective Date.

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 March 11, 1992.

TRD-9203640 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 477-2985

Immunity for Peer Review, Ju- dicial or Grievance Commit- tees

• 22 TAC §105.41

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

The repeal is proposed under Texas Civil Statutes, Article 4551i, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§105.41. Peer Review/Grievance Committee Areas.

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 March 11, 1992

TRD-9203641 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 477-2985

Chapter 107. Dental Board Procedures

Board

The Texas State Board of Dental Examiners proposes the repeal of §107.1 and §107.2, and amendments to §107.3 and §107.55, concerning dental board procedures. The repeal of §107.1 allows for the creation of officers of the Texas State Board of Dental Examiners. Also, the repeals to §107.1 and §107.2 will bring agency rules into compliance with the new statutes as passed by the legislature. The amendment to §107.3 outlines the procedures for hearings. The amendment to §107.55 outlines the requirements for filing a motion(s) for rehearing and also outlines the procedures for replies to a motion(s) for rehearing.

C. Thomas Camp, executive director, has determined that for the first five-year period the repeals and sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals and sections.

Mr. Camp also has determined that for each year of the first five years the repeals and sections are in effect the public benefit anticipated as a result of enforcing the repeals and sections will be to bring agency rules into compliance with the new statutes as passed by the legislature, and to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals and sections as proposed.

Comments on the proposal may be submitted to Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985

• 22 TAC §107.1

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

The repeal is proposed under Texas Civil Statutes, Articles 4543 et seq which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§107.1. Officers.

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 March 11, 1992

TRD-9203642

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption April 20, 1992

For further information, please call: (512) 477-2985

• 22 TAC §107.2

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

The repeal is proposed under Texas Civil Statutes, Articles 4543 et seq which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§107.2. Meetings.

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 March 11, 1992.

TRD-9203643

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 477-2985

• 22 TAC §107.3

The amendment is proposed under Texas Civil Statutes, Articles 4543 et seq which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§107.3. Hearings. Hearings before the board shall be conducted in accordance with the Administrative Procedure and Texas Register Act.

[(a) Presiding officer. The president shall preside at all hearings if he is present, otherwise, the president-elect, otherwise the first vice president or the second vice president, or if they be absent, then the secretary-treasurer.

[(b) Oaths. The presiding officer shall administer the oath to all witnesses.

[(c) Witnesses under rule. The board may place witness under rule.

[(d) Admission of evidence. The board may admit such evidence as it deems advisable to the end that a proper, just, and equitable decision can be made.

[(e) Open hearings. The board shall hold open hearings, but its deliberations may be executive and closed.

[(f) Counsel. All parties appearing before the board shall be entitled to counsel.

[(g) Complaints to the board. When complaints are received, they will be investigated as soon as possible and a report will be made to the central office.

[(h) Cases under investigation. Reports will be made to the central office and will not be discussed with the members of the board prior to the hearing.

[(i) Secretary of the board. The secretary of the board will be kept informed for it is his legal duty to determine whether and if the facts as determined by such investigation, in the discretion of the secretary of the board, justify the docketing of such complaint for hearing before the board.

[(j) Notice to defendant and board. The notice to the defendant and to the members of the board will contain the same information.

[(k) Motions. At the hearing the board will listen to all matters presented which it deems relevant; will hear all motions, objections, and suggestions by the counsel for the state and for the defendant; and will either then rule upon the same or carry such motion, objection, or suggestions to the form and content of any decision of the board will be passed upon by such board independently.

[(l) Decisions. After such hearing, the board may go into executive session and there consider and discuss pending matters and it may arrive at its findings and orders as in the opinion of the majority of the board the facts brought out at such hearing justify and require or the board may postpone consideration or it may take the case under advisement and may recess or adjourn and consider any matter before it at a later time. The board's deliberations shall be without the aid or intervention of the counsel for either the state or the defendant unless both parties are given an opportunity to appear and be heard further. The board may instruct either counsel to prepare its findings, orders, and decisions in the form and manner which will carry out the board's desires and subject to its 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 March 10, 1992.

TRD-9203644 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 477-2985

Procedures Governing Grievances, Hearings, and Appeals

• 22 TAC §107.55

The amendment is proposed under Texas Civil Statutes, Articles 4543 et seq which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§107.55. Motions for Rehearing. A motion for rehearing is a prerequisite to an appeal. A motion for rehearing must be filed within 20 [15] days after the date the party or his attorney of record is notified of the [of rendition of a] final decision or order. Replies to a motion for rehearing must be filed with the agency within 30 [25] days after the date the party or his attorney of record is notified [of rendition] of the final decision or order, and agency action on the motion must be taken within 45 days after the date the party or his attorney of record is notified [of rendition] of the final decision or order. If agency action is not taken within the 45-day period, the motion for rehearing is overruled by the operation of law 45 days after the date of rendition of the final decision or order. The agency may by written order extend the period of time for the filing the motions and replies and taking agency action, except that an extension may not extend the period for the agency action beyond 90 days after the date of rendition of the final decision or order. In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date the party or his attorney of record is notified of the final decision or order. The parties may by agreement with the approval of the agency provide for a modification of the times provided in this section.

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 March 11, 1992.

TRD-9203645 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 477-2985

Chapter 109. Conduct

Fair Dealing

• 22 TAC §109.144

The Texas State Board of Dental Examiners proposes an amendment to §109.44, concerning records and their transfer. The purpose of this amendment is to clarify the rule by making it explicit that the rule does not require any written transfers or agreement pertaining to dental records in situations where a dentist is working for another dentist or entity.

C. Thomas Camp, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Camp also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 7801, (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4549-2, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.144. Records and Their Transfer.

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

(c) Dental records are the sole property of the dentist who performs the dental service. A dentist who leaves a location, whether by retirement, sale, or otherwise, shall either take all said dental records with him, make a [written] transfer of records to the succeeding dentist, or make a written agreement for the maintenance of records, and the Texas State Board of Den-

tal Examiners' central office shall be notified within 15 days of any such event, giving full information concerning the dentists and location(s) involved. A maintenance of records agreement shall not transfer ownership of the dental records, but shall require: that the dental records be maintained in accordance with the laws of the State of Texas and the rules of the Texas State Board of Dental Examiners; and that the dentist(s) performing the service(s) recorded shall have access to and control of the records for purposes of inspection and copying. A maintenance of records agreement may be made at any time in an employment or other working relationship between a dentist and another entity. A maintenance of records agreement may apply to all or any part of the dental records generated in the course of the relationship, including future dental records. **The provisions of this subsection for a transfer of records or a maintenance of records agreement shall not be construed to require a written agreement when a dentist performs dental services in the employ of another dentist or entity and the dentist performing the dental services leaves the resulting records in the possession of the employing dentist or entity.**

(d)-(e) (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 March 11, 1992.

TRD-9203639 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 477-2985

Infection Control

• 22 TAC §109.222

The Texas State Board of Dental Examiners proposes an amendment to §109.222(h), concerning required sterilization and disinfection. When it is necessary to send items, including, but not limited to, impressions, bites, working casts, prosthetic appliances, or devices to a dental laboratory for fabrication or repair, those items that are contaminated by body fluids must be considered biohazardous and they must be rendered non-biohazardous according to established OSHA guidelines.

C. Thomas Camp, executive director has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Camp also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to bring agency rules into compliance with the new statutes as passed by the legislature. Also, to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

The amendment is proposed under Texas Civil Statutes, Article 4551d which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws to the practice of dentistry to protect the public health and safety.

§109.222. Required Sterilization and Disinfection.

(a)-(g) (No change.)

(h) When it is necessary to send items (including, but not limited to, impressions, bites, working casts, prosthetic appliances, or devices) to a dental laboratory for fabrication or repair, those items that are contaminated by body fluids must be considered biohazardous. Before such items are delivered to the dental laboratory or technician, they must be rendered non-biohazardous according to established OSHA guidelines.

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 March 10, 1992.

TRD-9203646

C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: April 20, 1992.

For further information, please call: (512) 477-2985

◆ ◆ ◆
Dental Laser Use

◆22 TAC §§109.301-109.304

The Texas State Board of Dental Examiners proposes new §§109.301-109.304, concerning dental laser use.

Section 109.301 outlines the requirements for dental laser use in the dental office by a licensed dentist in the treatment of a dental patient.

Section 109.302 outlines the procedures patients, dental assistants, dental hygienists, dentists, and all other office personnel must adhere to while in the vicinity of the laser operator. Also, that laser operatories shall have a highly visible sign placed just outside the door indicating that a laser device is in use. Also, that all flammable materials shall be removed from the close proximity of the area to be ablated in the oral cavity, and that adequate smoke evacuation systems, proper ventilation, and adequate scavenging systems must be in use at all times that a laser is being used to treat a dental patient.

Section 109.303 covers the registration and fee requirements that all dentists who employ a laser in the treatment of a dental patient must comply with. This new section also outlines that each laser registration shall be renewed annually, states annual renewal fees, and that a statement of annual laser inspection and calibration, as may be required for safe operation, be included.

Section 109.304 states that prior to commencing use of a laser for dental purposes, a dentist must provide proof to the board for each laser type to be used that at least eight hours of training in the use of each type has been completed. Also, training shall be performed by a person qualified to do so on the particular type of laser to be used. Training is subject to board review and approval prior to laser use. Also, that dentists performing laser treatment prior to and at the time of adoption of these rules shall have 90 days from adoption to register and certify use as prescribed herein.

C. Thomas Camp, executive director, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Camp 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 to provide for the protection of public health and welfare and enhance the quality of dental health care in Texas, and to provide the public access to information. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Mei Ling Clendennen, Texas State Board of Dental Examiners, 327 Congress Avenue, Suite 500, Austin, Texas 78701 (512) 477-2985.

The new sections are proposed under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety.

§109.301. Requirements.

(a) A laser may be employed in the treatment of a dental patient only by a

licensed dentist. A dentist may not delegate to dental auxiliaries any laser procedure or treatment.

(b) In treating a dental patient with a laser, a dentist must be approved by the board and may use only a laser which has been properly registered with the board, according to these rules.

(c) A laser may be used to treat a dental patient only for dental applications for which that type of laser has been approved by the United States Food and Drug Administration.

§109.302. Procedures.

(a) Patients, dental assistants, dental hygienists, dentists, and all other office personnel in the vicinity of the laser operator must wear protective glasses specifically designed to filter out the working and/or aiming beam wavelengths. Each patient must be adequately protected for the specific wavelength being used.

(b) Laser operatories shall have a highly visible sign placed just outside the door indicating that a laser device is in use. This sign must detail the potential danger of walking into a laser operator without proper eye protection.

(c) All flammable materials shall be removed from the close proximity of the area to be ablated in the oral cavity. This includes all nonmoistened paper products and flammable liquids and/or gases. The use of nitrous oxide should be minimized during the operation of a laser device because of the potential of material combustion.

(d) Adequate smoke evacuation systems, proper ventilation, and adequate scavenging systems must be in use at all times that a laser is being used to treat a dental patient. An adequate evacuation system includes, but may not be limited to, a system with viral and bacterial filters installed. Conventional dental operator evacuation systems may be inadequate to effectively remove all contaminants during an ablation.

§109.303. Registration.

(a) All dentists who employ a laser in the treatment of a dental patient shall register the laser(s) prior to use on a form prescribed by the board. Each registration shall be accompanied by an initial \$25 fee. Registration shall include, at a minimum, the following:

- (1) identification of the specific type of laser to be used;
- (2) manufacturer's name and serial number;

- (3) ownership of the laser;
- (4) physical location of the laser;
- (5) date acquired and whether new or used;
- (6) if the laser is not new upon acquisition, a current statement of inspection and servicing by a qualified person within the last calendar year.

(b) Each laser registration shall be renewed annually. Each renewal shall be accompanied by a \$10 renewal fee and shall include a statement of annual laser inspection and calibration, as may be required for safe operation, by a person qualified to conduct such inspections and/or servicing.

§109.304. Approval of Training.

(a) Prior to commencing use of a laser for dental purposes, a dentist must provide proof to the board for each laser type to be used that at least eight hours of training in the use of each type has been completed. Training shall be performed by a person(s) qualified to do so on the particular type of laser to be used. Training is subject to board review and approval prior to laser use.

(b) Dentists performing laser treatment on patients prior to and at the time of adoption of these rules shall have 90 days from adoption to register and certify use as prescribed herein.

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 March 11, 1992.

TRD-9203647 C. Thomas Camp
Executive Director
Texas State Board of
Dental Examiners

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 477-2985

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**Part XXI. Texas State
Board of Examiners of
Psychologist**

Chapter 471. Renewals

• 22 TAC §471.1

The Texas State Board of Examiners of Psychologists proposes an amendment to §471.1, concerning notification of renewal. The board is proposing the amendment to this rule so as to reflect the notification requirements of the board's staggered renewal system.

Patricia S. Bizzell Tweedy, executive director, has determined that for the first five-year

period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Bizzell also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be renewals that are processed more timely because the work load of the board's staff will be distributed more evenly throughout the year. Consequently, the public will receive more current information about the status of a psychologist's license, or psychological associate's certificate. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Patricia S. Bizzell Tweedy, M.P. A., 9101 Burnet Road, Suite 212, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the Constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceeding before it.

§471.1. Notification of Renewal. All certificates and licenses issued by the board shall be subject to annual renewal. Persons whose psychologists' certification, licensure, [or] specialty certification, or **psychological associate certification** is about to expire shall be notified once by regular mail and at least 30 days before the last day of their birth month [December 31 of] each year and shall be notified by registered mail if they fail to renew by the last day of their birth month [certification or licensure or specialty certification by December 31]. The second notice will not be mailed prior to the last day of their birth month. [December 31. Persons whose psychological associate's certification is about to expire shall be notified once by regular mail at least 30 days before May 31 of each year and shall be notified by registered mail if they fail to renew certification by May 31. The second notice will not be mailed prior to May 31.]

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 March 12, 1992.

TRD-9203746 Patricia S. Bizzell Tweedy
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 835-2036

Chapter 473. Fees

• 22 TAC §473.6

The Texas State Board of Examiners of Psychologists proposes an amendment to §473.6, concerning reciprocity fees. The board determined that the cost of a reciprocity applicant is the same as the combined cost of the certification and licensure applicant.

Patricia S. Bizzell Tweedy, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Bizzell Tweedy, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the public will receive information about fee requirements for reciprocity. The application fee for licensure by reciprocity will more realistically reflect processing costs. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Patricia S. Bizzell Tweedy, M.P. A., 9101 Burnet Road, Suite 212, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the Constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

§473.6. Reciprocity Fee. The reciprocity fee is 100% [50%] of the combined total of the psychologist certification and licensure fees.

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 March 12, 1992.

TRD-9203747 Patricia S. Bizzell Tweedy
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 835-2036

Part XXIV. Texas Board of Veterinary Medical Examiners

Chapter 573. Rules of Professional Conduct

Prescribing and/or Dispensing Medications

•22 TAC §573.40

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.40, concerning labeling of medications dispensed. The amendment would bring labeling requirements into compliance with federal statutes. The amendment specifies how to label medications which, in their original packaging, are too small to place a label on.

Buddy Matthijetz, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Matthijetz, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure that all medications dispensed by veterinarians are properly labeled in order that consumers know what medicines they are administering their pets and/or in case of accidental injection by humans. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite #306, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

§573.40. Labeling of Medications Dispensed.

(a) It is unprofessional conduct for a veterinarian to fail to affix labels to all unlabeled containers that contain prescription (legend) drugs and/or controlled substances dispensed. The label must be affixed to the immediate container and include: [it is the responsibility of the veterinarian to label all unlabeled medications and/or other products dispensed. This label must include:]

(1) name, address, and telephone number of the veterinarian [clinic];

(2) date of delivery or dispensing [name of veterinarian dispensing];

(3) patient/client name (and address if drug is controlled substance);

(4) species of the animal [Name of medication and/or other veterinary product];

(5) name, strength, and quantity of the drug dispensed [quantity and strength of product];

(6) directions for use [administration];

(7) date dispensed; and

(7)[(8)] cautionary [precautionary] statements as required by law, i.e., not for human consumption, poisonous, withdrawal periods, etc.

(b) If the size of the immediate container is insufficient to be labeled, the small container shall be enclosed within another container large enough to be labeled.

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 March 10, 1992.

TRD-9203630 Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: June 12, 1992

For further information, please call: (512) 447-1183

Prescribing and/or Dispensing Medications

• 22 TAC §573.41

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.41, concerning use of prescription drugs. The amendment clarifies what is meant by "therapeutically indicated."

Buddy Matthijetz, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Matthijetz also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to expand the definition of "therapeutically indicated" to include the overall health and/or well being of animals. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite #306, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to "...make, al-

ter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

§573.41. Use of Prescription Drugs.

(a) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any prescription drug without first having established a veterinarian [veterinary]/client/patient relationship by having personally examined an [the] individual animal, herd, or a representative segment or a consignment lot thereof and determined that such prescription drug is therapeutically indicated for the health and/or well being of the animal(s) [following said examination]. Prescription drugs include all controlled substances in Schedules I-V and legend drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b) (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 March 10, 1992.

TRD-9203628 Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: June 12, 1992

For further information, please call: (512) 447-1183

• 22 TAC §573.43

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.43, concerning misuse of DEA narcotics registration. The amendment brings the rule into compliance with federal regulations and aids in clarifying when DEA and DPS controlled substances certificates are required.

Buddy Matthijetz, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Matthijetz also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to strengthen controls on the purchase, dispensing, and administering of controlled substances. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite #306, Austin, Texas 78704.

The amendment is proposed under Texas Civil Statutes, Article 8890, §7(a), which pro-

vide the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

§573.43. Misuse of DEA Narcotics Registration. It is unprofessional conduct [dishonest or illegal practice] for a licensee to prescribe, dispense, deliver, or order delivered, any controlled substance, unless he is currently registered with the Federal Drug Enforcement Administration (DEA) and the Texas Department of Public Safety (DPS) to dispense controlled substances. The requirement for DEA registration is waived for a DEA unregistered veterinarian employed by a DEA registered veterinarian, if the registrant has knowledge the employee is dispensing and/or administering controlled substances in the usual course of his employment. The employer must also give written permission for the employee to dispense/administer under the registrant's license and assure that the employee is currently registered with DPS and holds a current DPS controlled substances certificate. The DEA unregistered veterinarian employee may dispense and administer controlled substances, but in no instance may he procure, purchase, or prescribe a controlled substance. [which requires the use of the Federal Drug Enforcement Agency narcotics registration number of another veterinarian, unless the veterinarian to whom the DEA number has been assigned has knowledge of the use and has given written permission for such use and the licensee using the DEA number holds a current Texas DPS narcotics certificate. Said permission shall extend only to the dispensing and administering of controlled substances. In no instance may a DEA unregistered licensee procure or purchase controlled substances.] (Code of Federal Regulations 21, Part 1300, paragraph 1301.24 and the Texas Controlled Substances Act).

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 March 10, 1992.

TRD-9203627

Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: June 12, 1992

For further information, please call: (512) 477-1183

Other Provisions

•22 TAC §573.61

The Texas Board of Veterinary Medical Examiners proposes new §573.61, concerning

minimum security for controlled substances. The new section will provide the profession with easy access to DPS requirements for the security of controlled substances. This rule does not place any additional requirements for security as it is a quote from the current DPS requirements.

Buddy Matthijetz, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Matthijetz also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure that only authorized and qualified personnel have access to controlled substances. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite 306, Austin, Texas 78704.

The new section is proposed under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

§573.61. Minimum Security for Controlled Substances. Licensees shall adhere to the following Department of Public Safety laws concerning security of controlled substances which state the following.

(1) Establish adequate security to prevent unauthorized access to controlled substances.

(2) Establish adequate security to prevent the diversion of controlled substances.

(3) During the course of business activities, do not allow any individual access to controlled substances storage areas except those authorized agents required for efficient operations.

(4) Controlled substances listed in Schedules I, II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet or security cabinet.

(5) The term "substantially constructed cabinet" means the following.

(A) A structure of wood or metal so constructed as to resist any entry by simple tools of attack such as screw drivers, crow bars, tire tools, pry bars, etc. Hinges should not be mounted with bolts or screws on outside of door and the locking devices should be installed internally as in a dead bolt type or the device should be of a type that has protected mounting screws or

bolts to inhibit removal. The cabinet should be permanently constructed or attached to the building structure or fixtures so as to prevent the cabinet from being physically removed from the premises. If the cabinet is a metal file cabinet type, it should be permanently attached to prevent easy removal and have an external locking bar that secures the drawer or drawers.

(B) A security cabinet or safe equivalent in construction to a Class 6 Mosier Government Sales Security Filing Cabinet or a Class 5 Mosier Government Safe.

(C) A cabinet less substantially constructed may meet security requirements provided the cabinet is located in a room or area entrance to which has been so constructed that hinge mountings inhibit removal and a limited number of employees have keys or combinations to locking device. If combination locks are utilized, the combination can be changed upon termination of employees having knowledge of the combination.

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 March 10, 1992.

TRD-9203629

Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: June 12, 1992

For further information, please call: (512) 447-1183

Other Provisions

• 22 TAC §573.62

The Texas Board of Veterinary Medical Examiners proposes new §573.62, concerning violation of board orders/negotiated settlements. The new section will give the board a specific rule to address when violations of board orders and/or negotiated settlements occur.

Buddy Matthijetz, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Matthijetz also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide the board with authority to take action against licensees violating board orders, i.e. licensees practicing veterinary medicine when the board has ordered a suspension of the license. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite #306, Austin, Texas 78704.

The new section is proposed under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

§573.62. Violation of Board Orders/Negotiated Settlements. It will be considered unprofessional conduct for a licensee to violate a board order or negotiated settlement issued as a result of a docketed complaint against the licensee. Proof of such violation will be subject to an administrative hearing in accordance with Texas Civil Statutes, Article 6252-13a.

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 March 10, 1992.

TRD-9203626 Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: June 12, 1992

For further information, please call: (512) 477-1183

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• 22 TAC §573.63

The Texas Board of Veterinary Medical Examiners proposes new §573.63, concerning inspection of veterinary facilities and records. The new section further defines the board's existing authority to inspect records/facilities.

Buddy Matthijetz, executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Matthijetz also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide the board with a rule outlining what records they may inspect in order to secure evidence in consumer complaint cases. At present, the board has authority to take action if a licensee does not provide access to client-patient records, but does not have a rule regarding this authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite #306, Austin, Texas 78704

The new section is proposed under Texas Civil Statutes, Article 8890, §7(a), which pro-

vide the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

§573.63. Inspection of Veterinary Facilities and Records. Licensees shall admit a representative of the board, during regular business hours, to inspect equipment and business premises; examine and/or copy client and patient records, drug records, including, but not limited to, to invoices, receipts, transfer documents, inventory logs, surgery logs; and all other associated records relating to the practice of veterinary medicine.

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 March 10, 1992.

TRD-9203625 Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Proposed date of adoption: June 12, 1992

For further information, please call: (512) 477-1183

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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 73. Laboratories

Fees for Services for Drinking Water Systems

• 25 TAC §73.41

The Texas Department of Health (department) proposes new §73.41, concerning fees for services for drinking water systems. Subsections (a) and (b) are being transferred from existing §337.18(c) and (e) of this title for reorganization purposes. There will be no change to the text of the subsections themselves. Accordingly, comments will be received only on the renumbering of the subsections and not on the text. New subsection (c) will provide for services concerning chemical testing for public water systems in compliance with scheduled analyses and the lead-copper rule in Title 40, Code of Federal Regulations, §141.81 and §141.86. The department will receive comments on the text of new subsection (c).

Stephen Seale, Chief Accountant III, Budget Division, has determined that for the first five-year period the proposed new section is in effect there will be fiscal implications as a result of enforcing or administering the section. The state will receive additional revenue of approximately \$800,000 for each year which will be used to cover operating costs of inspecting and testing public water supplies. Local governments will experience additional costs of approximately \$400,000 each year.

Mr. Seale also has determined that for the first five years the sections are in effect the public benefit anticipated as a result of enforcing the section will be reorganization of existing rules in order to enable the public to better understand the rules, and continued enforcement of the Safe Drinking Water Act, Public Law 93-523, as amended, which protects the public from consumption of water that may be hazardous to health or aesthetically displeasing. The costs to small businesses is that the largest water systems are expected to incur a cost of approximately \$0.002 per 1,000 gallons. The cost to large businesses will be the same. There will be no direct cost to persons as a result of the new section itself; however, water systems probably will pass their increased costs on to their customers. There will be no anticipated impact on local employment.

Comments on the proposed new section may be submitted to Charles Maddox, Chief, Bureau of Environmental Health, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6640. Mr. Maddox will accept comments for 30 days after publication of the proposed new section in the *Texas Register*.

The new section is proposed under the Health and Safety Code, §12.031 and §12.032, which provides the Board of Health (board) with the authority to adopt rules concerning fees for public health services; and §12.001, which provides the board with authority to adopt rules to implement every duty imposed by law on the board, the department, and the commissioner of health.

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§73.41. Fees for Services for Drinking Water Systems.

(a) Services concerning bacteriological testing.

(1) This subsection covers fees for services for bacteriological testing provided by the department to public water systems and individual home water supplies (i.e., a well, spring, or stream serving a person's home or residence; or any system that is not a public water system).

(2) The department will charge a fee of up to \$8.00 per sample for bacteriological testing. This fee applies to the department laboratory in Austin.

(3) The fee shall be paid at the time the sample is submitted for testing or the department may bill the serviced recipient on a monthly basis.

(4) The fee shall be paid by check or money order, and shall be made payable to the Texas Department of Health. Cash will be accepted for payment when the fee is paid at the time the sample is submitted for testing.

(5) Nonprofit laboratories approved by the department to perform bacteriological testing shall perform the test, determine their own cost, and may collect and retain the fees locally. The contracts

between local health departments and the department may require that the local health department reimburse the department for supplies, reagents, and personnel time contributed by the department to this service. Parent organizations of local approved laboratories may be exempted from fees.

(b) Services for detection of lead contamination in drinking fountains in day care centers, kindergartens, elementary schools, and high schools.

(1) This subsection covers fees for services in testing by the department for lead contamination in drinking fountains.

(2) The department will charge a fee to cover its cost, not to exceed \$20 per sample, for this chemical analysis.

(3) The fee shall be paid at the time the required sample container is obtained from the department, or the department may require payment upon delivery of the sample for testing; only the container provided by the department is acceptable.

(4) The fee shall be paid by check or money order and shall be payable to the Texas Department of Health. Cash will not be accepted. The analysis will not be performed until payment is received.

(5) The department will provide only a chemical analysis; verification of compliance with the federal law is the responsibility of the submitting agency.

(c) Services concerning chemical testing.

(1) This subsection covers fees for services for chemical testing provided by the Texas Department of Health (department) to public water systems in compliance with scheduled analyses and in compliance with the lead-copper rule in Title 40, Code of Federal Regulations, §141.81 and §141.86.

(2) The department will charge fees to cover its costs according to the following categories:

(A) routine water-actual cost not to exceed \$90;

(B) routine metals-actual cost not to exceed \$150;

(C) lead-copper-actual cost not to exceed \$20;

(D) radiochemistry-actual cost not to exceed \$200;

(E) organics testing-actual cost not to exceed \$650; and

(F) individual and special parameters-actual cost according to the schedule of charges published annually by the department and updated as necessary on file with the Texas General Services Commission.

(3) The fee must be paid at the time the sample is submitted for testing or the department may bill the service recipient.

(4) The fee must be paid by check or money order and must be made payable to the Texas Department of Health.

(5) The effective date for fees for testing for compliance with the lead copper-rule is July 1, 1992.

(6) The effective date for fees for all other chemical testing is January 1, 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 March 11, 1992.

TRD-9203597

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption: May 16, 1992

For further information, please call: (512) 834-6640

Chapter 115. Home Health Care Agencies

Licensing and Regulation

• 25 TAC §§115.1, 115.2, 115.5-115.10, 115.12, 115.13, 115.19

The Texas Department of Health (department) proposes amendments §§115.1-115.2, 115.5-115.10, 115.12-115.13, and 115.19, concerning the licensing and regulation of home health care agencies. The amendments will require an agency to provide the address in the State of Texas of its place of business; clarify the tasks a home health aide may perform and may not perform; describe the hearing process that the department will follow when an agency requests a hearing following the director's disapproval of a training and competency evaluation program or competency evaluation program; provide for withdrawal of approval of a home health aide training and competency evaluation program or competency evaluation program; and require Class B agency aides to conform to federal rules for Class A agency aides.

The amendments also will reflect the recodification of certain sections of Texas Civil Statutes into the Health and Safety Code; amendments to Health and Safety Code, Chapters 85 and 161; implementation of House Bill 1393, 72nd Legislature, 1991; and implementation of the Texas Education Code,

§57.491. The provisions added by the amendments concern the prohibition of illegal remuneration and the prevention of the transmission of HIV and Hepatitis B virus by infected health care workers; the exemption of a license from any increased fee or other penalty for failure to renew the license in a timely manner if the individual was on active duty in the United States armed forces serving outside the State of Texas; and the denial of the renewal of a license if the renewal is prohibited by the Texas Education Code relating to defaults on guaranteed student loans. Further, the department will reorganize the sections for clarification; clarify the definition of "assistance with medication"; add definitions for "administration of medication" and "association."

Stephen Seale, Chief Accountant III, Budget Division, Texas Department of Health, has determined that for the first five-year period the amendments are in effect there will be no fiscal implications for state or local government as the result of enforcing and administering the amendments.

Mr. Seale also has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be updated and clarified standards which will enable home health agencies to better serve their patients. There will be no effect on small or large businesses. There is no anticipated economic cost to persons who may be required to comply with the sections as proposed. There will be no impact on local employment.

Comments on the proposed amendments may be submitted to Nance Kerrigan-Stearman, R.N., M.S.N., Director, Health Facility Licensure and Certification Division, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6647. Comments will be accepted for 30 days after publication of the proposed amendments in the *Texas Register*.

The amendments are proposed under the Health and Safety Code, §142.012, which provides the Texas Board of Health (board) to adopt rules to establish and enforce minimum standards for the licensing of home health care agencies; and §12.001, which provides the board with authority to adopt rules for the performance of every duty imposed by law upon the board, the department and the commissioner of health. The amendments affect the Health and Safety Code, Chapter 142.

§115.1. Purpose.

(a) The purpose of these rules is to implement the Health and Safety Code, Chapter 142 [Texas Civil Statutes, Article 4447u], which requires [require] a home health agency to be licensed by the Texas Department of Health.

(b) (No change.)

§115.2. Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Administration of medication—Administration of any medication by injection, inhalation, ingestion, or any other means to the body of the patient; calculation of a patient's medication dosage; or altering the form of the medication by crushing, dissolving, or any other method.

Assistance with medication or treatment regimen—Any needed ancillary [Ancillary] aid provided to [needed by] a patient in the patient's self-administered medication or treatment regimen [to self-administer medication], such as reminding a patient to take a medication at the prescribed time, opening and closing a medication container, returning a medication to the proper storage area, and assisting in reordering medications from a pharmacy. Such ancillary aid shall not include administration of any medication [by injection, inhalation, ingestion, or any other means; calculation of a patient's medication dosage; or altering the form of the medication by crushing, dissolving, or any other method].

Association—A partnership, limited liability company, or other business entity that is not a corporation.

Home health medication aide—A person permitted under the Health and Safety Code, Chapter 142, Subchapter B.

Statute—The Health and Safety Code, Chapter 142 [Texas Civil Statutes, Article 4447u].

§115.5. Application and Issuance of Temporary License for First Time Applicants (Unregulated Facilities, New Agencies, and Certain Relocations).

(a) (No change.)

(b) Upon written request, the director shall furnish a person with an application form for a home health agency license. The applicant shall be at least 18 years of age, shall submit to the director a separate and accurate application form for each license, required documentation, and the license fee. The applicant shall apply for a Class A or Class B license or a Class A or Class B branch office license and indicate whether hospice service or home dialysis designation is requested. The applicant shall retain a copy of all documentation that is submitted to the director. The address provided on the application must be the address from which the agency will be operating. **The applicant shall provide the address in the State of Texas of its place of business to be licensed by the department.**

(1)-(10) (No change.)

(c)-(i) (No change.)

§115.6. Inspections.

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

(c) After an inspection is completed, the surveyor shall submit a compliance record to the department which contains the following:

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

(3) a plan of correction proposed by the agency and the date(s) by which correction(s) must be made if the surveyor recommends the agency meets licensing standards; and

(4) (No change.)

(d)-(e) (No change.)

(f) **If a subsequent survey results in evidence of further deficiencies, a plan of correction may be requested in accordance with the provisions of this section or the director may propose action to deny, suspend, or revoke the license.**

§115.7. Issuance and Renewal of Annual License.

(a)-(d) (No change.)

(e) **If a licensee fails to timely renew his or her license on or after August 1, 1990, because the licensee is or was on active duty with the armed forces of the United States of America serving outside the State of Texas, the licensee may renew the license pursuant to this subsection.**

(1) **Renewal of the license may be requested by the licensee, the licensee's spouse, or an individual having power of attorney from the licensee. The renewal form shall include a current address and telephone number for the individual requesting the renewal.**

(2) **Renewal may be requested before or after the expiration of the license.**

(3) **A copy of the official orders or other official military documentation showing that the licensee is or was on active military duty serving outside the State of Texas should be filed with the department along with the renewal form.**

(4) **A copy of the power of attorney from the licensee shall be filed with the department along with the renewal form if the individual having the power of attorney executes any of the documents required in this section.**

(5) **A licensee renewing under this subsection shall pay the applicable renewal fee.**

(6) **A licensee is not authorized to operate the agency for which the license was obtained after the expiration of the license unless and until the licensee actually renews the license.**

(7) **This subsection applies to a licensee who is a sole practitioner or a partnership with only individuals as partners where all of the partners were on active duty with the armed forces of the United States serving outside the State of Texas.**

§115.8. Conditions of Annual License.

(a) No license may be transferred from one person to another person. [If a person is considering acquisition of a licensed agency, in order to insure continuity of patient services, the person should submit a license application at least 60 days prior to the acquisition for each place of business in accordance with §115.5 of this title (relating to Application and Issuance of Temporary License for First Time Applicants (Unregulated Facilities, New Agencies, and Certain Relocations)). The on-site inspection required by §115.5(f) of this title (relating to Application and Issuance of Temporary License for First Time Applicants (Unregulated Facilities, New Agencies, and Certain Relocations)) may be waived by the department. A temporary license issued for the newly-acquired home health agency will be effective the date the ownership was transferred. The previous license will be void on that date.]

(1) **A person who desires to receive a license in his or her name for an agency currently licensed under the name of another person or to change the ownership of any agency must comply with the following provisions.**

(A) **The person must submit a license application at least 60 days prior to the desired date of licensure. The application shall be in accordance with §115.5(f) of this title (relating to Application and Issuance of Temporary License for First Time Applicants (Unregulated Facilities and Certain Relocations)).**

(B) **The on-site inspection required by §115.5(f) may be waived by the Texas Department of Health (department).**

(C) **A temporary license issued to the applicant must be effective prior to the change of ownership or the provision of services in the name of the applicant.**

(D) **The previous license shall be void on the effective date of the new temporary license and must be surrendered to the department.**

(2) **If a corporate licensee amends its articles of incorporation to revise its name, this subsection does not apply.**

(3) The sale of stock of a corporate licensee does not cause this subsection to apply.

(4) A change of ownership of a licensed agency under this subsection occurs when the name of the licensed person or entity as reflected on the license certificate and original application will be changed.

(5) The provisions of this subsection are in addition to any applicable federal law or regulations relating to change of ownership or control.

(b)-(j) (No change.)

(k) An agency shall adopt, implement, and enforce a written policy to ensure compliance of the agency and its employees and contractors with the Health and Safety Code, Chapter 85, Subchapter I, relating to the prevention of the transmission of human immunodeficiency virus and hepatitis B virus.

(l) An agency shall adopt, implement, and enforce a written policy to ensure compliance of the agency and its employees and contractors with the Health and Safety Code, §161.091, relating to the prohibition of illegal remuneration for securing or soliciting patients or patronage.

§115.9. Standards for a Class A License.

(a) A Class A agency shall meet the requirements of the Social Security Act and the federal regulations in Title 42 of the Code of Federal Regulations [conditions of participation as either a home health agency or a hospice in the insurance program for the aged within the meaning of the Social Security Act and the regulations adopted thereunder (42 Code of Federal Regulations Part 484 or Part 418)], which regulations are adopted by reference herein for all purposes. The agency shall comply with the law and regulations as a home health agency or a hospice. Copies of the regulations adopted by reference in this section are indexed and filed in the Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

(b) A Class A agency that plans to implement a home health aide training and competency evaluation program shall meet the requirements in §115.13(e)-(g) [(c)-(e)] of this title (relating to Home Health Aides (Class B Agencies); Training Program and Competency Evaluation Program; Duties) and obtain program approval in the same manner set forth for a Class B agency in §115.13(h) [(f)]. If a Class A agency imple-

mented a training and competency evaluation program prior to the adoption of this section, which program meets the requirements of §115.13(e) [(c)], (f) [(d)], and (g) [(e)], the department may deem the program to meet the requirements of this subsection upon application to the department.

(c) A Class A agency that plans to implement a competency evaluation program shall comply with §115.13(g) [(e)] and obtain program approval in the same manner set forth for a Class B agency in §115.13(h) [(f)]. If a Class A agency implemented a competency evaluation program prior to the adoption of this section, which program meets the requirements of §115.13(g) [(e)], the department may deem the program to meet the requirements of this subsection upon application to the department.

(d) Program disapproval or withdrawal of approval shall be as described in §115.13(i) and (j) [If there is a conflict between the federal requirements under subsection (a) of this section and the requirements of subsections (b), (c), (e), or (f) of this section relating to home health aides in a Class A agency, the federal requirements shall apply.]

(e)-(g) (No change.)

(h) If there is a conflict between the federal requirements under subsection (a) of this section and the requirements of subsections (b)-(f) of this section relating to home health aides in a Class A agency, the federal requirements shall apply.

§115.10. Standards for a Class B License.

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

(c) The agency shall maintain a current roster of patients and have a clinical record for each patient which is maintained according to professional standards. The original clinical record shall be maintained at the address of the licensed parent agency.

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

(d)-(i) (No change.)

§115.12. License Denial, Suspension, or Revocation.

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

(c) The department may suspend or revoke an existing valid license or disqualify a person from receiving a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of a [the] licensed home health agency [occupation].

(1) In determining whether a criminal conviction directly relates [to an occupation], the department shall consider:

(A) (No change.)

(B) the relationship of the crime to the purposes for requiring a license as a home health agency; [to engage in the occupation. The following felonies and misdemeanors relate to the licensing of an agency because these criminal offenses indicate an inability or a tendency to be unable to own or operate an agency:]

[(i) the misdemeanor of knowingly or intentionally acting as an agency without an appropriate license issued under the statute;

[(ii) a misdemeanor and/or felony offense involving moral turpitude;

[(iii) a misdemeanor and/or felony offense under various titles of the Texas Penal Code:

[(I) Title 5, concerning offenses against the person;

[(II) Title 7, concerning offenses against property;

[(III) Title 9, concerning offenses against public order and decency;

[(IV) Title 10, concerning offenses against public health, safety, and morals; and

[(V) Title 4, concerning offenses of attempting or conspiring to commit any of the offenses in clauses (i) - (iii) of this subparagraph;]

[(iv) the misdemeanors and felonies listed in clauses (i)-(iii) of this subparagraph. The misdemeanors and felonies are not inclusive in that the department may consider other particular crimes in special cases in order to promote the intent of the statute and this chapter;]

(C) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; [and]

(D) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of an agency; and

(E) the items relating to the present fitness of a person described in Texas Civil Statutes, Article 6252-13c, §4(c)(1)-(7).

(2) The following felonies and misdemeanors directly relate because these criminal offenses indicate an inability or a tendency for the person to be unable to own or operate an agency. These offenses also relate to the holding of a home health medication aide permit or approval of a home health medication aide training program: [In addition to the factors that may be considered under paragraph (1) of this subsection, the department in determining the present fitness of a person who has been convicted of a crime, shall consider the provisions of Texas Civil Statutes, Article 6252-13c, §4(c)(1)-(7).]

(A) a misdemeanor violation of the statute;

(B) a conviction relating to deceptive business practices;

(C) a misdemeanor or felony offense involving moral turpitude;

(D) the misdemeanor of practicing any health-related profession without a required license;

(E) a conviction under any federal or state law relating to drugs, dangerous drugs, or controlled substances;

(F) an offense under Texas Penal Code, Title 5, involving a patient or client of a health care facility or agency;

(G) a misdemeanor or felony offense under various titles of the Texas Penal Code, as follows:

(i) Title 5, concerning offenses against the person;

(ii) Title 7, concerning offenses against property;

(iii) Title 9, concerning offenses against public order and decency;

(iv) Title 10, concerning offenses against public health, safety, and morals;

(v) Title 4, concerning offenses of attempting or conspiring to commit any of the offenses in clauses (i)-(iv) of this subparagraph; and

(vi) other misdemeanors and felonies which indicate an inability or tendency for the person to be unable to own or operate an agency, hold a permit, or receive program approval if action by the department will promote

the intent of the statute, this chapter, or Texas Civil Statutes, Article 6252-13c.

(3) (No change.)

(d) (No change.)

(e) If the director proposes to deny, suspend, or revoke a license the director shall notify the agency by certified mail, return receipt requested, of the reasons for the proposed action and offer the agency an opportunity for a hearing.

(1) The agency must request a hearing within 30 days of receipt of the notice. Receipt of the notice is presumed to occur on the 10th day after the notice is mailed to the last address known to the department unless another date is reflected on a United States Postal Service return receipt.

(2) (No change.)

(3) A hearing shall be conducted pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures in Chapter 1 of this title (relating to the Texas Board of Health) [§§1.21-1.34 of this title (relating to Formal Hearing Procedures)].

(4) (No change.)

(5) If the agency fails to appear or be represented at the scheduled hearing, the agency has waived the right to a hearing and the proposed action shall be taken.

(f) The department may suspend or revoke a license to be effective immediately when the health and safety of persons are threatened. The department shall notify the agency of the emergency action by certified mail, return receipt requested, or personal delivery of the notice and of the date of a hearing, which shall be within seven days of the effective date of the suspension or revocation. The effective date of the emergency action shall be stated in the notice. The hearing shall be conducted pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures in Chapter 1 of this title (relating to Texas Board of Health) [§§1.21-1.34 of this title (relating to Formal Hearing Procedures)].

(g)-(k) (No change.)

§115.13. Home Health Aides; (Class B Agencies); Training Program and Competency Evaluation Program; Duties.

(a) (No change.)

(b) Tasks to be performed by a home health aide shall be assigned by and performed under the supervision of a regis-

tered nurse who shall be responsible for the patient care provided by a home health aide. [In no event shall a home health aide be assigned to]

(c) Tasks a home health aide may not perform include:

(1) receiving [receive] or reducing [reduce] to writing orders from a physician; [A home health aide shall not perform]

(2) performing any intravenous procedures, procedures involving the use of Levin's tubes, irrigation or insertion of Foley catheters, or any other sterile or invasive procedures other than rectal temperatures or enemas; [Except as otherwise provided in these sections, duties of the home health aide may include]:

(3) suctioning, other than by bulb syringe; or

(4) administering medication.

(d) Tasks a home health aide may perform include:

(1) personal care[:] (bathing, grooming, feeding, ambulation, exercise, oral hygiene, and skin care);

(2) assistance with medications ordinarily self-administered;

(3) household services essential to health care in the home;

(4) completion of records and reporting to the appropriate supervisor;

(5) taking and charting vital signs; and

(6) charting intake and output.

(e)[(c)] The training portion of a training and competency evaluation program for home health aides must be conducted by or under the general supervision of a registered nurse who possesses a minimum of two years of nursing experience, at least one year of which must be in the provision of home health care [and who has supervised home health aide services for at least six months]. The training program may contain other aspects of learning, but shall contain the following:

(1) a minimum of 80 hours as follows:

(A) a minimum of 60 academic hours of classroom instruction. An academic hour shall consist of 50 clock minutes of actual classroom time; and

(B) a minimum of 20 hours of clinical experience which will include in-home training and shall be conducted in a home, a hospital, a nursing home, or laboratory;

(2) completion of at least 16 hours of classroom training before a home health aide begins clinical experience working directly with patients under the supervision of qualified instructors;

(3) if licensed vocational nurse instructors are used for the training portion of the program, the following qualifications and supervisory requirements apply:

(A) a licensed vocational nurse may provide the home health aide classroom training under the supervision of a registered nurse who has two years of nursing experience, at least one year of which must be in the provision of home health care [and who has supervised home health aide services for at least six months];

(B) licensed vocational nurses, as well as registered nurses, may supervise home health aide candidates in the course of the clinical experience; and

(C) a registered nurse must maintain overall responsibility for the training and supervision of all home health aide training students; and

(4) an assessment that the student knows how to read and write English and carry out directions.

(f)(d) The classroom instruction and clinical experience content of the training portion of a training and competency evaluation program must include, but is not limited to:

- (1) communications skills;
- (2) observation, reporting, and documentation of a patient's status and the care or service furnished;
- (3) reading and recording temperature, pulse, and respiration;
- (4) basic infection control procedures and instruction on universal precautions;
- (5) basic elements of body functioning and changes in body function that must be reported to an aide's supervisor;
- (6) maintenance of a clean, safe and healthy environment;
- (7) recognizing emergencies and knowledge of emergency procedures;
- (8) the physical, emotional, and developmental needs of and ways to work with the populations served by the agency, including the need for respect for the patient and his or her privacy and property;
- (9) appropriate and safe techniques in personal hygiene and grooming that include:

- (A) bed bath;
- (B) sponge, tub, or shower bath;
- (C) shampoo, sink, tub, or bed;
- (D) nail and skin care;
- (E) oral hygiene; and
- (F) toileting and elimination;
- (10) safe transfer techniques and ambulation;
- (11) normal range of motion and positioning;
- (12) adequate nutrition and fluid intake;
- (13) any other task that the agency may choose to have the home health aide perform as allowed by subsection (d) [(b)] of this section; and
- (14) the rights of the elderly.

(g)(e) This section addresses the requirements for the competency evaluation program or the competency evaluation portion of a training and competency evaluation program.

- (1) The competency evaluation must be performed by a registered nurse.
- (2) The competency evaluation must address each of the subjects listed in subsection (f) [(d)] (2)-(13) of this section.
- (3) Each of the areas described in subsection (f) [(d)] (3) and (9)-(11) of this section must be evaluated by observation of the home health aide's performance of the task with a patient or person.
- (4) Each of the areas described in subsection (f) [(d)] (2), (4)-(8), (12), and (13) of this section may be evaluated through written examination, oral examination, or by observation of a home health aide with a patient.
- (5) A home health aide is not considered to have successfully completed a competency evaluation if the aide has an unsatisfactory rating in more than one of the areas described in subsection (f) [(d)] (2)-(13) of this section.

(6) If an aide receives an unsatisfactory rating, the aide shall not perform that task without direct supervision by a registered nurse or licensed vocational nurse until the aide receives training in the task for which he or she was evaluated as unsatisfactory and successfully completes a subsequent competency evaluation with a satisfactory rating on the task.

(7) If an individual fails to complete the competency evaluation satisfactorily, the individual shall be advised of the areas in which he or she is inadequate.

(h)(f) A training and competency evaluation program or a competency evaluation program must be approved by the department.

(1) A request for approval of a training and competency evaluation program shall be submitted to the director with an affidavit attesting to the following:

- (A) number of hours of instruction (classroom and clinical);
- (B) name and verification of licenses and qualifications of instructors;
- (C) the course outline includes the content required by subsection (f) [(d)] of this section; and
- (D) verification that the program will comply with subsections (e)-(g) [(c)-(e)] of this section.

(2) A request for approval of a competency evaluation program shall be submitted to the director with an affidavit attesting that the competency evaluation program meets the requirements of subsection (g) [(e)] of this section.

(3) A training and competency evaluation program or a competency evaluation program may be approved by the department for nurse aides and home health aides if the joint program complies with all applicable federal and state laws, rules, and regulations.

(4) The department may review the program through an on-site visit before or after approval of the program.

(5) If a person who is not a Class B agency desires to implement a home health aide training and competency evaluation program or a competency evaluation program, the person shall meet the requirements of this section in the same manner as set forth for a Class B agency.

(i)(g) A training and competency evaluation program or competency evaluation program shall be disapproved if it fails to meet the requirements of this section. If the director disapproves a program, the director shall notify the applicant by certified mail, return receipt requested, of the reasons for the action. The applicant may request a hearing [reconsideration by the chief, Bureau of Licensing and Certification] within 30 days of receipt of the notice. The request must be in writing and submitted to the Director, Health Facility License and Certification Division, Texas

Department of Health, 1100 West 49th Street, Austin, Texas 78756. [The applicant shall be given the opportunity to submit documentation or information supporting program approval to the chief.]

(1) A hearing shall be conducted by a hearing examiner.

(2) At least 10 days prior to a hearing, the hearing examiner shall inform the program and the director in writing of the date, time, and place in Austin of the hearing.

(3) The hearing shall not be governed by the Texas Rules of Civil Evidence or the Administrative Procedure and Texas Register Act.

(4) The program shall have the opportunity to refute the basis for the proposed action, to offer testimony, and to question appropriate department employees.

(5) The program may be represented by counsel.

(6) All testimony shall be given under oath.

(7) The hearing examiner shall make a record of the hearing.

(8) The burden shall be upon the department to prove by a preponderance of the evidence the basis for the disapproval.

(9) Upon completion of the hearing, the hearing examiner shall prepare a written recommendation for decision based solely on the evidence presented at the hearing and the statutory and regulatory provisions of the statute and this chapter. The recommendation shall state the reasons for the recommendation and include findings of fact and conclusions of law.

(A) The recommendation shall be provided to the department and the program who may file exceptions.

(B) The recommendation and any exceptions shall be submitted to the commissioner of health or his or her designee for final decisions.

(C) The final decision shall be made as soon as is reasonably possible after the close of the hearing.

(10) If a program fails to request a hearing or to appear at a scheduled hearing, the hearing is waived and the proposed action shall be taken.

(j) Withdrawal of approval of a home health aide training and competency evaluation program or competency evaluation program shall be under the

following provisions.

(1) Withdrawal of approval shall be proposed if:

(A) a program for Class A agency aides fails to meet the requirements of the Social Security Act, the conditions of participation, or other federal regulations relating to home health agencies;

(B) the program for Class A or Class B agency aides fails to meet the requirements of the statute or this chapter; or

(C) the program is offered by or in a Class A agency which falls within the prohibitions in Title 42, United States Code, §1395bbb, or in Public Law 101-508, §4207(l)(2).

(2) The procedure for withdrawal of approval shall be the same as described in subsection (i) of this section for disapproval of a program.

(k)[(h)] An approved home health aide training program may not change its curriculum or the site of its clinical practice without prior approval of the director.

[(i)] The requirements of this section relating to home health aide training and competency evaluation programs and competency evaluation programs shall become effective:

[(1)] immediately for all programs applying for departmental approval after the effective date of this section; and

[(2)] on September 1, 1991, for all programs approved by the department prior to the effective date of this section.]

§115.19. Home Health Medication Aides.

(a) General.

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

(3) Other exemptions shall be as follows.

(A) -(B) (No change.)

(C) An exempt person described in subparagraph (A) of this paragraph shall be supervised as follows. [A person described in subparagraph (A) of this paragraph must act under the supervision of an individual as set forth in applicable law and rules.]

(i) A person described in:

(I) subparagraph

(A)(i) of this paragraph shall be supervised by a registered nurse;

(II) subparagraph (A)(ii) or (iv) of this paragraph shall be supervised by the student's instructor; or

(III) subparagraph (A)(iii) of this paragraph shall be supervised by a registered nurse or licensed vocational nurse.

(ii) Supervision must be on-site.

(D) An exempt person described in this subsection may not be used in a supervisory or charge position.

(b) (No change.)

(c) Permitted actions. A permit holder is permitted to:

(1) observe and report to the agency's registered nurse and document in the clinical note [record] reactions and side effects to medication shown by a patient;

(2) (No change.)

(3) administer regularly prescribed medication which the permit holder has been trained to administer only after personally preparing (setting up) the medication to be administered. The medication aide shall document the administered medication in the patient's clinical note [record];

(4)-(6) (No change.)

(d) Prohibited actions. Permit holders shall not:

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

(3) administer previously ordered pro re nata (PRN) medication unless authorization is obtained from the agency's registered nurse. If authorization is obtained the permit holder must:

(A) document in the patient's clinical notes [records] symptoms indicating the need for medication and the time the symptoms occurred;

(B) document in the patient's clinical notes [records] that the agency's registered nurse was contacted, symptoms were described, and permission was granted to administer the medication and the time of contact;

(C)-(D) (No change.)

(4)-(13) (No change.)

(e) Applicant qualifications. Each applicant for a permit issued under the statute must complete a training program. Prior to enrollment in a training program and

prior to application for a permit under this section, all persons:

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

(4) must be a graduate of a high school or have an equivalent diploma or higher degree; and

(5) (No change.)

(f)-(k) (No change.)

(l) Permit renewal. Home health medication aides shall comply with the following permit renewal requirements.

(1)-(6) (No change.)

(7) Home health medication aide permit renewal procedures are as follows.

(A)-(D) (No change.)

(E) A permit shall not be renewed if renewal is prohibited by the Texas Education Code, §57.491.

(F) If a permit holder fails to timely renew his or her permit, because the permit holder is or was on active duty with the armed forces of the United States of America serving outside the State of Texas, the permit holder may renew the permit pursuant to this subsection.

(i) Renewal of the permit may be requested by the permit holder, the permit holder's spouse, or an individual having power of attorney from the permit holder. The renewal form shall include a current address and telephone number for the individual requesting the renewal.

(ii) Renewal may be requested before or after the expiration of the permit.

(iii) A copy of the official orders or other official military documentation showing that the permit holder is or was on active military duty serving outside the State of Texas should be filed with the department along with the renewal form.

(iv) A copy of the power of attorney from the permit holder shall be filed with the department along with the renewal form if the individual having the power of attorney executes any of the documents required in this section.

(v) A permit holder renewing under this subsection shall pay the applicable renewal fee.

(vi) A permit holder is not authorized to act as a home health medication aide after the expiration of the permit unless and until the permit holder actually renews the permit:

(vii) A permit holder renewing under this subsection shall not be required to submit any continuing education hours.

(8)-(9) (No change.)

(m)-(n) (No change.)

(o) Training program requirements.

(1) (No change.)

(2) The program shall include, but shall not be limited to, the following instruction and training:

(A)-(I) (No change.)

(J) drug reactions and side effects of medications commonly administered to home health patients; [and]

(K) instruction on universal precautions; and

(L)[(K)] the provisions of this chapter.

(3)-(6) (No change.)

(7) The coordinator shall provide clearly defined and written policies regarding each student's clinical observation to the student, the administrator, and the director of nursing of the home health agency used for the clinical observation.

(A) The clinical observation shall be counted only when the student is observing or involved in functions involving medication administration and under the direct, contact supervision of a registered nurse. [A student may not actually administer medication during the clinical observation].

(B) (No change.)

(8)-(9) (No change.)

(p)-(q) (No change.)

(r) Denial, suspension, or revocation.

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

(4) If the program administrator for the Home Health Medication Aide Permit Program proposes to deny, suspend, or revoke a home health medication aide permit or to rescind a home health medication aide program approval, the program administrator shall notify the permit holder or home health medication aide program by certified mail, return receipt requested, of the reasons for the proposed action and offer the permit holder or home health medication aide program an opportunity for a hearing.

(A) The permit holder or home health medication aide program must request a hearing within 30 days of receipt of the notice. Receipt of notice is presumed to occur on the 10th day after the notice is mailed to the last address known to the department unless another date is reflected on a United States Postal Service return receipt.

(B)-(C) (No change.)

(5) (No change.)

(6) All hearings shall be conducted pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a and the department's formal hearing procedures in Chapter 1 of this title (relating to Texas Board of Health) [§§1.21-1.34 of this title (relating to Formal Hearing Procedures)].

(7) If the permit holder or program fails to appear or be represented at the scheduled hearing, the permit holder or program has waived the right to a hearing and the proposed action shall be taken.

(8) [(7)] If the department suspends a home health medication aide permit, the suspension shall remain in effect until the department determines that the reason for suspension no longer exists. The department shall investigate prior to making a determination.

(A) During the time of suspension, the suspended permit holder shall return his or her permit to the department.

(B) If a suspension overlaps a renewal date, the suspended permit holder may comply with the renewal procedures in this chapter; however, the department may not renew the permit until the department determines that the reason for suspension no longer exists.

(9)[(8)] If the department revokes or does not renew a permit, a person may reapply for a permit by complying with the requirements and procedures in this chapter at the time of reapplication.

(A) The department may refuse to issue a permit if the reason for revocation or non-renewal continues to exist.

(B) Upon revocation or non-renewal, a permit holder shall return the license or permit to 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 March 13, 1992.

TRD-9203706

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption: May 16, 1992

For further information, please call: (512)
834-6647

Chapter 337. Water Hygiene

Drinking Water Standards Governing Drinking Water Quality and Reporting Re- quirements for Public Water Supply Systems

• 25 TAC §337.18

The Texas Department of Health (department) proposes an amendment to §337.18, concerning fees for services to drinking water systems. The amendment will delete subsections (c) and (e) because the department proposes to move them to new §73.41 of this title which is being proposed for adoption in this issue of the *Texas Register*. The subsections are being moved strictly for organizational purposes because they should be in proposed new §73.41 instead of existing §337.18. There will be no change to the text of existing subsections (c) and (e) when moved. Accordingly, the department will be accepting comments only on the reorganization of existing subsections (c) and (e), not on the text within the subsections. Editorial changes to existing subsection (d) will update statutory citations and the language within the subsection and will become new subsection (c).

Stephen Seale, Chief Accountant III, Budget Division, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Seale also has determined that for each year the first five years the is in effect the public benefit anticipated as a result of enforcing the section will be that the public will be better able to understand the rule since the subsections will be in a more appropriate section of this part. There will be no effect on small or large businesses. There is no anticipated economic cost to persons who may be required to comply with the section as proposed. There will be no impact on local employment as a result of the proposed amendment.

Comments on the proposed amendment may be submitted to Charles Maddox, Chief, Bureau of Environmental Health, Texas Department of Health, 1100 W. 49th Street, Austin, Texas 78756, (512) 834-6640. Mr. Maddox will accept comments for 30 days after publication of the proposed amendment in the *Texas Register*.

The amendment is proposed under the Health and Safety Code, §§12.031-12.032, which provides the Board of Health (board)

with the authority to adopt rules concerning fees for public health services; and §12.001, which provides the board with authority to adopt rules to implement every duty imposed by law on the board, the department, and the commissioner of health. The amendment will affect the Health and Safety Code, Chapter 12.

§337.18. Fees for Services to Drinking Water Systems.

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

[(c) Services concerning bacteriological testing.

[(1) This subsection covers fees for services for bacteriological testing provided by the department to public water systems and individual home water supplies (i.e., a well, spring, or stream serving a person's home or residence; or any system that is not a public water system).

[(2) The department will charge a fee of up to \$8.00 per sample for bacteriological testing. This fee applies to the department laboratory in Austin.

[(3) The fee shall be paid at the time the sample is submitted for testing or the department may bill the serviced recipient on a monthly basis.

[(4) The fee shall be paid by check or money order, and shall be made payable to the Texas Department of Health. Cash will be accepted for payment when the fee is paid at the time the sample is submitted for testing.

[(5) Nonprofit laboratories approved by the department to perform bacteriological testing shall perform the test, determine their own cost, and may collect and retain the fees locally. The contracts between local health departments and the department may require that the local health department reimburse the department for supplies, reagents, and personnel time contributed by the department to this service. Parent organizations of local approved laboratories may be exempted from fees.

(c)[(d)] Failure to make payments as required under subsection (b) [or (c)] of this section will subject the violator to the penalty provisions of the Health and Safety Code, Chapter 341 [Texas Civil Statutes, Article 4477-1].

[(e) Services for detection of lead contamination in drinking fountains in day care centers, kindergartens, elementary schools, and high schools.

[(1) This subsection covers fees for services in testing by the department for lead contamination in drinking fountains.

[(2) The department will charge a fee to cover its cost, not to exceed \$20 per sample, for this chemical analysis.

[(3) The fee shall be paid at the time the required sample container is obtained from the department, or the department may require payment upon delivery of the sample for testing; only the container provided by the department is acceptable.

[(4) The fee shall be paid by check or money order and shall be payable to the Texas Department of Health. Cash will not be accepted. The analysis will not be performed until payment is received.

[(5) The department will provide only a chemical analysis; verification of compliance with the federal law is the responsibility of the submitting agency.]

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 March 11, 1992.

TRD-9203598

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of
Health

Proposed date of adoption: May 16, 1992

For further information, please call: (512)
834-6640

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 3. Life, Accident & Health Insurance

Subchapter FF. Credit Life and Accident and Health Insur- ance General Provisions

General Provisions

The State Board of Insurance of the Texas Department of Insurance proposes amendments to §§3.5001, 3.5102, 3.5103, 3.5104, 3.5105, 3.5106, 3.5201, 3.5202, 3.5203, 3.5205, 3.5305, 3.5501, 3.5602, 3.5603, 3.5604, 3.5607, 3.5608, 3.5610, 3.5702, 3.5901, 3.5902, 3.5903, 3.5904, 3.5906, 3.6101 and 3.6402. Two new sections are added to the subchapter, §3.5110 and §3.5111. The amendments are necessary to comply with legislative changes in the Insurance Code, Article 3.53, to clarify existing requirements, to inform insurers of filing requirements, and to correct inequities in the current subchapter. Section 3.5001 outlines the statutory authorization for the rule and its scope after legislative amendments. The amendment to §3.5102 eliminates a conflict with §3.5105(b)(7) regarding the time during which a policy must be delivered to the insured. Section 3.5103 requires the mailing address of the insurer to be listed on individual policies or certificates of insurance and replaces the terms "revolving loan" and "charge account" with the term "open end transaction." The circumstances under which refunds will be due are clarified in §3.5104.

Section 3.5105 provides requirements for an enrollment form or notice of proposed insurance and an application. These include a statement that upon acceptance of the insurance by the insurer and not later than 45 days after the date upon which the indebtedness is incurred or, not later than 30 days from the date of application for coverage on an open-end transaction, the policy or certificate of insurance shall be delivered. Further, the section prohibits an insurer from requiring an applicant from certifying that he is not eligible for insurance, but permits the attestation of employment or good health. Section 3.5106 is broadened extensively and specifies provisions necessary to prevent a policy or certificate of insurance from being presumed to be unjust, inequitable, misleading, deceptive or contrary to law or to the public policy of this state. New §3.5110 defines open and closed end transactions which were not previously defined in the subchapter. The form requirements for open end transactions are set out in new §3.5111. Section 3.5201 requires notations on submitted policy forms that will allow the Department to clearly identify rate-regulated credit life and credit accident and health insurance forms. Section 3.5202 eliminates a minimum premium charge. Section 3.5203 requires a change in unearned premium reserve methods to be consistent with refund requirements of §3.5901. Certificates of insurance must be reflective of the provisions of the group policy in accordance with the amendment to §3.5205. Section 3.5305 provides that certain exclusions will not remain effective after termination of the contestable period and amends the age restrictions. Section 3.5501 (B)(ii) allows an insurer to restrict coverage for normal pregnancy and deletes an exception for complications of pregnancy. Such complications fall within the definition of disability which is used for other illnesses. Paragraph (E) of the section clarifies the definition of disability. The amendment to §3.5602 requires submission of requests for a deviated rate within such time as to allow adequate review by the department. The term "plan of insurance" is deleted from §3.5603 for the reason that it is not essential in determining the reasonableness of a deviated rate. Amendments to the remainder of the section make it consistent with the experience reports required under §3.5702. The change in the title of §3.5604 corrects a typographical error. Section 3.5607 requires notification to the department of a change in insurers when an upward deviated rate is in effect. The amendment to §3.5608 deletes obsolete language. Section 3.5610 specifies the form to use in requesting a deviation; the form reflects deletion of the term "plan of insurance." The board has filed copies of such forms with the Office of the Secretary of State, Texas Register Section. Persons wishing to obtain copies of the forms may obtain them from the Texas Department of Insurance, Publications Department, Mail Code 108-5A, P.O. Box 149104, Austin, Texas 78714-9104. Amendments to §3.5702 provide for reporting of data using loan duration and administrative expense and certain references to the new deviation request form. Section 3.5901 changes the method by which premium refunds are calculated, increasing the refunds for accident and health and net

pay life coverage. Insurers are required by §3.5902 to furnish creditors with methods of calculating refunds. Section 3.5903 clarifies the insurer's responsibility for paying refunds, and §3.5904 requires the method of refund to be set out in the policy or certificate of insurance. Insurers are required to use the 15 day rule when computing refunds for partial months in accordance with §3.5906. The method for computing minimum policy reserves is specified in §3.6101. The adjustment does not substantially change the amount of reserves but does bring the reserve basis into agreement with the minimum standards for reserves as set forth in Article 3.28. Section 3.6402 is a savings clause.

Max Ryan, director of the credit life and credit accident and health section, has determined that, for the first five-year period the proposed sections will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections, except for those small insurers complying with the law. The cost to large insurers and small insurers will be the same per hour of labor. There will be no effect on local employment or local economy. The fiscal impact to insurers complying with the amendments will be approximately \$1,000 in the first year for printing and filing policy forms. The cost of producing new forms and filing them for department approval is an insurer-related cost. The proposed change in refund methods will cause a significant increase of varying magnitude in the unearned premium for credit accident and health insurance and an increase in the unearned premium for credit net pay insurance, upon prepayment of indebtedness. The extent to which the proposed amendments will yield greater or lesser control of costs for any particular insurer will depend on the manner utilized by the insurer in achieving compliance.

Mr. Ryan also has determined that, for each year of the first five years the amendments are in effect, the public benefit anticipated as a result of enforcing the sections is the conformity of this subchapter to legislative revisions of the Insurance Code, Article 3.53. Also there will be a more efficient means of identifying forms for use in writing credit life and credit accident and health insurance. The department will receive information in a more complete manner, thus enabling staff to efficiently review provisions. Several provisions require more complete disclosure to insureds, thus better informing them about the product being purchased, and certain provisions require more equitable refund methods. There will be no effect on small businesses. There will be no anticipated economic cost to persons required to comply with the sections as proposed.

Comments on the proposal may be submitted to Max Ryan, director, credit life and credit accident and health insurance, Mail Code 106-1C, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104.

• 28 TAC §3.5001

The amendment is proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appro-

priate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.5001. Authority and Scope. This subchapter of the rules and regulations of the Texas Department [State Board] of Insurance is promulgated and adopted pursuant to the authority provided in the Insurance Code, Article 3.53, §12, as amended. The rules and regulations in this subchapter apply to all life insurance and all accident and health insurance sold in connection with loans and other credit transactions [of less than five years duration], the premium for which is charged to or paid for in whole or in part either directly or indirectly by the debtor, regardless of the nature, type, or plan of the credit insurance coverage or premium payment system, which shall include any such credit insurance which purports to be on a "cost free", "no cost", "give away", or other "no charge" basis insofar as a debtor is concerned, but shall not apply to:

(1) Insurance issued or sold in connection with a loan or other credit transaction of more than 10 years' duration;

(2) Insurance issued or sold in connection with a credit transaction that is:

(A) secured by a first mortgage or deed of trust; and

(B) made to finance the purchase of commercial real property or the construction of or improvement to a building other than a single family dwelling on the real property if the purchase, construction, or improvement is secured by a lien on the real property, or to refinance a credit transaction made for those purposes; or

(3) Insurance issued or sold as an isolated transaction on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor [the issuance of such insurance by an insurance company as an isolated transaction which is not related to any agreement or plan for insuring debtors of the creditor or credit insurance the premium for which is not charged to or paid for in whole or in part either directly or indirectly by the debtor. This subchapter of the rules and regula-

tions of the State Board of Insurance is supplementary to and cumulative of existing statutes and rules of the State Board of Insurance which affect the functioning of the Credit Life Section. In case of an ambiguity or contradiction between these sections and any statute, the provisions of the statute control].

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 March 16, 1992.

TRD-9203802 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Proposed date of adoption: April 20, 1992

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

Applications and Policies

• 28 TAC §§3.5102-3.5106, 3.5110, 3.5111

The amendments and new sections are proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.5102. Delivery to Debtor [When Indebtedness Incurred]. All credit life insurance and credit accident and health insurance shall be evidenced by an individual policy, or in the case of group insurance by a certificate of insurance, which in either case shall be delivered to the debtor [at the time the indebtedness is incurred].

§3.5103. Policy Provisions. Each individual policy or group certificate of credit life insurance or credit accident and health insurance delivered or issued for delivery in this state shall, in addition to the other requirements of law, set forth:

(1) the name and home office mailing address of the insurer, and on group certificates of insurance, an identification of the master policy;

(2) (No change.)

(3) the full amount of premium or the total identifiable insurance charge, if any, to the debtor, stated separately for

credit life insurance and for credit accident and health insurance; however, if the indebtedness is an open-end transaction [revolving loan or charge account], there must be set forth, separately for credit life [insurance] and credit accident and health insurance, the rate of insurance charge [premium] or payment per unit of coverage and how each charge [premium] is derived;

(4) (No change.)

(5) the effective date of insurance, and the termination date of insurance. The termination date shall not extend more than 15 days beyond the scheduled maturity date of the indebtedness except when extended without additional cost to the debtor. If the indebtedness is an open-end transaction, [revolving loan or charge account] in lieu of the termination date, the conditions of termination shall be set forth;

(6) (No change.)

(7)-(9) (No change.)

§3.5104. Benefits and Refunds.

(a) Refunds will be due as follows:

(1) If an accident and health insurance claim is in progress at the time of discharge of the indebtedness, such claim shall continue during the originally scheduled term of insurance, as if there had been no such discharge of indebtedness. Upon the termination of such continuing claim within the originally [original] scheduled term of insurance, a refund shall be made of any then unearned premium. If, however, the indebtedness is prepaid by a lump sum disability benefit or if the insurer elects, during the pendency of an accident and health insurance claim, to prepay and discharge the full remaining balance due thereon immediately in one payment, the accident and health premium paid or then due and payable to the insurer is earned and no refund is required. However, in such instances, the credit life premium is not deemed earned and shall be refunded in accordance with §§3.5901-3.6000 of this title (relating to Premium Refunds).

(2) In the case of termination of credit life insurance in which death benefits are not payable due to exclusions in the policy, the insurer will refund the gross premium paid for credit life insurance and the unearned credit accident and health premium in accordance with §§3.5901-3.6000 of this title (relating to Premium Refunds).

(3) In the case of termination of credit life insurance by payment of death benefits, the life insurance premiums paid or then due and payable to the insurer are deemed earned and no refund

thereof is required; however, in such instances the credit accident and health insurance premium is not deemed earned and shall be refunded to the second beneficiary in accordance with §§3.5901-3.6000 of this title (relating to Premium Refunds) [during the pendency of an accident and health insurance claim the insurer elects to prepay and discharge the full remaining balance due thereon immediately in one payment, the accident and health premium paid or then due and payable to the insurer is earned and no refund is required. In the case of termination of credit life insurance in which death benefits are not payable due to the exclusions in the policy, the insurer will refund the unearned premium in accordance with §§3.5901-3.6000 of this title (relating to Premium Refunds). In the case of termination of credit life insurance by payment of death benefits, the life insurance premiums paid or then due and payable to the insurer are deemed earned and no refund thereof is required; however, in such instances the accident and health insurance premium is not deemed earned and refunded to the second beneficiary in accordance with §§3.5901-3.6000 of this title (relating to Premium Refunds)].

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

§3.5105. Application Provisions.

(a) (No change.)

(b) Every [such] application, enrollment form or notice of proposed insurance, shall provide for the signature of [be signed by] the debtor and shall set forth:

(1) the name and home office mailing address of the insurer, and on notices of proposed group insurance, debtor's applications for group insurance or enrollment forms for group insurance, an identification of the master policy;

(2)-(5) (No change.)

(6) a brief description of the coverage applied for; and

(7) a statement that upon acceptance of the insurance by the insurer and not later than 45 [30] days after the date upon which the indebtedness is incurred (or, if the indebtedness is an open-end transaction, not later than 30 days from the date of application for coverage) the insurer shall cause the individual policy or the group certificate of insurance to be delivered to the debtor, and that if the insurance is not accepted by the insurer or by a substituted insurer as authorized by the Insurance Code, Article 3.53, §6E, then any insurance charge made for such [proposed] insurance shall be fully refunded and the creditor shall immediately give written notice to such debtor and shall promptly make an appropriate credit to the debtor's account in accordance with the Insurance Code, Article 3.53, §8C; and

[(8) a space indicated as the space for required signature by the debtor].

(c) (No change.)

(d) There shall be no requirement, and no place in the application for an applicant, for credit life and/or credit accident and health insurance, to acknowledge that he/she is not eligible for the insurance under any conditions.

(e) If eligibility conditions of employment and/or good health are required, the debtor's application shall contain a space for the debtor's and/or joint debtor's signatures whereby they can attest to those specific conditions of eligibility.

§3.5106. Prohibited Provisions and Practices.

(a) The policy or certificate of insurance shall not contain provisions which would encourage misrepresentation or are unjust, unfair, inequitable, misleading, deceptive or contrary to law or to the public policy of this state. A policy, certificate of insurance, notice of proposed insurance, application for insurance, endorsement and rider filed with the commissioner shall be presumed to be unjust, unfair, inequitable, misleading, deceptive, or to encourage misrepresentation unless:

(1) Printed material is in 12 point type;

(2) Each policy or certificate of insurance contains provisions substantially as follows:

(A) Grace period—A grace period of 31 days shall be granted to the policyholder or premium payor for the payment of each premium falling due after the first premium. During the grace period, the coverage shall continue in force unless the policyholder or premium payor shall have given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. If the insured shall die during the grace period, the overdue premium may be deducted in any settlement made under the policy.

(B) Entire contract—The policy and any application shall constitute the entire contract between the parties. (This requirement is an optional provision for certificates of insurance.)

(C) Representations by insureds—In the absence of fraud, all statements made by the policyholders or the persons insured shall be deemed representations and not warranties.

(D) Incontestability—

(i) For individual coverage, the policy shall be incontestable after it has been in force during the lifetime of the insured for two years from its date, except for non-payment of premium. No material misstatement made by the applicant in the application for the policy shall be used to contest the validity of the policy, during the contestable period, unless the misstatement is contained in a written statement signed by the applicant, and a copy of the statement is furnished to the applicant or to his beneficiary.

(ii) For group coverage, the validity of the policy shall not be contested by the insurer, except for non-payment of premiums, after it has been in force for two years from its date of issue. No statement made by any person insured under the policy relating to his insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of two years during such person's lifetime and unless it is contained in a written instrument signed by him, a copy of which instrument has been furnished to such person or to his beneficiary.

(E) Misstatement of age—If the age of the debtor has been misstated, and according to the correct age the debtor would not have been eligible for insurance coverage, the company shall specify the method of adjustment to be used. If coverage is inadvertently issued to a debtor who correctly stated his age and his age exceeds the eligibility age, the insurer has the right, within 90 days of the effective date of coverage, to terminate the coverage and refund the full charge for insurance, provided such termination is accomplished and the appropriate refund is made prior to the incurred date of a claim; otherwise, the coverage remains in full force.

(F) Death benefit claims—When a policy shall become payable upon the death of the insured, settlement shall be made not later than two months after due proof of death is received by the insurer.

(G) Notice of disability claims—Written notice of a claim must be given to the insurer within 20 days after the occurrence or commencement of any loss covered by the policy, or as soon as is reasonably possible. Notice given to any authorized agent of the insurer, with suf-

ficient information to identify the insured, shall be deemed notice to the insurer.

(H) Disability Claim forms—The insurer will furnish to the person making claim, or to the policyholder for delivery to such person, such forms as are usually furnished by it for filing proof of loss. If such forms are not furnished before the expiration of 15 days after the insurer receives notice of any claim under the policy, the person making such claim shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting, within the time fixed in the policy for filing proof of loss, written proof of the occurrence, character, and extent of the loss for which claim is made.

(I) Proofs of loss (disability)—Written proof of loss must be furnished to the insurer within 90 days after the commencement of the period for which the insurer is liable. Subsequent written proofs of the continuation of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require. Failure to furnish proof within such time shall not invalidate or reduce any claim if it was not reasonably possible to furnish proof within such time, provided proof is furnished as soon as reasonably possible, but in no event except in the absence of legal capacity of the claimant, later than one year from the time proof is otherwise required.

(J) Disability claim payments—Benefits payable under the policy for any loss other than loss for which the policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued benefits payable for loss for which the policy provides periodic payment shall be paid (insert period for payment as provided in the policy) during the continuance of the period for which the insurer is liable, and any balance remaining unpaid at the termination of such period shall be paid immediately after receipt of due written proof.

(K) Physical examinations and autopsy—The insurer, at its own expense, shall have the right and opportunity to examine the person of the insured when and as often as it may reasonably require during the pendency of a claim hereunder and to make an autopsy in case of death where it is not forbidden by law.

(L) Legal action—No action at law or in equity shall be brought to recover on the policy prior to the expiration of 60 days after proof of loss has been furnished in accordance with the requirements of the policy. No such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished by the policy.

(b) No provisions in an individual policy or group certificate of insurance pertaining to underwriting rules, conditions of eligibility or issuance, or maximum amounts or terms of insurance may, except as provided in this paragraph or in §3.5106 (a)(2)(E) of this title (relating to Misstatement of Age), be used as the basis for termination or reduction of coverage or the denial of claims.

(1) If the policy or certificate of insurance contains limitations on the maximum amount or term of insurance, the form shall state that if coverage is issued in excess of those limits, the insurer has the right, within 90 days of the effective date of coverage, to reduce the excess coverage and refund the charge for the excess insurance, provided such adjustment is accomplished and the refund is made prior to the incurred date of a claim; otherwise, the coverage remains in force as originally issued.

(2) A policy or certificate of insurance issued in connection with open-end transactions may contain provisions limiting the maximum amount of insurance which may become effective thereunder, and may contain provisions for automatic termination of coverage upon the attainment of a specific age.

(c) No credit accident and health insurance policy or certificate may contain a provision which allows an elimination period or waiting period of less than 14 days before disability coverage shall become payable.

§3.5110. *Open and Closed End Transactions.* The following terms, when used in this subchapter, shall be defined as follows unless the text clearly indicates otherwise:

(1) Open-end transactions or revolving accounts are those in which credit is extended by a creditor under an agreement whereby:

(A) the creditor reasonably contemplates repeated transactions;

(B) the creditor may impose a finance charge from time to time on an outstanding unpaid balance; and

(C) the amount of credit that may be extended to the debtor during the term of the plan (up to any limit set by the creditor) is generally made available to the extent that any outstanding balance is repaid.

(2) Closed-end transactions are credit transactions on other than "open-end transactions" as defined in this section.

§3.5111. *Open-end Transaction Forms.*

(a) The group policy and certificate of insurance shall set forth that the debtor will be furnished a monthly statement which contains the following:

(1) the amount of the debtor's insurance charge, shown separately for credit life and credit accident and health insurance;

(2) the amount of the insured's indebtedness to which the insurance charge rate was applied;

(3) the date the rate was applied;

(4) the period covered by such monthly charge;

(5) notification of any rate change at least one billing period prior to the effective date; and

(6) notification of any pre-established insurance termination date due to underwriting or eligibility guidelines.

(b) The group policy and certificate of insurance shall state that the debtor shall be given written notice of any change of premium rate. Such notice, when received by the debtor, should be attached to the certificate of insurance.

(c) All forms, including the debtor's application and enrollment form, shall contain an identifying form number as required in §3.5201 of this title (relating to filing and approval of forms and rates).

(d) If the disability benefit for an open-end transaction is based upon a minimum payment, then the method of determining the minimum payment must be stated in the forms.

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 March 16, 1992.

TRD-9203803 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Proposed date of adoption: April 20, 1992

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

Filing and Approval of Forms and Rates

• 28 TAC §§3.5201-3.5203, 3.5205

The amendments are proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.5201. *Submission of Form and Rate Filings [Schedules].*

(a) Every insurance company, when submitting a schedule of rates for consideration by the commissioner of insurance, shall identify the rates to be used with the policy form submitted for approval. [In the alternative, specific reference in the case of each submission shall be made to the particular schedule of rates, or portions thereof, which are applicable to the specific policy form.] The face and back page of every form or schedule submitted to the commissioner of insurance for [his] consideration under the Insurance Code, Article 3.53, shall have added to its identifying form number the additional identification: "(3.53)" if the form is an individual life and/or individual accident and health form and used only within the scope of Article 3.53; "(3.53 and 3.50)" if the form is a group life and/or group accident and health form and used only within the scope of Article [Articles] 3.53 [and 3.50]; "(3.53 R.A.)" or "(3.53 O.E.)" if the form is a credit life and/or credit accident and health form and is written on open-end transactions. The designations "(3.53 R.A.)" or "(3.53 O.E.)" may not be used on forms or schedules providing insurance coverage on closed-end transactions. The additional identification, as required above, will only be used on credit life and/or credit accident and health insurance written under the scope of Article 3.53 ["(3.53 and 3.44)" if individual life and used within the scope of Articles 3.53 and 3.44; "(3.53 and 3.70)" if individual accident and health only, and used with the scope of Articles 3.53 and 3.70-1 to 3.70-10. Such additional identification shall appear on issued copies of such forms. At the option of the insurer, existing supplies of policy forms which bear the identification of "(3.53)" only may continue to be used until exhausted and such use will not

be considered improper or considered as a violation of this section].

(b) All form and rate filings are to be filed in accordance with the requirements of 28 TAC §§3.1 to 3.5 of this title (relating to requirements for filing of policy forms, riders, amendments, and endorsements for life, accident and health insurance and annuities).

§3.5202. Reasonable Relation of Benefits to Premiums.

[(a)] As the basic test of the reasonableness of the relation of benefits to the premium charges, to be applied separately by policy form number, it is hereby declared that the benefits of credit life insurance or credit accident and health insurance, individual or group, shall not be considered to be reasonable in relation to the premium charges, unless it can be reasonably anticipated that a loss ratio of "claims incurred" to "earned premiums" is no less than the following:

- (1) credit life: 50%;
- (2) credit accident and health: 60%.

[(b) To defray the initial cost of acquisitions and processing the insurer may require a minimum total premium of \$5.00.]

§3.5203. *Earned Premiums.* "Earned premium" means the total gross premiums which become due the insurance company, without reduction of any kind, except for premiums refunded or adjusted on account of termination of coverage, appropriately adjusted for changes in unearned premium reserve calculated as follows:

(1) for single premium [uniformly decreasing] term life coverage, by the single premium for the remaining term and benefits (rule of anticipation) ["sum-of-the-digits" (Rule of 78's) unearned gross premium method];

(2) for single premium uniformly decreasing disability insurance, by the mean of the "sum of the digits" (rule of 78) and the pro-rata methods, or at the option of the insurer, by the "rule of anticipation" [for single premium level term life coverage by the pro rata unearned gross premium method];

(3) for other coverages, the "rule of anticipation" [for single premium uniformly decreasing disability insurance, by the mean of the "sum-of-the-digits" (Rule of 78's) and the pro rata methods, or, at the option of the insurer, by the single premium for the remaining term and benefits (rule of anticipation)]; and

(4) by another method which produces substantially equal unearned

premium reserves and is approved by the commissioner of insurance" [For other coverages, the actuarial equivalent of paragraph (1), (2), or (3) of this section].

§3.5205. *Policies and Applications.* Any individual policy, application, group policy, group certificate of insurance, or notice of proposed insurance shall be in full compliance with the law and this subchapter. All certificates of insurance shall be reflective of and not in contradiction to the provisions of the group policy.

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 March 16, 1992.

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Presumptively Acceptable Relation of Credit Life Insurance Benefits to Premiums

• 28 TAC §3.5305

The amendments are proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.5305. *Conditions of Life Insurance Benefits.* The foregoing rate test (in §3.5202 of this title (relating to Reasonable Relation of Benefits to Premiums)) for the presumed reasonableness of life insurance benefits in relation to premiums is based upon the following requirements:

(1) that the credit life insurance contract may require submission of the debtor's written and signed evidence of the debtor's insurability or that the debtor be in gainful employment at the time the insurance becomes effective, or both, on a form filed with and approved by the commissioner of insurance, and that such contract contains no conditions for validity of insur-

ance more restrictive than contestability based on material misrepresentation and no exclusions other than for suicide, nonscheduled aircraft, and war or military service hazard. Such [In group life policies, such] exclusions shall not remain effective after termination of the contestable period [of the certificate]. Employment or good health may not be a condition precedent to the payment of claims unless the insurer required the insured to sign an application which stated the applicant was employed and in good health;

(2) that life insurance coverage is provided or offered to all debtors regardless of age; or may contain, at the option of the insurer, age restrictions making debtors ineligible for life coverage if they are 65 or over at the time the indebtedness is incurred or debtors who will have attained age 66 or over on the maturity date of the indebtedness [or to all debtors not older than the applicable age limit. The applicable age limit shall not be less than attained age of 65 years if such limit applies to the age when the insurance attached, or not less than attained age of 66 years if such limit applies to the age on the scheduled maturity date of the debt].

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

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Standards of Benefits For Credit Accident and Health Insurance

• 28 TAC §3.5501

The amendments are proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative policy.

§3.5501. *Standards and Principles for the Application of the Rates.* The standards and principles for the application of the rates set forth for credit accident and health insurance are as follows.

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

(3) The credit accident and health insurance contract may require written and signed evidence of insurability (inclusive of age and gainful employment) and where offered, shall be offered to all eligible debtors, and shall contain:

(A) (No change.)

(B) no provision for validity of insurance more restrictive than contestability based on material misrepresentation and no other provision which excludes or restricts liability in the event of disability caused in a specified manner except that it may contain provisions excluding or restricting coverage in the event of:

(i) (No change.)

(ii) normal pregnancy [except complications of pregnancy];

(iii)-(vi) (No change.)

(C)-(D) (No change.)

(E) for the purpose of total disability insurance, a definition of "total disability" which provides coverage during the first (12) months of such disability even though the insured is able to perform an occupation other than the one he held at the time such disability occurred. During the first (12) months of such disability, the definition of "total disability" must relate such disability to the inability to perform the essential and customary duties of the occupation of the debtor at the time the disability occurred. After such disability continues for more than twelve (12) [12] months, the definition of "total disability" may relate such continuing disability to the inability to perform any occupation for which the debtor is reasonably fitted by education, training, or experience.

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

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Deviation Procedures

• 28 TAC §§3.5602-3.5604, 3.5607, 3.5608, 3.5610

The amendments are proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.5602. *Request for Deviated Presumptive Rate.* A request for a deviated rate must be made in writing and shall include all of the information which is required under these §§3.5601 to 3.5700 of this title (relating to Deviation Procedures). It must be accompanied by a list of the creditors whose experience is the basis for such request, and must be attested to by an officer of the insurer. The use of any rate deviation approved by the commissioner is limited to those creditors whose names appear on such list. No rate deviation may be used unless and until approved by the commissioner in writing. Any request for deviated presumptive rates shall be submitted to the commissioner through the Credit Life and Credit Accident and Health Section in the manner prescribed on Form CI-DRF (§3.5610 of this title (relating to Determination of Deviated Presumptive Case Rates)). **In order to provide the commissioner sufficient time for review, all requests for rate deviations must be submitted a minimum of 30 days prior to the proposed effective date of the deviated rate.**

§3.5603. *Definitions.* The following words and terms, when used in these §§3.5601 to 3.5700 of this title (relating to Deviation Procedures), shall have the following meanings, unless the context clearly indicates otherwise.

[Plan of Insurance—A plan of credit life insurance or plan of credit accident and health insurance as specified in the experience reporting forms for §§3.5701-3.5702 of this title (relating to Experience Calls).]

Account—The aggregate credit life insurance or credit accident and health cov-

erage [for a single plan of insurance] for a single class of business written through a single creditor, or written through [though] more than one creditor under common control or ownership, by the insurer, whether coverage is written on a group or individual policy basis.

Average number of life years—The average of the number of group certificates or individual policies in force each month during the experience period (without regard to multiple coverage) times the number of years in the experience period.

Case—Either a "single account case" or a "multiple account case" as follows:

(A) *Single Account Case*—An account that is at least 25% credible or, at the option of the insurer, any higher percentage as determined by the credibility table. An insurer exercising this option must notify the commissioner, in writing, of the credibility factor it will use to define a "single account case". Once the commissioner is so notified, the credibility factor will remain in effect for the insurer until a different election has been filed in writing by the insurer and approved by the commissioner.

(B) *Multiple Account Cases*—A combination of all the insurer's accounts of the same [plan of insurance and] class of business which combination has experience in this state, excluding all single account cases of the insurer defined in subparagraph (A) of this definition, or with the approval of the commissioner, "multiple account case" also means two or more accounts of the insurer having like underwriting characteristics which are combined by the insurer for premium rating purposes, excluding all "single account cases" as defined in subparagraph (A) of this definition and other "multiple account cases" defined previously.

Class of Business—A class of business as specified in the experience reporting forms for §§3.5701-3.5800 of this title (relating to Experience Calls).

Credibility factor—The degree to which the past experience of a case can be expected to occur in the future. The credibility factor is based either on the average number of life years or the incurred claim count during the experience period as shown in the credibility table following. The [the] (sic) insurer shall notify the commissioner, in writing, which of the two methods it will use in measuring credibility. Once the commissioner is so notified, the method will remain in effect for the insurer until a change has been filed and approved by the commissioner.

Credibility Table [table]

CREDIT LIFE	AVERAGE NUMBER OF LIFE YEARS [CREDIT ACCIDENT AND HEALTH PLANS RETROACTIVE AND NONRETROACTIVE]				INCURRED CLAIM COUNT	CREDIBILITY FACTOR Z
	7 DAY	14 DAY	30 DAY	90 DAY		
	1	1	1	1		
1,800	95	141	209	327	9	.25
2,400	126	188	279	429	12	.30
3,000	158	234	349	536	15	.35
3,600	189	281	419	643	18	.40
4,600	242	359	535	821	23	.45
5,600	295	438	651	1,000	28	.50
6,600	347	516	767	1,179	33	.55
7,600	400	594	884	1,357	38	.60
9,600	505	750	1,116	1,714	48	.65
11,600	611	906	1,349	2,071	58	.70
14,600	768	1,141	1,698	2,607	73	.75
17,600	926	1,375	2,047	3,143	88	.80
20,600	1,084	1,609	2,395	3,679	108	.85
25,600	1,347	2,000	2,977	4,571	128	.90
30,600	1,611	2,391	3,558	5,464	153	.95
40,000	2,106	3,125	4,651	7,143	200	1.00

The integral numbers in the credibility table represent the lower end of the bracket for each z factor. The upper end is one less than the lower end for the next higher z factor.

Earned premium—Premium earned during the experience period at the presumptive rate. If the rate for a case is not the presumptive rate, premium earned at the presumptive rate must be determined in accordance with the conversion method set forth in §§3.5701-3.5702 of this title (relating to Experience Calls) (Forms CI-EP-L, CI-EP-DIS-1/60, and CI-EP-DIS-61/120 [and CI-EP-DIS]) and set out in an attachment by the insurer to its deviation request form.

Incurred claims—The total claims incurred during the experience period, as defined in §3.5204 of this title (relating to Claims Incurred).

Experience—The earned premiums and incurred claims for a single or multiple account case. Experience will be the most recent experience in this state for a [plan of insurance of] a class of business, and may include the experience of the case while with a prior insurer to the extent necessary to achieve credibility.

Experience period—The period of time for which experience is reported, but not for a period longer than three years.

Incurred claim count—The number of claims incurred for the case during the experience period. This means the total number of claims reported during the experience period (whether paid or in the process of payment) plus any incurred but not reported at the end of the experience period less the

number of claims incurred but not reported at the beginning of the experience period. If a debtor has been issued more than one certificate for the same plan of insurance, only one claim is counted. If a debtor receives disability benefits, only the initial claim payment for that period of disability is counted.

§3.5604. Minimum Change [Charge].

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

§3.5607. Termination of Upward Deviated Case Rate. Said authorization shall continue for a period equal to the experience period on which it was based, not to exceed three years, subject however to the provisions of §3.5608 of this title (relating to Annual Review of Deviated Rates). If a change of insurers occurs, an upward deviated single account case rate may be continued by the replacement carrier by giving written notification to the commissioner, within 30 days of the effective date of providing coverage to the account, of the new carrier's intent to continue the upward deviated single account case rate. The period of continuance shall not go beyond the expiration date originally granted to the previous insurer for that account. If a change of insurers occurs, an upward deviated multiple account case rate shall not be continued by the replacement insurer beyond the date the original carrier lost the account unless all of the accounts forming the multiple account pool are taken over. If all

accounts are taken over, the requirements for continuation are the same as mentioned in the preceding paragraph for single account cases.

§3.5608. Annual Review of Deviated Rates. All deviated rates shall be reviewed for each case in accordance with these §§3.5601 to 3.5700 of this title (relating to Deviation Procedures) each year [beginning with the case anniversary date in 1981] for each case. At the time of such review of deviated rates, adjustments may be made in the rates if the commissioner finds that experience shows that an adjustment is appropriate.

§3.5610. Determination of Deviated Presumptive Case Rates.

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

(d) Deviation request form. As required by §3.5602 of this title (relating to Request for Deviated Presumptive Rate) any request for deviated presumptive rates shall be submitted to the Commissioner through the Credit Life and Credit Accident and Health Section in the manner prescribed by [the following form:] form CI-DRF, Credit Insurance Deviation Request Form State of Texas, which is filed with the Office of the Secretary of State, Texas Register Section and incorporated by reference. The form can be obtained from the Texas Department of Insurance, Publications Department, MC 108-5A, P.O. Box 149104, Austin, Texas 78714-9104.

Form CI-DRF: CREDIT INSURANCE DEVIATION REQUEST FORM STATE OF TEXAS
Part A.

NAIC Company Code _____
Company Name _____
Creditor Name _____

This deviation request form must be completed separately for each plan of credit life or credit disability insurance written by the creditor or group of creditors requesting the deviation. Experience of accounts may be combined only within the same plan of benefits and class of business. If experience of accounts is combined, attach a list of those included.

Based on the Experience Period commencing _____ and ending _____
(month/day/year) (month/day/year)

Class of Business:

- A. Commercial Banks, Savings and Loan Associations, and Mortgage Loan Companies.
B. Finance Companies and Small Loan Companies.
C. Credit Unions
D. Production Credit Associations (Agricultural and Horticultural P.C.A.s)
E. Dealers (Auto and Truck Dealers, Other Dealers, Retail Stores, etc.)
F. Other than A thru E (Specify _____)

Plan of Benefits: () Credit Life, Death Benefits Only
() Credit Disability

_____ days
_____ retro _____ non retro

FORM CI-DRF: PART B—Case Experience

	19__	19__	19__	Total
1. Actual Earned Premiums	_____	_____	_____	_____
a. Net Written Premiums*	_____	_____	_____	_____
b. Premium Reserve Beginning of Period	_____	_____	_____	_____
c. Premium Reserve, End of Period	_____	_____	_____	_____
d. Earned Premiums, (a + b - c)	_____	_____	_____	_____
2. Earned Premiums at Presumptive Rates	_____	_____	_____	_____
3. Incurred Claims				
a. Claims Paid	_____	_____	_____	_____
b. Unreported Claims, Beginning of Period	_____	_____	_____	_____
c. Unreported Claims, End of Period	_____	_____	_____	_____
d. Claim Reserve, Beginning of Period	_____	_____	_____	_____
e. Claim Reserve, End of Period	_____	_____	_____	_____
f. Incurred Claims, (a - b + c - d + e)	_____	_____	_____	_____
4. Actual Loss Ratio For Case at Presumptive Rates: 3(f) ÷ 2	_____	_____	_____	_____
5. Average Number of Life Years**	_____	_____	_____	_____

6. Incurred Claim Count** 19__ 19__ 19__ Total

* Net written premiums are to be determined as Gross Premium written (before deduct for dividends and experience rating credits) less refunds on terminations.

** Entries on 5. or 6. should be based on the Credibility Table elected by the Insurer.

FORM CI-DRF: Part C—Determination of Deviated Presumptive Case Rate

(a) Single Account Cases: If the account is 100% credible or if it is within the definition of a single account case as filed by the insurer, the deviated presumptive case rate for the account will be determined by the appropriate formula set forth in (c) below

(b) Multiple Account Cases: If the account is a multiple account case, the deviated presumptive case rate for the account will be the case rate for that multiple account case determined by the appropriate formula set forth in (c) below

(c) Calculation of Deviated Presumptive Case Rates

(i) Symbols and Definitions: NCR = New Case Rate

PFR = Presumptive Rate

ALR = Actual Loss Ratio for Case at Presumptive Rate Basis

ELR = Expected Loss Ratio at Presumptive Rate Basis

z = Credibility Factor for Case

CLR = Credibility Adjusted Case Loss Ratio at Presumptive Basis

= z (ALR) + (1 - z) (ELR)

(ii) New Case Rate: Credit Life Insurance

(A) If the CLR is greater than ELR, NCR = PFR [1 + 1.1 (CLR - ELR)]

(B) If CLR is less than ELR, NCR = PFR [1 - (ELR - CLR)]

(iii) New Case Rate: Credit Disability Insurance

(A) If CLR is greater than ELR, NCR = PFR [1 + 1.15 (CLR - ELR)]

(B) If CLR is less than ELR, NCR = PFR [1 - (ELR - CLR)]

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

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Experience Calls

• 28 TAC §3.5702

The amendment is proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize

and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.5702. Instructions for Preparing Forms.

(a) Identification of forms:

FORM	DESCRIPTION
CI-I-PR	Inventory Information Form Presumptive Rates
CI-I-DR	Inventory Information Form Deviated Rates
CI-EX-L	Credit Life Insurance Experience Report Form
CI-EX-DIS	Credit Disability Insurance Experience Report Form
CI-EP-L	Earned Premiums Credit Life Insurance
<u>CI-EP-DIS-1/60</u>	<u>Earned Premiums Credit Disability Insurance - Loan Durations 1 to 60</u>
<u>CI-EP-DIS-61/120</u>	<u>Earned Premiums Credit Disability Insurance - Loan Durations 61 to 120</u>
[CI-EP-DIS	Earned Premiums Credit Disability Insurance]
CI-R-L	Reconciliation to State Page Credit Life
CI-R-DIS	Reconciliation to State Page Credit Disability

(d) Experience period.

(1) The experience period will consist of a maximum of three calendar years [except that in the first and second years after implementation of §§3.5701 to 3.5800 of this title (relating to Experience Calls), the experience period may, at the insurer's option, include only one or two year's experience, respectively. Thereafter, three years experience will be required].

(2) Data included in this report is to be the direct business, of the current insurer, only, without adjustment for reinsurance assumed or ceded. The data is to be limited to credit life and credit accident and health insurance in force or written directly in the State of Texas on loans or other credit transactions of 120 months or less duration.

(e) Inventory forms (CI-I-PR and CI-I-DR). The purpose of these forms is to

identify all classes, loan durations, and plans of credit insurance on which the insurer either wrote any premium or held any unearned premium reserves during the year. Check all boxes in which either any premium was written or any unearned premium reserves were held during the year. For any boxes checked, appropriate forms as listed in subsection (a) of this section must be filed with the commissioner. A separate form CI-I-PR (or CI-I-DR if appropriate) must be filled out for each class of business (A,B,C,D,E, or [and] F) and loan duration as indicated at the top of forms CI-I-PR and CI-I-DR.

(f) Experience forms (CI-EX-L and CI-EX-DIS). The purpose of these forms is to provide statewide experience data in order to determine if the benefits provided under contracts of credit insurance are reasonable in relation to premiums charged in order that the board may discharge its statu-

These forms are filed with the Office of the Secretary of State, Texas Register Section, and incorporated by reference. They can be obtained from the Texas Department of Insurance, Publications Department, MC 108-5A, P.O. Box 149104, Austin, Texas 78714-9104.

(b) Calculations and work papers. Copies of all calculations, work papers and other data used in preparing these forms are not to be mailed to the Texas Department [State Board] of Insurance unless requested, but must be maintained at the home office of the company and be available for examination by the commissioner of insurance.

(c) Copies of forms. The forms listed in subsection (a) of this section should be reproduced as needed so as to provide for separate reports prescribed by these §§3.5701 to 3.5800 of this title (relating to Experience Calls).

tory obligations for the supervision of credit insurance operations under the Insurance Code, Article 3.53. A separate form CI-EX-L or CI-EX-DIS must be filed for each class of business, loan duration, and [each] plan of benefits.

(1) Earned premiums.

(A) Line 1a Net written premiums. Net premiums to be shown on line 1a are to be determined as follows: Gross premium written (before deductions for dividends and experience rating credits) less refunds on terminations.

(B) Line 1d Actual earned premiums. The total of all premiums earned at the premium rates actually charged and in force during the experience period.

(C) Line 1e Earned premiums at presumptive rate. Actual earned premiums adjusted (on form CI-EP-L, CI-EP-DIS-1/60, or CI-EP-DIS-61/120 [or CI-EP-DIS]) to the amount which would have been earned had the premium rate during the experience period been equal to the [current] presumptive rate in effect at the end of the reporting period. Note that if premiums in force differ from the [current] presumptive rate in effect at the end of the reporting period, line 1d will not equal line 1e.

(2) Mean insurance in force, line 4 Form CI-EX-L.

(A) Particular care should be exercised to assure sufficiently accurate results in determining the amounts of "mean insurance in force".

(B) The average of the monthly amounts should be calculated and entered as the mean insurance in force on line 4. Exclude reinsurance assumed and do not deduct any ceded. For joint coverage, the amount of insurance in force shall equal twice the death benefit.

(3) Administration expense, Line 6 of (Form CI-EX-L) or Line 4 of (Form CI-EX-DIS). The expenses for administration shall include general administrative expenses, loss settlement expenses, and reasonable acquisition costs; however, it shall not include amounts for commissions or experience rating credits. The administrative expenses are to be reflected separately for each class of business, loan duration, and plan of benefits, as indicated at the top of either Form CI-EX-L or CI-EX-DIS. The administrative expenses should corre-

spond to those shown in Exhibit 5 and Exhibit 6 of the Annual Statement; however, they shall be limited to those expenses incurred for administration of credit business in the State of Texas, which was written under the scope of Article 3.53.

(g) Earned premium forms (CI-EP-L, CI-EP-DIS-1/60, and CI-EP-DIS-61/120 [and CI-EP-DIS]).

(1) The purpose of these forms is to convert actual earned premiums to the amount of premiums which would have been earned had all business been written at the current presumptive rate.

(2) Form CI-EP-L is applicable to credit life insurance, Form CI-EP-DIS-1/60 is applicable to credit disability insurance written in connection with loan durations of 1 to 60 months, and Form CI-EP-DIS-61/120 is applicable to credit disability insurance written in connection with loan durations of 61 to 120 months. Note that forms CI-EP-L, CI-EP-DIS-1/60 and CI-EP-DIS-61/120 should be reproduced as needed to correspond to the class of business, loan duration and plan of benefits, as shown on the corresponding Form CI-EX-L or CI-EX-DIS [and Form CI-EP-DIS is applicable to credit disability insurance].

(A) General.

(i) A form CI-EP-L or either CI-EP-DIS-1/60 or CI-EP-DIS-61/120, as applicable, [CI-EP-DIS] must be completed for each Form CI-EX-L or CI-EX-DIS where the presumptive earned premium differs from the actual earned premium. More than one form may be required when more than one year's data is presented, due to changes in the presumptive rates or other factors.

(ii) Actual earned premiums are to be converted to presumptive earned premiums by the use of a conversion factor which is the ratio of the presumptive premium rate to the actual premium rate. This conversion must be performed for each premium rate with premiums in force during the experience period.

(iii) The overall totals presented on Form CI-EP-L, CI-EP-DIS-1/60 or CI-EP-DIS-61/120 [or CI-EP-DIS] must agree to the appropriate lines on the Form CI-EX-L or CI-EX-DIS to which they are attached.

(iv) Note that [both] Form CI-EP-L, Form CI-EP-DIS-1/60 and Form CI-EP-DIS-61/120 [and Form CI-EP-DIS] include actual earned premium at presumptive rate on line A. This data is for balancing purposes only, and in no way

indicates that Form CI-EP-L, CI-EP-DIS-1/60 or CI-EP-DIS-61/120 [or CI-EP-DIS] must be completed if actual earned premium is equal to presumptive earned premium.

(B) Form CI-EP-L--credit life insurance.

(i) Presumptive earned premium (Column 4 [5]) is the product of actual earned premium (Column 1) times the conversion factor (Column 2/Column 3).

(ii) See also subparagraph (A)(iii) of this paragraph.

(C) Forms CI-EP-DIS-1/60 and CI-EP-DIS-61/120--credit disability insurance.

(i) Since deviated rates generally can be expressed as a percentage of the presumptive rates, the conversion factor will tend to be constant for all periods. When using Form CI-EP-DIS-1/60, the [The] conversion factor to be utilized is the average of three ratios taken between presumptive and actual rates for 12, 24, and 36-month terms. When using Form CI-EP-DIS-61/120 the conversion factor to be utilized is the average of three ratios taken between presumptive and actual rates for 72, 84, and 96-month terms. The sum of these ratios, divided by three, becomes the conversion factor.

(ii) Presumptive premium rates are to be presented on Line A, Columns 2-4 of Form CI-EP-DIS-1/60 or CI-EP-DIS-61/120, as applicable [Form CI-EP-DIS, Line A, Columns 2-4]. All ratios (Line b) are to be calculated by dividing Line A by Line a.

(iii) These forms [This form] should be reproduced as necessary to present the required conversion for all premium rates in force during the experience period.

(iv) See also subparagraph (A)(iii) of this paragraph.

(h) Reconciliation forms (CI-R-L and CI-R-DIS).

(1) (No change.)

(2) Form CI-R-L is applicable to credit life insurance and Form CI-R-DIS is applicable to credit disability insurance.

(A)-(B) (No change)

(C) This form should be reproduced as necessary to include all forms CI-EX-L [or CI-EX-L] or CI-EX-DIS.

FORM CI-I-PR: INVENTORY—CREDIT LIFE AND DISABILITY: PRESUMPTIVE RATES
 NAIC COMPANY CODE: _____
 COMPANY NAME: _____

- CLASS OF BUSINESS: (check one)
 A. Commercial Banks, Savings & Loan Assn. & Mortgage Loan Companies
 B. Finance Companies and Small Loan Companies
 C. Credit Unions
 D. Production Credit Associations (Agricultural & Horticultural P.C.A.'s)
 E. Dealers (Auto & Truck Dealers, Other Dealers, Retail Stores, etc.)
 F. Other than A thru E (Specify: _____)

SINGLE LIFE—PLAN OF BENEFITS 19__ 19__ 19__
 SINGLE PREMIUM:
 REDUCING TERM
 LEVEL TERM
 OUTSTANDING BALANCE:
 REVOLVING ACCOUNT
 OTHER THAN REVOLVING ACCOUNT
 JOINT LIFE—PLAN OF BENEFITS 19__ 19__ 19__
 SINGLE PREMIUM:
 REDUCING TERM
 LEVEL TERM
 OUTSTANDING BALANCE:
 REVOLVING ACCOUNT
 OTHER THAN REVOLVING ACCOUNT
 DISABILITY—PLAN OF BENEFITS 19__ 19__ 19__
 SINGLE PREMIUM:
 7 DAY RETRO
 14 DAY RETRO
 30 DAY RETRO
 14 DAY NON-RETRO
 30 DAY NON-RETRO
 90 DAY NON-RETRO
 OUTSTANDING BALANCE REVOLVING ACCOUNT 19__ 19__ 19__
 7 DAY RETRO
 14 DAY RETRO
 30 DAY RETRO
 14 DAY NON-RETRO
 30 DAY NON-RETRO
 90 DAY NON-RETRO
 OUTSTANDING BALANCE OTHER THAN REVOLVING ACCOUNT 19__ 19__ 19__
 7 DAY RETRO
 14 DAY RETRO
 30 DAY RETRO
 14 DAY NON-RETRO
 30 DAY NON-RETRO
 90 DAY NON-RETRO

FORM CI-I-DR: INVENTORY—CREDIT LIFE AND DISABILITY-DEVIATED: RATES
 NAIC COMPANY CODE: _____
 COMPANY NAME: _____

- CLASS OF BUSINESS: (check one)
 A. Commercial Banks, Savings & Loan Assn. & Mortgage Loan Companies
 B. Finance Companies and Small Loan Companies
 C. Credit Unions
 D. Production Credit Associations (Agricultural & Horticultural P.C.A.'s)
 E. Dealers (Auto & Truck Dealers, Other Dealers, Retail Stores, etc.)
 F. Other than A thru E (Specify: _____)

SINGLE LIFE—PLAN OF BENEFITS 19__ 19__ 19__
 SINGLE PREMIUM:
 REDUCING TERM
 LEVEL TERM
 OUTSTANDING BALANCE:
 REVOLVING ACCOUNT
 OTHER THAN REVOLVING ACCOUNT
 JOINT LIFE—PLAN OF BENEFITS 19__ 19__ 19__
 SINGLE PREMIUM:
 REDUCING TERM
 LEVEL TERM
 OUTSTANDING BALANCE:
 REVOLVING ACCOUNT
 OTHER THAN REVOLVING ACCOUNT
 DISABILITY—PLAN OF BENEFITS 19__ 19__ 19__
 SINGLE PREMIUM:
 7 DAY RETRO
 14 DAY RETRO
 30 DAY RETRO
 14 DAY NON-RETRO
 30 DAY NON-RETRO
 90 DAY NON-RETRO

OUTSTANDING BALANCE REVOLVING ACCOUNT 19__ 19__ 19__
 7 DAY RETRO
 14 DAY RETRO
 30 DAY RETRO
 14 DAY NON-RETRO
 30 DAY NON-RETRO
 90 DAY NON-RETRO
 OUTSTANDING BALANCE OTHER THAN REVOLVING ACCOUNT 19__ 19__ 19__
 7 DAY RETRO
 14 DAY RETRO
 30 DAY RETRO
 14 DAY NON-RETRO
 30 DAY NON-RETRO
 90 DAY NON-RETRO

FORM CI-EX-L: CREDIT LIFE INSURANCE EXPERIENCE REPORT
 STATE OF TEXAS FOR CALENDAR YEAR _____

NAIC COMPANY CODE: _____
 COMPANY NAME: _____

- CLASS OF BUSINESS: (check one only)
 A. Commercial Banks, Savings & Loan Assn. & Mortgage Loan Companies
 B. Finance Companies and Small Loan Companies
 C. Credit Unions
 D. Production Credit Associations (Agricultural & Horticultural P.C.A.'s)
 E. DEALERS (Auto & Truck Dealers, Other Dealers, Retail Stores, etc.)
 F. Other than A thru E (Specify: _____)

PLAN OF BENEFITS: (check one only)

	Single Lives	Joint Lives	
Single Premium Reducing Term	<input type="checkbox"/>	<input type="checkbox"/>	
Single Premium Level Term	<input type="checkbox"/>	<input type="checkbox"/>	
Outstanding Balance:			
Revolving Account (open end)	<input type="checkbox"/>	<input type="checkbox"/>	
Other Than Revolving Account	<input type="checkbox"/>	<input type="checkbox"/>	
	19__	19__	Total:

1. Actual Earned Premiums

a. Net Written Premiums*	_____	_____	_____
b. Premium Reserve, beginning of period	_____	_____	_____
c. Premium Reserve, end of period	_____	_____	_____
d. Actual Earned Premiums (a + b - c)	_____	_____	_____
e. Earned Premiums at presumptive rate (form CI-EP-L)	_____	_____	_____
2. Incurred Claims			
a. Claims paid	_____	_____	_____
b. Unreported Claims, beginning of period	_____	_____	_____
c. Unreported Claims, end of period	_____	_____	_____
d. Claim Reserve, beginning of period**	_____	_____	_____
e. Claim Reserve, end of period**	_____	_____	_____
f. Incurred Claims (a - b + c - d + e)	_____	_____	_____
3. Loss Ratios			
a. Actual Loss Ratio (2f - 1d)	_____	_____	_____
b. Loss Ratio at presumptive rate (2f - 1e)	_____	_____	_____
4. Mean Insurance in force*	_____	_____	_____
Losses per \$ 100 mean insurance in force	_____	_____	_____
5. (100 x 2f) - Item 4	_____	_____	_____
6. Losses per \$ 100 initial amount on basis of 12 months policy	_____	_____	_____
(13) x Item 5***	_____	_____	_____
(24)	_____	_____	_____

*See Instructions.
 **Must take into account reported claims due but unpaid.
 ***To be completed for reducing term insurance only.
 NOTE: Mean Insurance In Force shall be used in arriving at the state-wide loss ratios for purposes of developing presumptive premiums rates.

FORM CI-EX-DIS: CREDIT DISABILITY INSURANCE EXPERIENCE REPORT STATE OF TEXAS FOR

CALENDAR YEAR _____

NAIC COMPANY CODE: _____

COMPANY NAME: _____

CLASS OF BUSINESS: (check one only)

- A. Commercial Banks, Savings & Loan Assn. & Mortgage Loan Companies
- B. Finance Companies and Small Loan Companies
- C. Credit Unions
- D. Production Credit Associations (Agricultural & Horticultural P.C.A.'s)
- E. Dealers (Auto & Truck Dealers, Other Dealers, Retail Stores, etc.)
- F. Other than A thru E (Specify: _____)

PLAN OF BENEFITS: (check one only)

- | | | |
|--------------------------------------------------------------------|----------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> SINGLE PREMIUM | <input type="checkbox"/> OUTSTANDING BALANCE | |
| <input type="checkbox"/> 7 day Retro. | <input type="checkbox"/> 7 day Non-Retro. | <input type="checkbox"/> 30 day Non-Retro. |
| <input type="checkbox"/> 14 day Retro. | <input type="checkbox"/> 14 day Non-Retro. | <input type="checkbox"/> 90 day Non-Retro. |
| <input type="checkbox"/> Revolving Account (open-end) Indebtedness | | |
| <input type="checkbox"/> Other Than Revolving Account Indebtedness | | |

	19__	19__	19__	Total
1. Earned Premiums				
a. Net Written Premiums*	_____	_____	_____	_____
b. Premium reserve, beginning period	_____	_____	_____	_____
c. Premium reserve, end of period	_____	_____	_____	_____
d. Actual earned premiums (a + b - c)	_____	_____	_____	_____
e. Earned Premiums at presumptive rate (form CI-EP-DIS)	_____	_____	_____	_____
2. Incurred Claims				
a. Claims paid	_____	_____	_____	_____
b. Unreported claims, beginning of period**	_____	_____	_____	_____
c. Unreported claims, end of period**	_____	_____	_____	_____
d. Claim reserve, beginning of period***	_____	_____	_____	_____
e. Claim reserve, end of period***	_____	_____	_____	_____
f. Incurred Claims (a - b + c - d + e)	_____	_____	_____	_____
3. Loss Ratios				
a. Actual loss ratio (2f/1d)	_____	_____	_____	_____
b. Loss ratio at presumptive rate (2f/1e)	_____	_____	_____	_____

*See Instructions.

**Must take into account unreported claims due but unpaid and pending but not due.

***Must take into account reported claims due but unpaid and pending but not due.

FORM CI-EP-L:

CREDIT LIFE INSURANCE EXPERIENCE REPORT

STATE OF TEXAS

PRESUMPTIVE EARNED PREMIUM

Class of Business _____ Calendar Year 19____

Premium Mode _____ Plan of Benefits _____

CREDIT LIFE INSURANCE

	Actual Earned Premiums Col. 1	Presumptive Rate Col. 2	Actual Premium Rate Col. 3	Presumptive Earned Premiums Col. 4
A. Earned premiums at presumptive rate	_____	XXXX	XXXX	_____
B. Earned Premiums at other than presumptive rates:				
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
Totals	_____	XXXX	XXXX	_____
		To Form CI-EX-L Line 1d.	To Form CI-EX-1 Line 1e.	

CI-EP-DIS:

CREDIT DISABILITY INSURANCE EXPERIENCE REPORT

STATE OF TEXAS

PRESUMPTIVE EARNED PREMIUM

Class of Business _____ Calendar Year 19____

Premium Mode _____ Plan of Benefits _____

	Actual Earned Premium	Premium Rates:			Presumptive Earned Premium
		12	24	36	
		mo.	mo.	mo.	
	Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
A. Earned Premium at presumptive rate					
B. Other Premium at other than presumptive rate:					
1.					
a. Actual Rate	XXX	---	---	---	XXX
b. Ratio	XXX	---	---	---	XXX
c. Earned Premium					
2.					
a. Actual Rate	XXX	---	---	---	XXX
b. Ratio	XXX	---	---	---	XXX
c. Earned Premium					
3.					
a. Actual Rate	XXX	---	---	---	XXX
b. Ratio	XXX	---	---	---	XXX
c. Earned Premium					
Totals		XXX	XXX	XXX	

To Form CI-EX-DIS Line 1d.

To Form CI-EX-DIS Line 1e.

CI-R-L

**CREDIT LIFE INSURANCE EXPERIENCE
RECONCILIATION TO STATE PAGE
STATE OF TEXAS**

FOR THE CURRENT YEAR 19___

	Premiums			Claims
	Written (Line 1a)	Earned (Line 1d)	Paid (Line 2a)	Incurred (Line 2f)
Credit Life:				
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Total life	===	===	===	===

Annual Statement

Page 46, Lines 4, 19, & 21

Explain any differences between "Total Life" and corresponding amounts on page 46 (Line 4 Col. 2, Line 19 Col. 2, and Line 21 Col. 2).

Note that "Total Life" amount for Earned Premiums is not reported on Page 46 of the Texas Annual Statement.
CI-R-DIS

**CREDIT DISABILITY INSURANCE EXPERIENCE
RECONCILIATION TO STATE PAGE
STATE OF TEXAS**

FOR THE CURRENT YEAR 19___

	Premiums			Claims
	Written (Line 1a)	Earned (Line 1d)	Paid (Line 2a)	Incurred (Line 2f)
Credit Disability:				
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Page ___ of ___	---	---	---	---
Total Disability	===	===	===	===

Annual Statement

Page 46, Line 29

Explain any differences between "Total Disability" and corresponding amounts on page 46 (Line 29, Cols. 1, 2, 3, 4 and 5).

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 March 16, 1992.

TRD-9203808 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Proposed date of adoption: April 20, 1992

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

Premium Refunds

• 28 TAC §§3.5901-3.5904, 3.5906

The amendments are proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.5901. Refund of Unearned Premiums. With respect to policies issued and certificates delivered after the effective [operative] date of these sections:

(1) the refund of an unearned amount paid by or charged to a debtor for [reducing term] credit life insurance, or for credit accident and health insurance, on which charges to the debtor are payable by other than a single sum[, and for level term credit life insurance] must not be less than the pro rata gross unearned amount charged;

(2) the refund of an unearned amount paid by or charged to a debtor for [reducing term] credit life insurance, or for credit accident and health insurance, on which the insurance charges to the debtor are paid in a single sum must be computed by the rule of anticipation, as defined in §3.6101(c) of this title (relating to policy reserves), or by another method which produces a substantially equal amount and is approved by the commissioner of insurance. [not be less than the amount computed by the "sum of the digits" formula, commonly known as the "Rule of 78]."

§3.5902. Procedures for Payment of Refunds. Upon termination of insurance prior to maturity, and in accordance with

the refund formulas prescribed herein, and in accordance with the insurer's established refund procedures, each insured debtor shall receive from the insurer any refund of unearned identifiable insurance charge either in cash, by check, or by credit to and against the insured debtor's indebtedness (provided that such credit shall be applied only to the indebtedness to which the insurance charges are attributable). Insurers shall be responsible for the establishment of procedures by which refunds or credits are to be made, and shall furnish to the creditors schedules or methods for the calculation of refunds or credits [for refunds or credits] to be made in the event of termination of insurance. Insurers shall also furnish instructions to creditors with respect to the duties in making of such refunds or credits.

§3.5903. Responsibility for Refunds. Where insurance charges or premiums were paid by or charged to the debtor, [and such funds are paid to] the insurer is responsible for making the refund to the debtor (or to the debtor's estate). Where discharge of the insurer's responsibility for completion of such refunds is delegated by the insurer to the creditor, the actions of such creditor will be deemed by the commissioner of insurance to be acts of the insurer.

§3.5904. Refund Formula in Policy. The requirement for filing refund formulas will be satisfied if the formulas are set forth in the individual policy or group policy filed with the commissioner of insurance and not disapproved. All individual policies and certificates of insurance shall contain a description of the method used to calculate the refund of unearned premiums. [If the appropriate refund formula is the "sum-of-the-digits" formula, commonly known as the "Rule of 78's", it shall be sufficient to so refer to such formula by either description in the policy.]

§3.5906. Treatment of Partial Months. In calculating refunds upon termination, no charge for credit insurance may be made for the first 15 days of a loan month, and a full month may be charged for 16 days or more of a loan month [such refunds, partial months may be treated as though the insurance had terminated on the last day of the premium month in which the refund is due, or, at the option of the insurer, the "15-day rule" may be used].

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 March 16, 1992.

TRD-9203809 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Proposed date of adoption: April 20, 1992

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

Subchapter

Policy and Claims Reserves

• 28 TAC §3.6101

The amendment is proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.6101. Policy Reserves.

(a) Except as provided in §3.6102 of this title (relating to Claims Reserves [R]), the minimum reserves for premium refunds required by these rules [sections] and the payment of benefits under outstanding credit life insurance policies and certificates may not be less in the aggregate than reserves computed on 150% of the Commissioners 1980 Standard Ordinary Mortality Table with interest not to exceed 5.5% [130% of the reserves computed on the 1958 CSO Mortality Table with interest not to exceed 5.5%; or, at the option of the company, such reserves may be maintained at 100% of the reserves computed on the 1941 CSO Mortality Table or the 1958 CET Mortality Table with interest not to exceed 5.5%].

(b) If the aggregate gross premiums charged for the outstanding certificates issued under any group policy of credit life insurance are not greater than the aggregate of the corresponding tabular net premiums computed on the 1958 CSO Mortality Table with interest not to exceed 5.5%, the minimum reserves required for such certificates may not be less in the aggregate than 100% of the reserves computed on such table].

(b)[(c)] The reserve for credit accident and health insurance or disability insurance which has an effective date after December 31, 1980, may not be less than the product rounded to the next higher dollar of the gross presumptive single premium rate per \$100 of insured indebtedness for the term of the indebtedness remaining as of the valuation date times the number of hun-

dreds of dollars of indebtedness outstanding as of the valuation date (herein called the Rule of Anticipation) or, as an alternative and at the option of the insurer, the mean of the gross unearned premium calculated by the "sum of the digits" (Rule of 78) [(Rule of 78's)] and the pro rata methods. The reserve for such insurance which has an effective date prior to January 1, 1981, may not be less than the gross unearned premium calculated by the sum of the digits (Rule of 78) [(Rule of 78's)] method.

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 March 16, 1992.

TRD-9203810 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Proposed date of adoption: April 20, 1992

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

Effective Date, Savings Clause, and Severability Clause

• 28 TAC §3.6402

The amendment is proposed under the Insurance Code, Article 3.53, §12, which allows the Texas Department of Insurance to issue such rules and regulations as it deems appropriate for the regulation of credit life insurance and credit accident and health insurance. Further authorization is found in Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state, and Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules to practice setting forth the nature and requirements of available procedures and prescribe the procedure for the adoption of rules by any state administrative agency.

§3.6402. *Savings Clause.* Each cause of action, pending litigation, matter in process before the Texas Department [State Board] of Insurance [or commissioner of insurance,] or matter hereafter arising from an event occurring prior to the time the amendments to subchapter FF became effective shall be determined in accordance with and governed by the provisions of statutes, sections, orders, or interpretations of the Texas Department [State Board] of Insurance in effect at the time of the occurrence of the subject event; and this section operates to save the application of such past procedure and law to any such event from amendment, change, or repeal notwithstanding any provision of these sections or any conflict or ambiguity therein.

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 March 16, 1992.

TRD-9203811 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Proposed date of adoption: April 20, 1992

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

Chapter 5. Property and Casualty Insurance

Subchapter M. Filing Requirements

• 28 TAC §5.9303

The State Board of Insurance of the Texas Department of Insurance proposes new §5.9303, concerning the definition of a weather-related event as a catastrophe or natural disaster as provided in House Bill 62, enacted by the 72nd Texas Legislature, Second Called Session. This rule is necessary in order to establish specific conditions that must exist in order for a weather-related event to be defined by the State Board of Insurance as a catastrophe or natural disaster. The claims handling process set forth in personal lines property policies allows specific time periods for the processing of claims. The definition by the State Board of Insurance of a weather-related event as a catastrophe or natural disaster will permit the extension of the claims handling process for all claims arising from a weather-related event defined as a catastrophe or natural disaster for an additional 15 days.

Lyndon Anderson, deputy commissioner, property division, has determined that for the first five-year period the new section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Anderson, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the ability of insurance companies to process claims in a reasonable and efficient manner and to ensure that sufficient time is available to process a claim that produces a reasonable and fair result for policyholders in Texas. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Lyndon Anderson, Deputy Commissioner, Property Division, 333 Guadalupe, P.O. Box 149104, Austin, Texas, 78714-9104.

The new section is proposed under the Insurance Code, Article 1.04(b), which authorizes the State Board of Insurance to adopt rules, and Article 21.55 §5(d), which authorizes the State Board of Insurance to define a catastro-

phe or major natural disaster for purposes of payment of claims.

§5.9303. *Definition of Catastrophe.*

(a) An individual insurer or a group of insurers may petition the Texas Department of Insurance for a determination that a weather-related event is a catastrophe or major natural disaster in accordance with the Texas Insurance Code, Article 21.55, §5(d). The Texas Department of Insurance shall make a determination within three business days of receipt of such petition, and if the event(s) is determined to be a catastrophe, it shall notify all companies, by bulletin issued by the Texas Department of Insurance of the designated catastrophe.

(b) An insurer's petition as specified in subsection (a) of this section shall include, but is not limited to, the following information:

(1) type of losses: wind, hail, tornado, hurricane, freeze, or other weather-related losses;

(2) specific lines of insurance affected: property, automobile, inland marine (any lines which may involve a first party claim);

(3) location of the loss: town(s), city(ies), or other specified areas;

(4) specific time period of the event(s) which produced the catastrophe;

(5) the insurer's total estimated dollar losses for insured property, by line of business;

(6) the insurer's total estimated number of claims, by line of insurance;

(7) a statement of the reason(s) claims cannot be processed within the time periods specified under the conditions of the property and casualty policies and the Texas Insurance Code, Article 21.55, §2-§4.

(c) In order for a weather-related event(s) to be considered a catastrophe or major natural disaster by the Texas Department of Insurance, all of the following conditions must be present.

(1) The area in which the losses occur must be defined by reasonable boundaries.

(2) Estimated total dollar losses must be \$5 million or more in the aggregate for all insurers and the estimated total number of claims must be 3,000 or more in the aggregate for all insurers, for the designated area where the losses occur.

(3) The estimated dollar losses and number of claims in paragraph (2) of this subsection may include all lines of insurance outlined in subsection (b)(2) of this section.

(d) If the Texas Department of Insurance determines a catastrophe exists, the provisions of the Insurance Code, Article 21.55, §5(d) shall apply for all affected insurers.

(e) Claims processed in accordance with the Insurance Code, Article 21.55, §5(d), shall include all losses arising from the event or events identified in subsection (b)(4) of this section.

(f) In addition to subsections (a)-(c) of this section, the Texas Department of Insurance may use any other criteria it deems appropriate for determining if a catastrophe exists in connection with a weather-related event or natural disaster.

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 March 16, 1992.

TRD-9203801 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Earliest possible date of adoption: April 20, 1992

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

◆ ◆ ◆
**TITLE 37. PUBLIC
SAFETY AND CORREC-
TIONS**

**Part III. Texas Youth
Commission**

**Chapter 91. Discipline and
Control**

Disciplinary Practices

• 37 TAC §91.3

(Editor's Note: The Texas Youth Commission proposes for permanent adoption the amended section it adopts on an emergency basis in this issue. The text of the amended section is in the Emergency Rules section of this issue.)

The Texas Youth Commission (TYC) proposes an amendment to §91.3, concerning the commission's rules of conduct, contraband, and dress. The symbolic expression subsection to be added allows individual superintendents with approval of the director of institutions to prohibit expressions that prompt violence or potentially violent behavior. Serious attacks between gang members resulting from the display of certain colors and hand signals related to gang membership within or facilities presents an imminent peril to the health and safety of our youth, staff, and visitors

John Franks, director of fiscal affairs, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Franks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a safety environment for TYC staff and visitors, and youth in custody of the Texas Youth Commission. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendment is proposed under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules, appropriate to proper accomplishment of its functions.

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 March 12, 1992.

TRD-9203781 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: April 20, 1992

For further information, please call. (512) 483-5244

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**Part XI. Texas Juvenile
Probation Commission**

**Chapter 341. Texas Juvenile
Probation Commission**

• 37 TAC §341.21

The Texas Juvenile Probation Commission proposes an amendment to §341.21, concerning a memorandum of understanding on service delivery to runaways between the Texas Juvenile Probation Commission and the Texas Department of Human Services. Following the annual review of this rule, which is required by law, TJPC and TDHS propose changes in dates, staff titles, statutory references, and in the statewide mean number of runaways reported for each county. Each change makes the rule reflect existing conditions.

Steve Bonnell, deputy executive director, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Bonnell also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the improved coordination for runaway children's services at the community level. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Rae Tregilgas, Texas Juvenile Probation Commission, P.O. Box 13547, Austin, Texas 78711-3547, (512) 443-2001.

The amendment is proposed under the Texas Human Resources Code, §141.0475, which provides the Texas Juvenile Probation Commission with the authority to develop a memorandum of understanding and model cooperative agreement.

*§341.21. Memorandum of Understanding
on Service Delivery to Runaways.*

(a) The Texas Juvenile Probation Commission (TJPC) and the Texas Department of Human Services (TDHS) adopt this memorandum of understanding (MOU) in compliance with the Texas Human Resources Code, §141.0475 [71.014 (Vernon 1990)].

(b) This law requires TJPC and TDHS to develop a model cooperative agreement. The agencies must require local TDHS agents and local juvenile probation departments receiving state aid to sign county level agreements not later than September 1, 1990, and to update the agreements annually. The parties adopt a model cooperative agreement by reference. Copies of the model are available at the TJPC Office, 2015 South IH 35, Austin, Texas 78741 and at the TDHS Office, 701 West 51st Street, Austin, Texas 78751. TJPC agrees to give the model agreement to the chief of each juvenile probation department that receives state aid. TDHS agrees to give it to the appropriate operations directors and program administrators [each regional director] for families and children. TDHS agrees to provide TJPC the name of its staff person who will sign the agreement for it in each county. The county level agreements must:

(1)-(6) (No change.)

(c) TJPC and TDHS must designate the number of runaways for each county that shall be considered as a high number.

(1) A county shall be considered to have a high number of runaways if the number of arrests for running away reported in the newest [its 1988] Uniform Crime Reports is greater than or equal to 105% of the statewide mean, plus 25. The statewide mean number of runaways is calculated according to the following formula:

Most recent Uniform Crime
Reports of runaway arrests
[for 1988] population
ages 10-17 =

statewide mean = 137 [127]/10,000

[graphic]

(2) (No change.)

(3) The parties adopt Appendix A by reference. Copies are available at the TJPC office, 2015 South IH 35, Austin, Texas 78741, and at the TDHS office, 701 West 51st Street, Austin, Texas 78751. Appendix A shows the actual Uniform Crime Reports of runaway arrests for each county [in 1988]. Counties which have actual runaway arrests greater than or equal to 105% of the statewide mean plus 25 are identified.

(d) TJPC and TDHS must provide for a procedure in which foster homes may be licensed or approved to serve runaways by both TDHS and the local juvenile probation departments. Foster parents who want to serve both child protective services and juvenile court clients may request licensing from TDHS as independent foster homes.

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

(g) To prepare the report described in subsection (e) of this section, TJPC agrees to collect and report the information about runaways contained in its calendar year 1990 [1988] Texas Juvenile Probation Statistical Report." In addition, TJPC agrees to add the following question to the annual survey completed by each contracting juvenile probation department: How many runaway referrals were not served because of staff or resource shortfalls?

(h) TDHS and TJPC agree to meet in April 1992 [August 1991] to consider whether changes should be made in their agreement.

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 March 11, 1992.

TRD-9203565 Bernard Licarione, Ph.D.
Executive Director
Texas Juvenile Probation
Commission

Earliest possible date of adoption: April 20, 1992

For further information, please call: (512) 443-2001

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self-Support Services

Child Care Management Services Statewide Implementation

- 40 TAC §§10.3413, 10.3463, 10.3464

The Texas Department of Human Services (DHS) proposes amendments to §§10.3413, 10.3463, and 10.3464, concerning eligibility for Title IV-A funded child care services, eligibility for Title XX funded child care, and eligibility for child care and development block grant (CCDBG) funded child care, in its Family Self-Support Services chapter. The purpose of the amendments is to clarify that extended child care benefits may be offered to transitional child care clients under certain conditions, and to correct the policy statement concerning state income limits on CCDBG-funded child care.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local governments as a result of enforcing or administering the sections.

Mr. Raiford 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 to clarify conditions under which child care is extended to more families. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Mary Beth O'Hanlon at (512) 450-4169 in DHS's Client Self-Support Program Policy Section. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-052, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22

and 44, which authorizes the department to administer public assistance and day care programs.

§10.3413. Eligibility for Title IV-A Funded Child Care Services.

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

(c) Clients whose transitional child care eligibility ends may be transferred to at-risk Title IV-A funded child care and continue to receive child care for one year, provided that the family income does not exceed 185% of the FPIL.

§10.3463. Eligibility for Title XX Funded Child Care.

(a)-(d) (No change.)

(e) Clients whose transitional child care eligibility ends may be transferred to Title XX funded child care and continue to receive child care for one year, provided that the family income does not exceed 185% of the FPIL.

§10.3464. Eligibility for Child Care and Development Block Grant (CCDBG) Funded Child Care. The Texas Department of Human Services (DHS) uses child care and development block grant (CCDBG) funds to purchase child care for clients who meet the requirements stated for the following client groups:

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

(3) children whose transitional child care eligibility has ended and whose family income does not exceed 185% of the federal poverty income level (FPIL). These children may be transferred to CCDBG-funded child care and continue to receive child care for one year;

(4) [(3)] developmentally delayed children in families whose income is below 150% of the FPIL and whose parents are working or are in training or school. DHS will reserve 10% of the CCDBG funds available for child care to purchase care for these children. The cost of children's ongoing medical expenses must be deducted from the family's income before determining the family's income eligibility status. These children will continue to receive

child care for one year after the family income exceeds 150% of the FPIL, provided the family income remains below 185% of the FPIL;

(5)[(4)] children receiving DHS-purchased child care as specified in §10.3416 of this title (relating to Child Care for Abused and Neglected Children). This group may receive CCDBG funded child care **without regard to income** for up to six months after they are no longer eligible to receive Title XX funded protective services child care. [In order to receive CCDBG funded child care, the family income must be within 75% of the state median income.] DHS child protective services (CPS) caseworkers or CPS in-home case management contractors must authorize child care for these clients. They must use the forms and procedures required by the DHS child care program.

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 March 16, 1992.

TRD-9203775

Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption. May 15, 1992

For further information, please call: (512) 450-3765



Chapter 85. General Licensing Procedures

Subchapter U. Day Care Licensing Procedures

• 40 TAC §85.2033

The Texas Department of Human Services proposes an amendment to §85.2033, con-

cerning issuance of temporary registration to child day care homes, in its General Licensing Procedures chapter. The purpose of the amendment is to permit the issuance of temporary registration of the family day care home, allowing extra time to correct minor deficiencies while the day care home continues to care for children within the law.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the section is in effect there will be no fiscal implications as a result of enforcing or administering the section.

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that parents who use child care will be able to place children in legally operated family homes because the homes will be registered and therefore in compliance with the law. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of this proposal may be directed to David Beard at (512) 450-3262 in the Licensing Department. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-061, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 42, which authorizes the department to administer general child care and child-placing licensing programs.

§85.2033. Registration.

(a) The department issues a notice of registration when a registration request (completed according to registration requirements) has been processed, the applicant has submitted satisfactory verification of completion of training in

first aid and cardiopulmonary resuscitation, the premises have been inspected and found to be in compliance with the minimum standards for registered family homes, and the required registration fee has been paid. [The department issues a notice of registration when a registration request, determined in compliance with registration requirements, is processed and when the registration fee is paid. If the annual registration fee is paid, the registration continues to be valid unless relinquished or revoked by the department for just cause.]

(b) If all other matters have been satisfactorily completed and the licensing representative finds only minor noncompliances, a temporary registration may be issued for 30 days. If the applicant corrects the noncompliances on or before the expiration of that term, the department verifies that corrective action has been taken and issues a regular registration certificate. [A caregiver who pays the registration fee, withdraws the registration request, and then reapplies within 30 days does not pay a new registration 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 March 12, 1992.

TRD-9203654

Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: May 15, 1992

For further information, please call: (512) 450-3765



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 notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the Texas Register not later than the 30th day before the board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the Texas Register not later than the 10th day before the Board of Insurance adopts the proposal. The Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Civil Statutes, does not apply to board action under Articles 5.96 and 5.97.

The complete text of the proposal summarized here may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.

The State Board of Insurance, at a board meeting scheduled for 8:30 a.m. April 23, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility. The facility proposed an amendment to the facility's premium payment plan. The amendment was proposed in a petition (Reference Number W-0292-8), filed by the facility on February 3, 1992.

According to the facility's petition, this amendment is proposed to correct deficiencies in its credit policies and premium payment plans

which has caused many losses to the facility. The petition further provides that the amendment is necessary in order to make the premium payment plan more adequately protect the facility from applicants with unacceptable credit histories.

The proposed amendment to the premium payment plan provides, in part, that in lieu of submitting the total estimated annual premium with this application, the facility may permit one of three listed payment plans to risks demonstrating acceptable credit history. The plans would be filed based on the estimated annual premium calculated at the inception of the policy. An interest charge of 8.0% per annum is proposed. The plans would apply to all policies issued on or after April 1, 1992.

A copy of the petition containing the full text of the proposed amendment to the rule is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Sylvia Gutierrez at (512) 463-6327, refer to (Reference Number W-0292-8).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 13, 1992.

TRD-9203766 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Filed March 13, 1992

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

The State Board of Insurance, at a board meeting scheduled for 8:30 a.m. April 23, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility. The facility proposed an amendment to the facility's tabular surcharge plan. The amendment was proposed in a petition (Reference Number W-0292-9), filed by the the facility on February 3, 1992.

According to the facility's petition, this amendment is proposed to correct certain deficiencies noted by a special ad hoc committee which studied rating plans.

The proposed amendment to the tabular surcharge lays out a new experience modifier range and a new tabular surcharge factor. The amendment further provides that risks with experience modification will be charged a mandatory differential factor of 15%. Risks with no experience modifier will be charged a mandatory differential factor of 50%.

A copy of the petition containing the full text of the proposed amendment to the rule is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Sylvia Gutierrez at (512) 463-6327, refer to (Reference Number W-0292-9).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 13, 1992.

TRD-9203767 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Filed: March 13, 1992

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

The State Board of Insurance, at a board meeting scheduled for 8:30 a.m. April 23, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility. The Facility proposes a new rule establishing a take out credit rule. The rule is proposed in a petition (Reference Number W-1291-6), filed by the the facility on December 23, 1991.

According to the facility's petition, this new rule is proposed in order to facilitate the underlying legislative purpose of encouraging writings in the voluntary market and discouraging writing in the rejected risk fund.

The proposed take out credit rule provides, in part, that a member of the Texas Workers' Compensation Insurance Facility (facility) or the state fund shall receive a credit against the amount of its voluntary market writings if the insurer provides coverage for at least two years to a rejected risk that was most recently insured through the employers' rejected risk fund.

The petition further provides that an insurer or the state fund may not receive a credit for any risk rejected by that insurer or a member of that insurer's group within the preceding 12 months and that an insurer or the state fund will not receive credit for any policy removed from the facility within one calendar year of that insurer's or a member of that insurer's group writing the policy in the voluntary market.

Additionally, the petition further provides that a policy may be written at a rate not greater than rates applicable to the risk in the facility if the insurer writes the risk for a second year at rates applicable to the risk in the voluntary market, and that any credit calculated shall be applied to the assessment for the calendar year in which the policy is written. (Calendar year shall mean the year used for assessment purposes.) The credit shall be granted to the insurer only if continuous coverage is provided for the complete year without cancellation for at least two years.

The requirements for receiving a credit are outlined in full in the petition which is on file in the chief clerk's Office. The proposed new rule would be Rule XVI of the facility's rules and regulations.

A copy of the petition containing the full text of the proposed amendment to the rule is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please

contact Sylvia Gutierrez at (512) 463-6327, refer to (Reference Number W-1291-6).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 13, 1992

TRD-9203768 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Filed: March 13, 1992

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

The State Board of Insurance, at a board meeting scheduled for 8:30 a.m. April 23, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed by the Office of Public Insurance Counsel (OPIC). OPIC proposes the following six changes to the rules governing TAIP: change the composition of the governing committee to reflect the nature of the many interests affected by the plan; expand coverage to include physical damage coverage; offer a payment option identical to the option available in the voluntary market; create an exemption for small insurers; eliminate any exceptions to the right to appeal to the governing committee; and, repeal the rule that requires rule requests to come from TAIP. According to OPIC's petition, these changes will improve the operations of TAIP by furthering the goal of making basic automobile insurance available to those drivers who have been denied coverage in the regulated market. The changes are proposed in a petition (Reference Number A-0392-12), filed by the OPIC on February 7, 1992.

According to the petition, OPIC recommends, in part, the following:

1. the TAIP Governing Committee membership be changed to nine members with three selected directly by subscribing insurers, three selected by the Board of Insurance and three selected by the Public Counsel;
2. expansion of coverage provided by TAIP to include physical damage;
3. offer a payment option identical to the option in the voluntary market by changing rule 3.2 (C) (2);
4. changes in the distribution of the assigned risk by creating an exemption for small insurers;
5. elimination of the prohibition of a policyholder from appealing disputes to the appeals committee in all other cases but not when the dispute is over premium amounts or payment; and

6. repeal of rule 8.5 which requires rule requests to come from TAIP.

A copy of the petition containing the full text of the proposed amendments and/or any new changes to the Texas Automobile Insurance Plan is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Lynette Brown at (512) 463-6326, refer to (Reference Number A-0392-12).

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 16, 1992.

TRD-9203800 Linda K. von Quintus-Dorn
 Chief Clerk
 Texas Department of
 Insurance

Filed: March 16, 1992

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

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Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn six months after 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 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 72. Memoranda of Understanding with Other State Agencies

Memorandum of Understanding for Child Protective Services

• 40 TAC §72.902

The Texas Department of Human Services has withdrawn from consideration the proposed amendment to §49.902, concerning service delivery to runaway children, in its Child Protective Services chapter. The text of the proposed amendment appeared in the December 27, 1991, issue of the *Texas Register* (16 TexReg 7722). The effective date of the withdrawal is the date of filing.

Issued in Austin, Texas, on March 12, 1992.

TRD-9203653 Nancy Murphy
 Agency liaison, Policy and
 Document Support
 Texas Department of
 Human Services

Filed: March 12, 1992

Effective date: March 12, 1992

For further information, please call: (512) 450-3765





Name: Adam Zuffinetti

Grade: 11

School: Plano East Senior High, Plano ISD

Adopted Sections

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 19. EDUCATION Part I. Texas Higher Education Coordinating Board

Chapter 1. Agency Administration

Subchapter A. General Provi- sions

• 19 TAC §1.6

The Texas Higher Education Coordinating Board adopts the repeal of §1.6 concerning optional retirement program eligibility, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7141).

The repeal of this rule will move it to Chapter 25, §25.2 and include it with the other optional retirement rules. Chapter 25 was named Administrative Council, but will now be called Retirement Annuity Programs.

The rule is being repealed and moved to Chapter 25, §25.2.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Government Code, §830.002(c), which provides the Coordinating Board with the authority to adopt rules regarding optional retirement program eligibility.

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 March 12, 1992.

TRD-9203738 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

Chapter 5. Program Development

Subchapter S. Transfer of Lower Division Course Credit

• 19 TAC §§5.390-5.393

The Texas Higher Education Coordinating Board adopts new §§5.390-5.393 concerning transfer of lower division course credit, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7142).

Students will be able to complete their college education more quickly at less cost.

The new sections respond to the recommendation in the Texas Performance Review. The adoption of these rules should enhance the transferability of credit from community colleges to universities by requiring universities to identify comparable courses in its catalog. The rules provide a penalty for lack of compliance.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §61.051(g) and §61.078(e), which provide the Coordinating Board with the authority to adopt rules transfer of lower division course credit.

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 March 12, 1992.

TRD-9203737 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

Chapter 17. Campus Planning and Physical Facilities Development

Subchapter B. Application for Approval of New Construc- tion and Major Repair and Rehabilitation

• 19 TAC §17.44

The Texas Higher Education Coordinating Board adopts an amendment to §17.44 concerning application forms, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7143).

The amendment will accelerate and make more efficient the Coordinating Board's process for reviewing construction projects at public universities, technical colleges, and medical and dental units. They also will ensure that decisions about whether to provide state funding to maintain space leased by higher education institutions take state-wide needs into account.

The amendment to the rule is being made so that changes in the construction project application form does not have to be approved by the board. The amendment gives the staff and the institutions more flexibility in assembling information necessary to analyze a construction request.

Corpus Christi State University-They were puzzled by the intent of the changes in §17.44(3), and what it is designed to accomplish. We replied that it was currently listed in §17.32 and that the board had adopted it in an effort to be sure that governing boards had explicitly recognized the importance of spending HEAF and PUF revenues for new construction relative to instructional and research equipment. This is not a new policy but simply renumbered under §17.44 of the proposed rule changes.

The amendment is adopted under the Texas Education Code, §§61.0572, 61.058, 61.0582, and 61.0583, which provides the Coordinating Board with the authority to adopt rules regarding application form.

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 March 12, 1992.

TRD-9203736 James McWhorter
Assistant Commissioner
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

Subchapter B. Application for Approval of New Construction and Major Repair and Rehabilitation

• 19 TAC §17.45

The Texas Higher Education Coordinating Board adopts new §17.45, concerning energy conservation projects, with changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7143).

These rules will accelerate and make more efficient the Coordinating Board's process for reviewing construction projects at public universities, technical colleges, and medical and dental units. They also will ensure that decisions about whether to provide state funding to maintain space leased by higher education institutions take state-wide needs into account.

The new rules are proposed to incorporate the board's authorized procedure since April 1990, expediting the approval of energy conservation projects at universities, technical colleges, and health science centers. Under this procedure, the Campus Planning Committee can approve repair and rehabilitation projects that have been approved by the Energy Management Center at the Governor's office. This procedure reduces the delay that can occur between the creation of a proposal to save energy and completion of the necessary renovation.

Texas A&M University System—Expressed agreement with all changes except the one having to do with energy conservation projects (§17.45) approved by the Governor's Energy Management Center (EMC). He saw no benefit to the state for duplicating the effort for a second opinion of the project by the Coordinating Board. We replied that the proposed rule had been a board policy for a couple of years at the request of the Governor's Office. The EMC sends us a list of projects they have approved, whether or not the project is over \$600,000 in cost, and the committee quickly reviews to verify that no additional space will be added. By getting committee approval between scheduled meetings, we are able to satisfy the statutory requirement for board approval without imposing major delays.

Texas Woman's University—They stated that the proposed changes were an improvement over the current rules and supported approval.

Texas A&M University-Galveston—They suggested that an institution's submission of a construction application be on a floppy disk in a LOTUS format. We replied that we were considering the possibility of transmission via THENET. Another question he addressed

was the procedures for approving projects that fall under §17.45, energy conservation projects that the EMC has approved and that perhaps we might disapprove. We replied that we were only implementing into our rules the policy the board has been following for a couple of years. He also questioned if the full board had to know if a proposed rehabilitation project that does not increase the building's gross square footage but makes more efficient use of its space by increasing educational and general space. We replied that the board has taken the view that as long as overall funding for higher education does not keep up with inflation, such projects that increase the demand for state fund does not need full board consideration.

Tech University Health Sciences Center—We modified our rules at their suggestion to include health science centers in §17.45, energy conservation projects, and noted that if the committee disapproves a project an appeal by the institution can be made to the full board.

Corpus Christi State University—At his suggestion, we added language indicating that the committee could refer projects to the full board for its review if an addition of educational and general space is involved.

The amendment is adopted under the Texas Education Code, Texas Civil Statutes, §§61.0572, 61.058, 61.0582, and 61.0583, which provides the Coordinating Board with the authority to adopt rules regarding energy conservation projects.

§17.45. Energy Conservation Projects. For the purpose of encouraging repair and rehabilitation projects that improve energy conservation in higher education facilities, the following procedure may be used to review for board approval energy conservation projects approved for funding by the Energy Management Center of the Governor's Office.

(1) The Energy Management Center of the Governor's Office periodically will submit to the Coordinating Board lists of the projects it has approved for funding at public institutions of higher education, except community or junior colleges.

(2) The Coordinating Board staff reviews the projects to verify that none would result in a net addition of educational and general space or would be in conflict with board standards for repair and rehabilitation projects.

(3) The staff submits the list of projects to the Campus Planning Committee for its approval on behalf of the full board.

(4) If the committee approves the list of projects the staff will notify the Governor's Office and the institutions whose projects have been approved.

(5) The committee may refer to the full board any projects it does not wish to approve that cost more than \$600,000. If

a project would have either effect described in paragraph (2) of this section, it must be referred to the full board.

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 March 12, 1992.

TRD-9203735

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

• 19 TAC §17.46

The Texas Higher Education Coordinating Board adopts new §17.46 concerning special approval procedure, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7144).

The new section will accelerate and make more efficient the Coordinating Boards' process for reviewing construction projects at public universities, technical colleges, and medical and dental units. They also will ensure that decisions about whether to provide state funding to maintain space leased by higher education institutions take state-wide needs into account.

The new section is proposed to establish a special approval procedure for certain projects that is intended to remove the need for the full board to consider projects that generally present no significant problem and do not require the expenditure of state funds for operation and maintenance. The types of proposals that may be appropriate for such a special approval procedure may be as follows: auxiliary enterprise projects being acquired, constructed or renovated without the use of state funds. In addition, no state funds may be used to operate and maintain such projects; and major repair and rehabilitation of existing education and general buildings that will not add education and general space and whose total cost is not more than \$3,000,000.

University of North Texas—There were no comments however, there was one question asked. The question concerned the timeframe and turnaround involved for submitting and approving a project under the proposed special approval procedure. We replied that requests could be submitted at any time of the year and could expect to receive the committee's action within four weeks.

UT-Health Science Center at Houston—No comment but they asked for clarification, a time table and the process of submitting projects allowed under §17.46. We replied that guidelines for these procedures would be available after the board's approval.

Texas Tech University Health Sciences Center—They expressed the need for a time table and guidelines for §17.46, special approval procedures and these will be made available when the board approves the new rule.

The new section is adopted under the Texas Education Code, Texas Civil Statutes §§61.0572, 61.058, 61.0582, and 61.0583, which provides the Coordinating Board with the authority to adopt rules regarding Special Approval Procedure.

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 March 12, 1992.

TRD-9203734 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

◆ ◆ ◆ Subchapter C. Requesting Coordinating Board Endorsement of Real Property Acquisitions

• 19 TAC §17.68

The Texas Higher Education Coordinating Board adopts new §17.68, concerning leased or rented real property that generates formula funding, with changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7144).

These rules will accelerate and make more efficient the Coordinating Board's process for reviewing construction projects at public universities, technical colleges, and medical and dental units. They also will ensure that decisions about whether to provide state funding to maintain space leased by higher education institutions take state-wide needs into account.

The new section provides establishment of a rule requiring that educational space acquired by institutions of higher education through rental or lease agreements will be approved by the Coordinating Board before being included on the facilities inventory for formula funding. The rule would require board approval of such actions because of the cost such additions can represent to the state.

A question was raised by Texas A&M University-Galveston. The commenter stated that 3,000 square feet of leased educational and general space seemed quite a small figure and asked if the board could get involved only if the lease was for a period longer than two years or extended for more than one term. We replied that the purpose of calling for board review is that leased space could generate formula funding and create the same demand for state funds for operation

and maintenance as does new construction and should be treated similarly.

UT-Health Science Center at Houston—Modifications were made as a result of their concern for §17.68, bringing proposed leased or rented property that would generate state funding to the board for its review. These proposals would only need to be reviewed by the board at one meeting and only to apply to the general academic institutions and TSTCs but not to the medical and dental units because of the present state funding arrangements.

The new section is adopted under the Texas Education Code, Texas Civil Statutes, §§61.0572, 61.058, 61.0582, and 61.0583, which provides the Coordinating Board with the authority to adopt rules regarding leased or rented real property that generates formula funding.

§17.68. Leased or Rented Real Property that Generates Formula Funding. The Coordinating Board shall review for approval any improved real property whose use is obtained by rental or lease whenever an institution seeks to place the property on its educational and general facilities inventory to generate formula funding, if the property contains at least 3,000 square feet of educational and general space. The application for approval shall be submitted at least 60 days prior to the meeting at which the request is to be considered.

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 March 12, 1992

TRD-9203733 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

◆ ◆ ◆ Subchapter D. Audits of Education and General Facilities

• 19 TAC §17.81

The Texas Higher Education Coordinating Board adopts new §17.81, concerning audits of education and general facilities, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7144).

The new sections will accelerate and make more efficient the Coordinating Board's process for reviewing construction projects at public universities, technical colleges, and medical and dental units. They also will ensure that decisions about whether to provide state funding to maintain space leased by

higher education institutions take state-wide needs into account.

Inclusion in board rules of the statutory provisions or audits of higher education facilities. The Coordinating Board's Sunset Bill gave the board responsibility for conducting a periodic audit of educational and general space. The bill also requires the board to verify that projects it has approved were built and paid for as approved by the Coordinating Board.

No comments were received regarding adoption of the repeals.

Texas A&M University-Galveston recommended the addition of health sciences center in the opening statement of the section, periodic audits of educational and general facilities. We concurred that "medical and dental units" in the opening statement covers them. We also concurred that currently leased facilities that general formula funding be grandfathered.

The amendment is adopted under the Texas Education Code, §§61.0572, 61.058, 61.0582, and 61.0583, which provides the Coordinating Board with the authority to adopt rules regarding periodic audits of educational and general facilities.

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 March 12, 1992.

TRD-9203732 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

◆ ◆ ◆ Chapter 21. Student Services Subchapter C. Hinson-Hazlewood College Student Loan Program

• 19 TAC §§21.53-21.55, 21.62

The Texas Higher Education Coordinating Board adopts amendments to §§21.53-21.55, and 21.62, concerning the Hinson-Hazlewood College Student Loan Program. Section 21.53 is adopted with changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7146). Sections 21.54, 21.55, and 21.62 are adopted without changes and will not be republished.

Without the changes, loans under new bonding resolutions could not be made. Without the credit evaluation change, loans could be made to inappropriate borrowers, thus increasing the default rate for the program.

The amendments will incorporate changes necessitated by the passage of Senate Bill 20

in the second called session of the 72nd Legislature; also clarifying that the Coordinating Board will determine the quality of an institutions credit rating regarding loan applicants. The changes mandated by Senate Bill 20 are necessary in order for the program to comply with the state law. The credit rating evaluation of institutions is needed to help control loan defaults.

No comments were received regarding adoption of the amendments

The amendments are adopted under the Texas Education Code, §52.54 which provides the Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program.

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

Auxiliary Fund—The student loan auxiliary fund authorized in the Texas Education Code, Chapter 52, Subchapter F.

Fund—The Texas opportunity plan fund as created by Texas Constitution Article III, 50b; the student loan revenue bond fund authorized in the Texas Education Code, Chapter 56, Subchapter H; and/or the student loan auxiliary fund, authorized in the Texas Education Code, Chapter 52, Subchapter F.

Revenue bond fund—The student loan revenue bond fund, authorized in the Texas Education Code, Chapter 56, Subchapter H.

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 March 12, 1992

TRD-9203730 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call. (512) 483-6160

Subchapter J. The Physician Education Loan Repayment Program

• 19 TAC §§21.251, 21.254, 21.260

The Texas Higher Education Coordinating Board adopts amendments to §§25.251, 21.254, and 21.260 concerning student services, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7146)

The rule changes will result in improved services in Community Health Centers.

The amendments will allow physicians employed by federally-funded Community Health Centers in Texas to qualify for program benefits whether or not the Community Health Centers are located in federally-defined Health Manpower Shortage Areas. Presently all but two Community Health Centers are located in Health Manpower Shortage areas; all serve low income people. The proposed change will have the effect of helping to recruit physicians willing to practice in Community Health Centers.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §61.537, which provides the Coordinating Board with the authority to adopt rules regarding the Physician Education Loan Repayment Program.

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 March 12, 1992.

TRD-9203731 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

Chapter 25. Administrative Council

Subchapter A. General Provi- sions

• 19 TAC §§25.1-25.18

The Texas Higher Education Coordinating Board adopts the repeal of §§25.1-25.18, concerning general provisions, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7147).

The Administrative Council's statutory authority was deleted effective September 1, 1991.

The entire subchapter is being repealed because House Bill 2 transferred all but the four largest programs to the group insurance program for state agency employees administered by the Employee Retirement System.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Government Code, §830.002(c), which provides the Coordinating Board with the authority to repeal the rules regarding general provisions of the administrative council.

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 March 12, 1992.

TRD-9203728 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

Subchapter A. Retirement Annuity Programs

• 19 TAC §§25.1-25.10

The Texas Higher Education Coordinating Board adopts new §§25.1-25.10, concerning retirement annuity programs, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7147).

The new sections will enable centralized oversight of the ORP programs which is required by the statute to provide for greater uniformity of procedures for administration of ORP and the tax-sheltered annuity program.

A provision of House Bill 2, 72nd Legislature, transferred the responsibility for oversight of the Optional Retirement Program (ORP) from the Administrative Council to the Coordinating Board effective September 1, 1991. The proposed rules are essentially the rules which were adopted by the Administrative Council with amendments based on legislative requirements from the 72nd session (i.e. inclusion of the Commissioner of Education as an eligible ORP participant and transfer of oversight to the board).

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Government Code, §830.002(c) which provides the Coordinating Board with the authority to adopt rules regarding Retirement Annuity 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 March 12, 1992.

TRD-9203729 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

Subchapter B. Administration of the Texas State College and University Employees Uniform Insurance Benefits Program

• 19 TAC §§25.31-25.58

The Texas Higher Education Coordinating Board adopts the repeal of §§25.31-25.58, concerning administration of the Texas State College and University Employees Uniform Insurance Benefits Program, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7147).

The Administrative Council's statutory authority was deleted effective September 1, 1991.

The entire subchapter is being repealed because House Bill 2 transferred all but the four largest programs to the group insurance program for state agency employees administered by the Employee Retirement System.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Government Code, §830.002(c), which provides the Coordinating Board with the authority to repeal the rules regarding administration of the Texas State College and University Employees Uniform Insurance Benefits Program.

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 March 12, 1992.

TRD-9203727 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

Subchapter C. Administration of Retirement Annuity Programs

• 19 TAC §§25.71-25.78

The Texas Higher Education Coordinating Board adopts repeal of §§25.71-25.78 concerning administration of retirement annuity programs without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7147).

The Administrative Council's statutory authority was deleted effective September 1, 1991.

The entire subchapter is being repealed because House Bill 2 transferred all but the four largest programs to the group insurance program for state agency employees administered by the Employees Retirement System.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Government Code, §830.002(c) which provides the Coordinating Board with the authority to repeal the rules regarding Administration of Retirement Annuity 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 March 12, 1992.

TRD-9203726 James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: April 3, 1992

Proposal publication date: December 13, 1991

For further information, please call: (512) 483-6160

TITLE 22. EXAMINING BOARDS

Part XII. Board of Vocational Nurse Examiners

Chapter 233. Education

Operation of a Vocational Nursing Program

• 22 TAC §233.25

The Board of Vocational Nurse Examiners adopts an amendment to §233.25, concerning workshops for faculty of vocational nursing programs, without changes to the proposed text as published in the February 11, 1992, issue of the *Texas Register* (17 TexReg 1172).

The agency has been evaluating the effects of the 40 hour continuing education requirements since its adoption in 1985. After review, it was determined that 40 hours annually are excessive and have presented undue hardships for many programs, especially small and rural programs. Reduction to 15 hours annually should relieve these hardships.

With the implementation of biennial mandatory continuing education for nurse relicensure, it is believed that a reduction in hours could be accomplished without compromising the quality of teaching in vocational nursing programs.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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 March 13, 1992

TRD-9203779 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: April 6, 1992

Proposal publication date: February 11, 1992

For further information, please call: (512) 835-2071

Chapter 239. Contested Case Procedure

Enforcement

• 22 TAC §239.11, §239.16

The Board of Vocational Nurse Examiners adopts amendments to §239.11 and §239.16 concerning enforcement, without changes to the proposed text as published in the February 11, 1992, issue of the *Texas Register* (17 TexReg 1173).

Section 239.11 is being amended to include referring individuals for treatment/rehabilitation with the intent of receiving remuneration (as directed by the Senate Interim Committee on Health and Human Services), to add that failure to repay a guaranteed student loan is considered unprofessional conduct, and to add other violations that may be considered unprofessional conduct. Section 239.15 is being renumbered as §239.16 in order to allow for consistency in rules when adopting a rule relative to defaulted student loans.

The amendment to §239.11(16) will improve the system of accessing health services to the citizens of Texas by not limiting their choice of institutions.

The amendment to §239.11(18) will enhance government funds by causing individuals to repay monies owed to the state on student loans.

Other amendments more clearly outline reasons the public may file a complaint against an individual's license for disciplinary action.

No comments were received regarding adoption of the amendment and new section.

The amendment and new section are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to govern its procedures and to carry in effect the purposes of the law.

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 March 13, 1992.

TRD-9203776 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: April 6, 1992

Proposal publication date: February 11, 1992

For further information, please call: (512) 835-2071

◆ ◆ ◆
• 22 TAC §239.15

The Board of Vocational Nurse Examiners adopts the repeal of §239.15 concerning Peer Assistance Programs, without changes to the proposed text as published in the February 11, 1992, issue of the *Texas Register* (17 TexReg 1174).

The section is being renumbered to §239.16 in order to allow for continuity in the rules by adding a rule relative to defaulting on student loans in the §239.15 sequence.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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 March 14, 1992.

TRD-9203778

Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: April 6, 1992

Proposal publication date: February 11, 1992

For further information, please call: (512) 835-2071

◆ ◆ ◆
The Board of Vocational Nurse Examiners adopts new §239.15 concerning enforcement, without changes to the proposed text as published in the February 11, 1992, issue of the *Texas Register* (17 TexReg 1174).

The legislature required that state agencies implement rules relative to licensure of persons who have defaulted on student loans.

It is anticipated there will be an enhancement of government funds by causing individuals to repay monies owed to the state on student loans

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law

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 March 13, 1992.

TRD-9203777

Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: April 6, 1992

Proposal publication date: February 11, 1992

For further information, please call: (512) 835-2071

◆ ◆ ◆
Chapter 519. Practice and
Procedure

• 22 TAC §§519.32-519.46

The Texas State Board of Public Accountancy adopts new §§519.32-519.46, concerning prehearing discovery in proceedings conducted by the agency, without changes to the proposed text as published in the January 31, 1992, issue of the *Texas Register* (17 TexReg 811).

The public benefit anticipated as a result of enforcing the sections will be clarification of the agency's prehearing discovery procedures and improvement in consistency with current statutory authority regarding administrative procedures.

These section should allow for a more thorough disclosure of information and evidence prior to hearings before the agency and should make discovery procedures in such cases consistent with a majority of other state agencies and civil litigation practice in general.

No comments were received regarding adoption of the new sections

The new sections are adopted under Texas Civil Statutes, Article 41a.1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary or advisable to effectuate the Public Accountancy Act of 1991.

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 March 11, 1992.

TRD-9203662

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: April 2, 1992

Proposal publication date: January 31, 1992

For further information, please call: (512) 450-7066

◆ ◆ ◆
Chapter 523. Continuing
Professional Education

Continuing Professional Education
Programs

• 22 TAC §523.2

The Texas State Board of Public Accountancy adopts an amendment to §523.2, con-

cerning standards for CPE program development, without changes to the proposed text as published in the October 29, 1991, issue of the *Texas Register* (16 TexReg 6122)

This is necessary in order to ensure that CPAs are technically competent.

The amendment will add accounting courses to the technical area.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to formal continuing professional education standards.

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 March 11, 1992.

TRD-9203661

William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: April 2, 1992

Proposal publication date: October 29, 1991

For further information, please call: (512) 450-7066

◆ ◆ ◆
Part XXIV. Texas Board
of Veterinary Medical
Examiners

Chapter 575. Practice and
Procedure

• 22 TAC §575.22

The Texas Board of Veterinary Medical Examiners adopts new §575.22, concerning reinstatement of veterinary licenses, with changes to the proposed text as published in the February 7, 1992, issue of the *Texas Register* (17 TexReg 1005).

The new section ensures that practitioners have adequate time for rehabilitation before petitioning the board for reinstatement of a license that has been acted upon through disciplinary action of the board. It establishes guidelines for considering petitions

The new section informs licensees whose license has been revoked or cancelled by the board what they will be considering when reviewing petitions for reinstatement. It will also establish a time frame for petitioning the board for reinstatement

No comments were received regarding adoption of the new section

The new section is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to "...make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act"

§575.22. Reinstatement of Veterinary Licenses.

(a) A person whose license to practice veterinary medicine has been cancelled or revoked, whether by voluntary action or by disciplinary action of the board, may after five years from the effective date of such cancellation or revocation, petition the board for reinstatement of the license, unless another time is provided in the cancellation or revocation order, or unless no allowance was made in the order for reinstatement. This rule does not apply to licensees who let their licenses lapse for non-payment of renewal fees or licensees against whom a cancellation or revocation proceeding is not pending before the board or in any other jurisdiction.

(b) The petition shall be in writing and in the form prescribed by the board.

(c) The board may, after investigation or board hearing, if the board deems them necessary, at its discretion, grant or deny the petition. If such petition is denied by the board, a subsequent petition may not be considered by the board until 12 months from the date of denial of the previous petition.

(d) The applicant or his legal representative must appear before the board to present the request for reinstatement of the license.

(e) At the reinstatement hearing, the applicant shall have the burden of showing good cause why the applicant's license should be reinstated.

(f) The applicant, by submitting a petition for reinstatement, requests and consents to the board's exercise of jurisdiction over the petition.

(g) In considering a petition for reinstatement, the board may consider the petitioner's:

- (1) moral character;
- (2) employment history;
- (3) financial support to his/her family;
- (4) participation in continuing education programs or other methods of staying current with the practice of veterinary medicine;
- (5) criminal history record, including felonies or misdemeanors relating to the practice of veterinary medicine and/or moral turpitude;
- (6) offers of employment as a veterinarian;
- (7) involvement in public service activities in the community;
- (8) compliance with the provisions of the board order revoking or cancelling the applicant's license;

(9) compliance with provisions of the Veterinary Licensing Act regarding unauthorized practice;

(10) history of acts or actions by any other state and federal regulatory agencies;

(11) physical, chemical, emotional, or mental impairment;

(h) In considering a petition the board may also consider:

(1) the gravity of the offense for which the applicant's license was cancelled, revoked, or restricted and the impact the offense had upon the public health, safety, and welfare;

(2) the length of time since the applicant's license was cancelled, revoked, or restricted, as a factor in determining whether the time period has been sufficient for the applicant to have rehabilitated himself/herself to be able to practice veterinary medicine in a manner consistent with the public health, safety, and welfare;

(3) whether the license was submitted voluntarily for cancellation at the request of the licensee; and

(4) other rehabilitative actions taken by the applicant.

(i) If the board grants the petition for reinstatement, the applicant must successfully complete the state board examination during the regularly scheduled examination administration times.

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 March 9, 1992.

TRD-9203576 Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: April 1, 1992

Proposal publication date: February 7, 1992

For further information, please call: (512) 447-1183

◆ ◆ ◆
TITLE 28. INSURANCE
Part II. Texas Workers'
Compensation
Commission

Chapter 129. Income Benefits-
Temporary Income Benefits

• **28 TAC §129.4**

The Texas Workers' Compensation Commission adopts an amendment to §129.4, concerning adjustments to temporary income benefits, with changes to the proposed text as published in the September 17, 1991, issue of the *Texas Register* (16 TexReg 5130)

The amendment is necessary to conform the reporting requirement of this rule with other commission rules regarding the employer's supplemental report of injury. In subsections (c) and (d) the rule is amended to delete the word "Employer's" from the title of the Form TWCC 6.

This section provides guidance to insurance carriers, regarding their responsibility for adjusting temporary income benefits, and to employers, regarding their responsibility for reporting fluctuations in income, and to the injured employees about their responsibility to report fluctuations in earnings under certain circumstances.

No comments were received by the commission regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8308-5 05(c) and (d), which provide that employers must file subsequent reports as required by commission rule and that the commission may adopt rules relating to the information to be contained in an employer's report, and Article 8308-2.09(a), authorizing the commission to adopt rules necessary to implement and enforce the Texas Workers' Compensation Act §129.4. *Adjustment of Temporary Income Benefit Amount.*

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

(c) If the injured employee is still employed by the employer at the time of injury, the employer is responsible for informing the carrier of changes in the employee's weekly earnings after an injury, on Form TWCC 6, Supplemental Report of Injury, within 10 days after the end of each pay period, as provided by §120.3 of this title (relating to Employer's Supplemental Report of Injury).

(d) If the employee is no longer employed by the employer, the employee is responsible to provide information to the insurance carrier about the existence or amount of any earnings, or any offers of employment. The employee may use Form TWCC 6, Supplemental Report of Injury, for this purpose.

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 March 13, 1992.

TRD-9203709 Ernest Boardman
Acting General Counsel
Texas Workers'
Compensation
Commission

Effective date: April 3, 1992

Proposal publication date: September 17, 1991

For further information, please call: (512) 440-3972

◆ ◆ ◆

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 377. Hydrographic Survey Program Rules

• 31 TAC §§377.1-377.5

The Texas Water Development Board (the board) adopts new §§377.1-377.5, concerning the board's Hydrographic Survey Program under the authorization of the Texas Water Code, Chapter 15, Subchapter L, without changes to the proposed text as published in the September 13, 1991, issue of the *Texas Register* (16 TexReg 5057)

The new sections allow the implementation of hydrographic survey program, wherein the board will provide hydrographic services to political subdivisions under contract which will recover the board's cost of service.

Several entities submitted comments of support for the program confirming an overall interest and need for the program in managing the overall surface water needs of the state, noting the program provides a less expensive alternative and provides quality and consistency not possible with individual efforts.

A comment against the program was received which asked the board to contract the hydrographic field survey services to the private sector instead of the board producing those services in-house.

The Sabine River Authority, the Lavaca-Navidad River Authority, the San Jacinto River Authority, the Brazos River Authority, the Colorado River Municipal Water District, the Canadian River Municipal Water Authority, the North Central Texas Municipal Water Authority, the White River Municipal Water District, the Red Bluff Water Power Control District, the Franklin County Water District, the City of Corpus Christi, the City of Houston, the City of Wichita Falls and the International Boundary and Water Commission submitted comments in favor of the sections

Kenneth Balk & Associates, Inc submitted comments against the sections.

In response to the comment that the board should contract this program to the private sector, the board feels that it has been charged with assisting in the planning for and managing of the state's surface water in order to attain a maximum public benefit. The board's reservoir surveying program was initiated in response to regional/local entities' requests for assistance, which cited problems with current methods and costs of services and expressed a "need" for a lower-cost, high quality state program. A state-run program also will provide benefits to future develop-

ment and management of the state's water resources.

The new sections are adopted under the Texas Water Code, §6.101, which provides the board with the authority to adopt rules necessary to carry out its powers and duties and §15.804 and §15.805, which require the board to prescribe fees by rules and which allow the board to adopt rules necessary to administer the Hydrographic Survey Program.

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 March 13, 1992

TRD-9203719 Suzanne Schwartz
General Counsel
Texas Water Development Board

Effective date: April 3, 1992

Proposal publication date September 13, 1991

For further information, please call: (512) 463-7981



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 Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register 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 State Board of Insurance, 333 Guadalupe, Austin.

The State Board of Insurance has adopted a filing by American Security Insurance Company for a form and rule revision to the Lender's Collateral Protection Blanket Policy previously approved by Board Order Number 58369 dated May 29, 1991

In accordance with the provisions of the Insurance Code, Article 5.97, the text of the proposed filing has been filed in the office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party

The adopted filing revises Item 4 on the declarations page of the Lender's Collateral Protection Blanket Policy to add a third option for the premium reporting basis. The policy pre-

viously offered a monthly and quarterly premium reporting basis. The revision adds an option for an annual premium reporting basis. In conjunction with this change, this option has been added to rule page R1 under I, E of the previously approved rules found in Exhibit B on Board Order Number 58369.

There is no rate consequence to this revision.

This filing becomes effective on the 15th day after notice of this action is published in the *Texas Register*. This notice is filed pursuant to the Insurance Code, Article 5.97 which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 13, 1992.

TRD-9203720 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: March 13, 1992

Effective date: April 4, 1992

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



The State Board of Insurance has adopted a filing by Prudential Property and Casualty Insurance Company of a new General Endorsement Form CPT 1135 TX (11/91) for the Lender's Collateral Protection Blanket Policy

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the proposed filing has been filed in the office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

The adopted General Endorsement Form CPI 1135 TX (11/91) allows additional space to list all types of eligible property which would not fit on the declarations page of the Lender's Collateral Protection Blanket Policy. The endorsement also provides a means for subsequently amending policy variables found on the declarations page of the Lender's Collateral Protection Blanket Policy. The endorsement can not be used to alter basic policy provisions

There is no premium charge for this endorsement.

This filing becomes effective on the 15th day after notice of this action is published in the *Texas Register*. This notice is filed pursuant to the Insurance Code, Article 5.97 which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on March 13, 1992.

TRD-9203721 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: March 13, 1992

Effective date: April 4, 1992

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





Name: Mollie Merritt

Grade: 12

School: Plano East Senior High, Plano 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 prior to 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 named 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. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Alcoholic Beverage Commission

Monday, March 23, 1992, 2 p.m. The Texas Alcoholic Beverage Commission will meet at 5806 Mesa, Room 180, Travis County, Austin. According to the complete agenda, the commission will discuss approval of the February 25, 1992, meeting; presentation of certificate of service to Fred Marosko; administrator's and staff reports on agency activity; discuss approval of affidavit of destruction of tested alcoholic beverages; hear public comment; adopt elements of agency strategic plan: values, philosophy, mission; internal/external assessment; goals; discuss and adopt reorganization plan for enforcement division; discuss and adopt procedures and policies for setting commission meeting agendas; continuation of discussion and action on selection of permanent administrator.

Contact: Jeannene Fox, P.O. Box 13127, Austin, Texas 78731, (512) 458-2500.

Filed: March 13, 1992, 2:38 p.m.

TRD-9203743

Texas Commission on Alcohol and Drug Abuse

Monday, March 23, 1992, 4 p.m. The Board of Commissioners of the Texas Commission on Alcohol and Drug Abuse will meet at the Perry Brooks Building, Eighth Floor Conference Room, 720 Brazos Street, Suite 800, Austin. According to the agenda summary, the board will call the meeting to order; meet in executive session to discuss employment matter relating to individual; reconvene in open session; discuss approval of December 17, 1991 minutes; hear public comments; election of commission officers; action by consent on adoption of final facility licensure rules; adoption of proposed DWI Education Program certification rules; adoption of final alcohol awareness standards; action on appointment of licensed counselor advisory committee member;

concept and process for strategic plan; acceptance of report of findings of State Auditor; reports on complaint investigations activities; FY 1992 operations budget-midyear, second quarterly performance targets; HIV training and coordination activities; problem and compulsive gambling initiative, Criminal Justice initiative, intended use of public funds hearings; presentation of National Commission Against Drunk Driving Award; hear executive director's report; chairman's report; and adjourn.

Contact: Becky Davis or David Tatum, 720 Brazos Street, #403, Austin, Texas 78701, (512) 867-8700.

Filed: March 12, 1992, 11:43 a.m.

TRD-9203652

Texas Commission for the Blind

Friday, March 27, 1992, 10 a.m. The Governing Board of the Texas Commission for the Blind will meet at the Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. According to the complete agenda, the board will discuss and approve the agency's strategic plan, Part I. (tabled from February 28, 1992).

Contact: Jean Wakefield, 4800 North Lamar Boulevard, Austin, Texas 78756, (512) 459-2600.

Filed: March 13, 1992, 3:09 p.m.

TRD-9203745

Texas Board of Chiropractic Examiners

Friday, March 27, 1992, 8 a.m. The Texas Board of Chiropractic Examiners will meet at 8716 MoPac Expressway North, Suite 301, Austin. According to the complete agenda, the board will conduct a public hearing to solicit comments on proposed rules. Rules proposed include §§75.7, 80.6,

71.10, 73.3, 75.1, 75.6, 77.3, 77.5, 80.1, 80.5, 80.7, 80.8, 80.9, and 81. These rules were previously published in the *Texas Register*. Comments or suggestions may be presented in person at the hearing, or may be submitted in writing to the Texas Board of Chiropractic Examiners, 8716 MoPac Expressway North, Suite 301, Austin, by March 31, 1992.

Contact: Jennie Smetana, 8716 MoPac Expressway North, Suite 301, Austin, Texas 78759, (512) 343-1895.

Filed: March 12, 1992, 12:46 p.m.

TRD-9203660

Texas State Board of Examiners of Professional Counselors

Thursday, March 19, 1992, 1 p.m. The Complaints Committee of the Texas State Board of Examiners of Professional Counselors held an emergency meeting at the Board Offices, 8407 Wall Street, Exchange Building, Austin. According to the complete agenda, the committee considered and possibly acted on: agreed orders concerning licenses of P.J.B., B.A.L., D.C.Q., and K.R.B.; lawsuit concerning Gerald Caldwell; complaints, investigations and pending hearings; and approved supervisors, Faries McDaniel and Lonnie Teague. The emergency status was necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: March 13, 1992, 4:08 p.m.

TRD-9203750

Friday, March 20, 1992, 10:30 a.m. The Applications, Licensing and Renewals Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 8407 Wall Street, Exchange Building, Austin. According to the complete

agenda, the committee will consider and possibly act on: applications of Izola Dixon Floyd, George Scott Holden, Darrold James Huntley, Lucian Thomas Jones, Marion Lee Kirk, John Charles Motley, Mary Margaret Randall, Wade Peter Rascoe, Peggy J. Skinner, Anne Therese Taylor, Susan Ann Wendelin, and others; response to question concerning supervision start dates (relative to degree award dates) for J. Pace, D. Rhoden, and A. Edwards; and report on status of renewals. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: March 13, 1992, 4:22 p.m.

TRD-9203762

Friday, March 20, 1992, 1 p.m. The Fees and Budget Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 8407 Wall Street, Exchange Building, Austin. According to the complete agenda, the committee will consider and possibly act on financial report through January 31, 1992 and on the budget. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: March 13, 1992, 4:23 p.m.

TRD-9203763

Friday, March 20, 1992, 1 p.m. The Testing and Continuing Education Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 8407 Wall Street, Exchange Building, Austin. According to the complete agenda, the committee will consider and possibly act on: concerns from Evelyn Hartman concerning continuing education programs offered by the Texas Association of Rehabilitation Professionals in the private sector; report by ad hoc examination committee; report on number of applicants for March 28, 1992 examination; and disability accommodation form to be placed in application packet. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: March 13, 1992, 4:22 p.m.

TRD-9203761

Friday, March 20, 1992, 2 p.m. The Personnel and Administration Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 8407

Wall Street, Exchange Building, Austin. According to the complete agenda, the committee will consider and possibly act on: personnel matter as regards the executive secretary to board; personnel audit by Texas Department of Health; temporary continuing education processor; and demographic survey. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: March 13, 1992, 4:23 p.m.

TRD-9203764

Friday, March 20, 1992, 3 p.m. The Public and Professional Relations Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 8407 Wall Street, Exchange Building, Austin. According to the complete agenda, the committee will consider and possibly act on: status to change to information brochure to include 1-800 number; and mailing CEU listing separately. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: March 13, 1992, 4:22 p.m.

TRD-9203760

Friday, March 20, 1992, 3:30 p.m. The Rules and Specialties Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 8407 Wall Street, Exchange Building, Austin. According to the complete agenda, the committee will consider and possibly act on: petition for rule changes submitted by R. David Crouch, Ed. D.; development of requirements for supervisory training; and revision of board rules. The emergency status is necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: March 13, 1992, 4:23 p.m.

TRD-9203765

Saturday, March 21, 1992, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet at the Board Offices, Room 400, Exchange Building, 8407 Wall Street, Austin. According to the agenda summary, the board will hear announcements; discuss approval of the minutes of November 18, 1991 board meeting; discuss and possibly act on: Attorney General's opinion; lawsuit involving the Texas Psychological Association; personnel matter as regards executive secretary; Texas De-

partment of Health personnel audit; temporary continuing education processor; financial report through January 31, 1992; budget; application, licensing and renewals; supervision start dates (relative to degree award dates); Testing and Continuing Education; agreed orders concerning individual licenses; lawsuit concerning individual; complaints, investigations and pending hearing(s); changes to information brochure to include 1-800 number; mailing CEU listings separately; petition for rule amendment; development of requirements for supervisory training; revision of board rules; decision by United States Court of Appeals; 11th Circuit regarding Kagay versus Florida; American Association of State Counseling Boards meeting in Phoenix; board member(s) attending the American Association of Counseling and Development conference; financial statements by board members; request from affiliate peer review committee of Psychiatric Institute of Fort Worth; and hear public comments.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: March 13, 1992, 4:09 p.m.

TRD-9203751

Texas Department of Criminal Justice, Board of Pardons and Paroles

Tuesday, March 24, 1992, 8 a.m. The Board of Pardons and Paroles of the Texas Department of Criminal Justice will meet at Vista Grande, 1910 American Drive, Lago Vista. According to the complete agenda, the board will conduct a retreat to discuss board member responsibilities; board administration; parole decision making; and board objectives/role.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 406-5407.

Filed: March 16, 1992, 12 p.m.

TRD-9203818

Texas Education Agency

Friday, March 13, 1992, 8:30 a.m. The Committee on Long-Range Planning of the State Board of Education of the Texas Education Agency held an emergency meeting in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the complete emergency revised agenda, the committee discussed potential legal options for regulating commercial access to students. This item was originally posted as a discussion item, but was rescheduled for action. The emergency

status was necessary as the agency found it of urgent public necessity for this item to be changed from discussion to action to resolve the issue of access to commercial broadcasts in the public schools. The agency had reached closure on these issues that was unanticipated at the time of the posting, and was to the benefit of the school districts of Texas to resolve the issue at the earliest possible date.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: March 12, 1992, 11:46 a.m.

TRD-9203657

Friday, March 13, 1992, 1:30 p.m. The State Board of Education of the Texas Education Agency held an emergency meeting in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the complete emergency revised agenda, the board discussed potential legal options for regulating commercial access to students. This new item has been added to the agenda for action by the full board. The emergency status was necessary as the agency found it of public necessity for this item to be scheduled for action by the board to resolve the issue of access to commercial broadcasts in the public schools. The agency had reached closure on these issues that were unanticipated at the time of posting, and it was to the benefit of the school districts of Texas to resolve the issue at the earliest possible date.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: March 12, 1992, 11:46 a.m.

TRD-9203658

Monday, March 23, 1992, 9 a.m. The Committee on Student Learning of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the complete agenda, the committee will have an introduction and comments; presentations: What Work Requires of Schools: A Report of the Secretary's Commission on Achieving Necessary Skills (SCANS) for America 2000, and Project C3 from Fort Worth Independent School District; Oregon Education Reform; America's Choice: High Skills or Low Wages; election of co-chair; summary of reports relating to student outcomes.

Contact: Marvin Veselka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9533.

Filed: March 13, 1992, 9:38 a.m.

TRD-9203691

Monday, March 23, 1992, 6 p.m. The State Board of Education Task Force on

Professional Preparation and Development Committee on Preservice Education/Development and Continuing Staff Development of the Texas Education Agency will meet at the William B. Travis Building, Room 1-109, 1701 North Congress Avenue, Austin. According to the complete agenda, the committee will make changes to the document "Revised Statement of Policy Directives."

Contact: Richard Swain, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9328.

Filed: March 13, 1992, 9:31 a.m.

TRD-9203689

Tuesday, March 24, 1992, 9 a.m. The State Board of Education Task Force on Professional Preparation and Development Committee on Compensation and Incentive Systems of the Texas Education Agency will meet at the William B. Travis Building, Room 1-109, 1701 North Congress Avenue, Austin. According to the complete agenda, the committee will make changes to the document "Revised Statement of Policy Directives."

Contact: Richard Swain, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9328.

Filed: March 13, 1992, 9:37 a.m.

TRD-9203690

Tuesday, March 24, 1992, 9 a.m. The State Board of Education Task Force on Professional Preparation and Development Committee on Preservice Education/Development and Continuing Staff Development of the Texas Education Agency will meet at the William B. Travis Building, Room 6-100, 1701 North Congress Avenue, Austin. According to the complete agenda, the board will make changes to the document "Revised Statement of Policy Directives."

Contact: Richard Swain, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9328.

Filed: March 13, 1992, 9:30 a.m.

TRD-9203688

Tuesday, March 24, 1992, 10 a.m. The Environmental Education Advisory Committee Subcommittee on Communications of the Texas Education Agency will meet at Suite 206, 1901 Capitol Parkway, Austin. According to the complete agenda, the committee will discuss current and future initiatives relative to environmental education.

Contact: Jim Collins, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9565.

Filed: March 16, 1992, 4:36 p.m.

TRD-9203872

Tuesday, March 24, 1992, 6:30 p.m. The State Board of Education Task Force on High School Education of the Texas Education Agency will hold an emergency meeting at the Conroe High School, 3200 West Davis Street, Highway 105, Conroe. According to the complete agenda, the task force will hold a public hearing on restructuring high school education. Those wishing to testify at the public hearing may register at the hearing or by calling the Division of Policy Planning and Evaluation, Texas Education Agency, (512) 463-9701, by 5 p.m. on Monday, March 23, 1992. Testifiers will be limited to three minutes and should furnish 15 written copies of their testimony. Testimony will be heard on a first registered-first heard basis. The emergency status is necessary as it is of urgent public necessity for this hearing to be held to obtain public input on the development of the State Board of Education's policy on high school education.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: March 17, 1992, 8:57 a.m.

TRD-9203875

Friday, April 3, 1992, 9 a.m. The Task Force of Various State Agencies that Regulate Proprietary Schools of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-109, Austin. According to the complete agenda, a task force comprised of staff from the Texas Education Agency, Texas Guaranteed Student Loan Corporation, and other state agencies that regulate proprietary schools will discuss the agencies' actions to improve program quality and reduce default rates. The task force will then summarize the meeting and discuss the next meeting of the task force.

Contact: Dee Bednar, 1701 North Congress Avenue, Austin, Texas 78701, (512) 475-3560.

Filed: March 16, 1992, 4:35 p.m.

TRD-9203871

◆ ◆ ◆ Employees Retirement System of Texas

Wednesday, March 25, 1992, 8:30 a.m. The ERS Audit Committee, ERS Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Building, 18th and Brazos Streets, Room 407, Austin. According to the complete agenda, the committee and board will discuss status of fiscal year 1992 ERS audit plan; status of fiscal year 1991 ERS recommendations; status of state auditor recommendations; fiscal year 1990 audit of financial statements; fiscal year 1991 deferred compensation trans-

fer; fiscal year 1991 deferred compensation management controls; plan future meeting date; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: March 16, 1992, 3:42 p.m.

TRD-9203860

Wednesday, March 25, 1992, 9:30 a.m. The Organization and Compensation Committee, ERS Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Building, 18th and Brazos Streets, Room 407, Austin. According to the complete agenda, the committee and board will discuss Texas Employees Uniform Group Insurance Program contribution; future meeting date; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: March 16, 1992, 3:42 p.m.

TRD-9203861

Wednesday, March 25, 1992, 2 p.m. The Board of Trustees of the Employees Retirement System of Texas will meet at the Texas Rehabilitation Commission Building, 4900 North Lamar Boulevard, Room 4501, Austin. According to the complete agenda, the board will select an equity investment advisor; and adjourn.

Contact: William S. Nail, 18th and Brazos Streets, Austin, Texas 78701, (512) 867-3336.

Filed: March 16, 1992, 3:43 p.m.

TRD-9203862

Texas Employment Commission

Tuesday, March 24, 1992, 8:30 a.m. The Texas Employment Commission will meet at the TEC Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to discuss Administaff, Inc. versus James Kaster, et al.; Ben Hogan versus Texas Employment Commission; and relocation of agency headquarters; actions, if any, resulting from executive session; consider and possibly approve bid for sale of Sherman agency-owned building and land; internal procedures of commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 12; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: March 16, 1992, 4:15 p.m.

TRD-9203868

Texas Commission on Fire Protection

Friday-Saturday, April 3-4, 1992, 9 a.m. and 8 a.m. respectively. The Volunteer Fire Fighter Advisory Committee of the Texas Commission on Fire Protection will meet at the Howard Johnson Plaza Hotel South IH-35, Austin. According to the agenda summary, the committee will discuss approval of the February 28-29, 1992 meeting; matters from the public, commission members, and committee members; discuss proposed rules relating to voluntary certification and regulation program of volunteer fire fighters and volunteer fire departments; discuss existing and proposed fire service training and certification programs for volunteer fire fighters in Texas and other jurisdictions including workshop with State Firemen and Fire Marshals' Association Certification Board; possible action on proposed rules relating to voluntary certification and regulation program of volunteer fire fighters and volunteer fire departments; discuss and possibly act on recommendation for representation of the Volunteer Fire Fighter Advisory Committee at the April meeting of the International Fire Service Accreditation Congress; and plan future dates, agendas, and locations.

Contact: Jack Woods, P.O. Box 2286, Austin, Texas 78768-2286, (512) 322-3550.

Filed: March 16, 1992, 7:36 a.m.

TRD-9203769

Wednesday-Friday, April 8-10, 1992, 9 a.m. The Texas Commission on Fire Protection will meet at the Embassy Suites North, 5901 North IH-35, Austin. According to the agenda summary, the commission will discuss and possibly act on rule recommendations from Fire Protection Personnel Advisory Council, Volunteer Fire Fighter Advisory Committee, Fire Extinguisher Advisory Council, Fire Sprinkler Advisory Council; hear report from the Fire Alarm Advisory Council; discuss and possibly act on final adoption of rules from the Funds Allocation Advisory Committee; discuss and possible final adoption of rules concerning the safe storage, handling, and use of flammable liquids at retail service stations in aboveground storage tanks; discuss and possible action relating to recommended staffing patterns to fire departments; matters from the executive director; meet in executive session regarding personnel matters; matters to be considered from the public; and discuss and possibly act regarding future meeting dates, time, and place.

Contact: Jack Woods, P.O. Box 2286, Austin, Texas 78768-2286, (512) 322-3550.

Filed: March 16, 1992, 7:39 p.m.

TRD-9203772

Thursday-Friday, April 9-10, 1992, 1:30 p.m. and 9 a.m. respectively. The Funds Allocation Advisory Committee of the Texas Commission on Fire Protection will meet at the Embassy Suites North, 5901 North IH-35, Austin. According to the agenda summary, the committee will discuss approval of previous minutes; discuss and possibly act on rule recommendations; information report on monitoring of contracts executed with Fire Department Emergency Board; discuss and possibly act on revisions to the recommended application and instructions; discuss and recommend the interest rate to be used for loans; discuss and possibly act on procedure for receiving, reviewing, and making recommendations on applications.

Contact: Jack Woods, P.O. Box 2286, Austin, Texas 78768-2286, (512) 322-3550.

Filed: March 16, 1992, 7:37 p.m.

TRD-9203770

General Services Commission

Monday, March 23, 1992, 9:30 a.m. The General Services Commission will meet at 1711 San Jacinto Boulevard, Central Services Building, Room 402, Austin. According to the agenda summary, the commission will consider and approve construction of parking facility at the William P. Hobby, Jr. State Office Building; monthly alternative fuels activity report; monthly update on the statewide telecommunications plan; monthly construction project report; monthly operating budget report; monthly division activity report; and meet in executive session to receive report from counsel concerning the status of all pending litigation.

Contact: Judith M. Porras, 1711 San Jacinto Boulevard, Austin, Texas 78701, (512) 463-3446.

Filed: March 13, 1992, 10:05 a.m.

TRD-9203692

Office of the Governor, Criminal Justice Division

Friday, March 20, 1992, 11 a.m. The Automobile Theft Prevention Authority of the Criminal Justice Division of the Office of the Governor will meet at the John H. Reagan Building, 105 West 15th Street, Room 106, Austin. According to the agenda summary, the authority will call the meeting

to order; introduce A.T.P.A board and CJD staff; discuss and/or adopt A.T.P.A. by-laws, rules, and procedures including the discussion and/or adoption of rules governing auto theft assessment fee calculations, collection, and recoupment by insurance companies; report on auto theft prevention fund balance by Department of Insurance; discuss Michigan Automobile Theft Prevention Authority; discuss and approve general outline or contents of the A.T.P.A. "Report of Activities", required by law to be submitted to the Lieutenant Governor and the Speaker of the House by April 1, 1992; discuss and/or approve personnel and equipment requirements; discuss and/or approve job description and/or approval concerning CJD Comptroller's personnel requirements; discuss and/or approve field hearing sites and dates.

Contact: Glenn Brooks, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

Filed: March 12, 1992, 11:44 a.m.

TRD-9203656

Thursday, March 26, 1992, 9:30 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division of the Office of the Governor will meet at the Sheraton Austin Hotel, 500 North IH 35, Creekside Room, Austin. According to the complete agenda, the board will call the meeting to order; introductory remarks; discuss travel reimbursement; reauthorization of the Juvenile Justice Act; update on National Coalition, of state advisory groups, update on Southern Coalition of State Advisory Groups; summary of Juvenile Justice Act mandates; discuss juveniles in jail; juveniles probation: what local governments do; what state government does; what state government does; substance abuse services: what state government does; protective services for children: what state government does; alternative to the Juvenile Justice System: what private agencies do; advocacy: what it is and how to do it; adjourn; and meet in executive committee meeting.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: March 13, 1992, 10:10 a.m.

TRD-9203693

Thursday, March 26, 1992, 8:30 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division of the Office of the Governor will meet at the Sheraton Austin Hotel, 500 North Interstate 35, Creekside Room, Austin. According to the complete agenda, the board will call the meeting to order; review and discuss Criminal Justice Plan for Texas; request for grant applications; report of the Subcommittee on Minorities in the Juvenile Justice System; board recommen-

dations to the Governor on the FY 1992 Plan; adjourn; general session; and Applications Review Committee.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78701, (512) 463-1919.

Filed: March 13, 1992, 10:10 a.m.

TRD-9203694

Statewide Health Coordinating Council

Tuesday, March 24, 1992, 10 a.m. The Ad Hoc Committee on Health Concerns of the Elderly of the Statewide Health Coordinating Council will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee will consider final assignment of members to workgroups; conduct workgroup meetings; consider reports from workgroup meetings; and discuss future activity.

Contact: Don Kretsinger, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: March 16, 1992, 4:19 p.m.

TRD-9203869

Texas Department of Health

Sunday, March 15, 1992, 9 a.m. The Board of Health of the Texas Department of Health met at the Austin I and II Rooms, Beaumont Plaza Holiday Inn, 3950 I-10 South at Walden Road, Beaumont. According to the emergency revised agenda summary, the board discussed approval of the minutes of previous meeting; heard acting commissioner's report; discussed and possibly acted on: department regional structure and operations; committee reports; approval of signature authority for central office, San Antonio State Hospital, and South Texas Hospital; rules (occupational health; radiation concerning licensing of naturally occurring radioactive materials; grading rules for nursing facilities; long term care coordination for the elderly; nursing facility licensure and medicaid certification; nurse aide registry and training); discussed in executive session personnel matter concerning duties of commissioner of health; and heard announcements and comments. The emergency status was necessary as unforeseeable circumstance that board would need to consider regional structure and operations and to discuss in executive session duties of commissioner of health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: March 13, 1992, 4:07 p.m.

TRD-9203749

Monday, March 23, 1992, 9 a.m. The Advisory Council on Massage Therapy, Ad Hoc Examination Committee of the Texas Department of Health will meet at the Exchange Building, Room S-402, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on: curriculum revisions; additional questions for inclusion into massage therapy examination data base; and January 1992 examination results.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6618.

Filed: March 13, 1992, 4:09 p.m.

TRD-9203752

Texas Higher Education Coordinating Board

Wednesday, April 1, 1992, 9 a.m. The Coordinating Board/State Board of Education Joint Liaison Committee of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building Five, Room 5.139, 7745 Chevy Chase Drive, Austin. According to the complete agenda, the committee will discuss teacher education; recommended preparation programs for high school students; TASP performance and reporting; report on the commissioner's conference; technical education and quality work force initiatives; and discuss other business.

Contact: Maricela Oliva, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: March 17, 1992, 9:11 a.m.

TRD-9203879

Texas Department of Housing and Community Affairs

Friday, March 13-14, 1992, 2:30 p.m. and 8:30 a.m. respectively The Board of the Texas Department of Housing and Community Affairs held an emergency meeting at Vista Grande Resort and Conference, 1918 American Drive, Lago Vista. According to the agenda summary, the board met to consider and possibly act on adoption of the low income housing tax credit rules and qualified allocation plan. The emergency status was necessary due to urgent public necessity to better manage and preserve state fund and property to provide safe, decent and sanitary housing for Texans of low and moderate income and to comply with Federal mandates.

Contact: Mario Aguilar, 811 Barton Springs, Suite 300, Austin, Texas 78711, (512) 474-2974.

Filed: March 12, 1992; 4:39 p.m.

TRD-92036679

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Texas Department of Human Services

Friday, March 20, 1992, 8 a.m. and 10 a.m., 701 West 51st Street, First Floor, East Tower, 8 a.m. Room 652 and 10 a.m. Public Hearing Room, Austin. According to the complete agenda, the board will conduct a briefing on child protective services risk assessment at 8 a.m. and will conduct a meeting at 10 a.m. to consider action on approval of February 21 1992 minutes; comments and announcements by the chairman; El Paso regional report; El Paso council of judges policy advisory group on foster care recommendations; transfer of children from pediatric nursing facility care to community care settings; remedies against nursing facilities for contract violations; recommendations to ensure that DHS services are accessible to persons with disabilities; ICF-MR compliance with ADA of 1990; service hour ceiling for family care and primary home care; reimbursement rate for DAHS; PASARR transfer rules; report on persons denied admission to nursing facilities because of PASSARR; nurse aide training and competency evaluation costs; request to establish a drug use review board; eligibility or payments for disproportionate share hospitals; AFDC fraud control program; amendments to policies and procedures; internal audit charter and FY 92 audit plan; estimated costs to establish regional units for services to persons with disabilities; commissioner's report. Note: persons who are deaf or hearing impaired and require interpreter services are asked to call the department's Civil Rights office (512) 450-3048, P.O. Box 149030, Austin, Texas 78714-9030.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048

Filed: March 12, 1992, 11:11 a.m.

TRD-9203523

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Texas Department of Insurance

Tuesday, March 24, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Professional Investors Life Insurance Company, Tulsa, Oklahoma, who holds a certificate of authority. Docket Number 11435.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:43 p.m.

TRD-9203848

Tuesday, March 24, 1992, 10 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment of the Articles of Incorporation of First Employees Insurance Company, Dallas, increasing the authorized capital, pertaining to Indemnification of directors and officers and pertaining to limitation of directors' liability. Docket Number 11428.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:42 p.m.

TRD-9203847

Wednesday, March 25, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Gary Weiler Garrett, of Houston, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license. Docket Number 11399.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:42 p.m.

TRD-9203846

Wednesday, March 25, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against National Health Insurance Company, a domestic stock life insurance company which holds a certificate of authority.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:44 p.m.

TRD-9203849

Thursday, March 26, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda,

the section will conduct a public hearing to consider whether disciplinary action should be taken against Kerry Kingery, of Austin, who holds a Solicitor's license. Docket Number 11441.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:44 p.m.

TRD-9203850

Thursday, March 26, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Nobel Holdings, Inc. Dallas, to acquire control of LPG Risk Retention Group Insurance Company, Dallas.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:45 p.m.

TRD-9203852

Thursday, March 26, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Thomas Elmo Gabriel, Odessa, who holds a Group II Insurance Agent's license. Docket Number 11437.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:44 p.m.

TRD-9203851

Monday, March 30, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Gina L. Guest, Houston, to acquire 16.66% control of Statesman National Life Insurance Company, Houston. Docket Number 11445.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:46 p.m.

TRD-9203855

Monday, March 30, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor,

Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of James L. Guest, Jr., Houston, to acquire 16.66% control of Statesman National Life Insurance Company, Houston. Docket Number 11444.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:45 p.m.

TRD-9203854

Monday, March 30, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application Thomas M. Guest, Houston, to acquire 16.66% control of Statesman National Life Insurance Company, Houston. Docket Number 11443.

Contact: Kelly Townsell, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: March 16, 1992, 2:45 p.m.

TRD-9203853

Wednesday, April 22, 1992, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at William P. Hobby Building, 333 Guadalupe Street, Austin. According to the agenda, the board will meet to consider adoption of proposed new 28 TAC §5.7016 concerning unfair trade practice for an insurer to cancel, nonrenew, and deny private passenger automobile insurance coverage based on no-fault accidents.

Contact: Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6527.

Filed: March 12, 1992; 4:15 p.m.

TRD-9203677

Monday, May 11, 1992, 10 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at William P. Hobby Building, 333 Guadalupe Street, Austin. According to the agenda, the board will meet to consider presumptive premium rates for credit life insurance, accident and health insurance under Docket Number 1869.

Contact: Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6527.

Filed: March 12, 1992; 4:15 p.m.

TRD-9203676

Legislative Education Board

Tuesday, March 24, 1992, 10 a.m. The Legislative Education Board will meet at the Meeting Room One, One Capitol Square, 300 West 15th Street, Austin. According to the complete agenda, the board will call the meeting to order; committee on student learning; accountability studies; school finance studies; discuss other business; and adjourn.

Contact: Gail Nelson, John H. Reagan Building, Room 400, Austin, Texas 78701, (512) 463-1146.

Filed: March 16, 1992, 4:27 p.m.

TRD-9203870

Texas Department of Licensing and Regulation

Monday, March 23, 1992, 9 a.m. The Inspections and Investigations, Manufactured Housing Department of the Texas Department of Licensing and Regulation, 920 Colorado, E.O. Thompson Building, Room 1012, Austin. 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 Wayne Dopslop for violation of Texas Civil Statutes, Articles 5221f and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: March 12, 1992, 4:07 p.m.

TRD-9203673

Tuesday, March 24, 1992, 9 a.m. The Inspections and Investigations, Tow Trucks Department of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. 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 Arlene Carson for violation of Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: March 12, 1992, 4:08 p.m.

TRD-9203672

Thursday, March 25, 1992, 10 a.m. The Inspections and Investigations, Boxing Department of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the complete

agenda, the department will hold an administrative hearing to consider the possible issuance or denial of a boxing license for Frank E. Hooper as provided by Vernon's Texas Civil Statutes, Articles 8501-1 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: March 16, 1992, 8:17 a.m.

TRD-9203774

Monday, March 30, 1992, 9 a.m. The Inspections and Investigations, Personnel Employment Services Department of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. 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 Carl M. Gresham doing business as Pathways of Hurst for violation of Vernon's Texas Civil Statutes, Articles 5221a-7 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: March 16, 1992, 8:17 a.m.

TRD-9203773

Texas Department of Mental Health and Mental Retardation

Thursday, March 26, 1992, 9:10 a.m. The Board of the Human Resources Committee of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to the complete agenda, the committee will hear citizens' comments; and give an overview of human resources development. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: March 16, 1992, 3:55 p.m.

TRD-9203864

Thursday, March 26, 1992, 9:30 a.m. The Board Planning and Policy Development Committee of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to the complete agenda, the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to

the complete agenda, the committee will hear citizens' comments; update regarding House Bill 7 and House Bill 2009 activities; consider items related to the recommendations of the Facility Review Task Force; report to the board regarding Community Services Steering Committee and Community Centers Task Force recommendations action plan; consider adoption of new rules governing rights of persons receiving mental health services, Chapter 404, Subchapter E; and consider amendments to board policy governing advisory committees. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: March 16, 1992, 3:55 p.m.

TRD-9203867

Thursday, March 26, 1992, 11 a.m. The Board Business and Asset Management Committee of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to the complete agenda, the committee will hear citizens' comments; consider approval of the selection of architects and engineers of TXMHMR construction projects; consider approval of FY 1992 operating budget adjustments; consider grazing lease for 317 acres of land at the Abilene State School; and consider items related to the West 38 Street planned unit development lease. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: March 16, 1992, 3:55 p.m.

TRD-9203866

Thursday, March 26, 1992, 1 p.m. The Board Audit Committee of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to the complete agenda, the committee will hear citizens' comments; and discuss internal audit activity update. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: March 16, 1992, 3:55 p.m.

TRD-9203865

Friday, March 27, 1992, 11 a.m. The

Board of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Central Office, 909 West 45th Street, Auditorium, Austin. According to the agenda summary, the board will call the meeting to order; hear citizens' comments (limited to three minutes); discuss approval of the minutes of February 7, 1992 meeting; and discuss other issues. If deaf interpreters required, notify TDMHMR (512) 323-3255, Ernest Fuentes, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, (512) 465-4506.

Filed: March 16, 1992, 3:55 p.m.

TRD-9203863

Texas Parks and Wildlife Department

Wednesday, March 25, 1992, 10 a.m. The Regulations Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Complex Building B, 4200 Smith School Road, Austin. According to the agenda summary, the committee will discuss approval of the minutes; an update on Mountain Lion status; results of muzzleloading public hunts and surveys; briefing on a proposed white-tailed deer management/control permit; briefing on proposed regulations for freshwater mussels; a petition for rulemaking relating to the ban on weekend trollines; briefing and discussion on the implications of the January 29, 1992 regulations committee meeting concerning waterfowl regulations and the National Migratory game bird permit; discuss other issues: several issues raised by the public hearing process; and a discussion and status report on hunter safety.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 16, 1992, 2:18 p.m.

TRD-9203830

Wednesday, March 25, 1992, 1 p.m. The Land Acquisition and Development Committee of the Texas Parks and Wildlife Commission of the Texas Department of Wildlife Department will meet at the Parks and Wildlife Headquarters, Complex Building B, 4200 Smith School Road, Austin. According to the agenda summary, the committee will meet in executive session to discuss approval of land; and land acquisition-Blanco, Harrison, Marion, and Matagorda Counties.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 16, 1992, 2:19 p.m.

TRD-9203831

Wednesday, March 25, 1992, 1 p.m. The Land Acquisition and Development Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Complex Building B, 4200 Smith School Road, Austin. According to the agenda summary, the committee will discuss approval of minutes; capital program planning; Big Bend Ranch planning update; and meet in executive session to consider specific acquisitions.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 16, 1992, 2:18 p.m.

TRD-9203829

Wednesday, March 25, 1992, 2:30 p.m. The Finance Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Complex Building C, 4200 Smith School Road, Austin. According to the agenda summary, the committee will discuss approval of the November 6, 1991 meeting minutes; discuss refunding 1985 Park Development Bonds and issuing new money bonds; state auditor report; and discuss other financial matters.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 16, 1992, 2:17 p.m.

TRD-9203828

Wednesday, March 25, 1992, 6 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at Jeffrey's Restaurant, 1204 West Lynn, Austin. According to the agenda summary, the commission members will have dinner, and although this function is primarily a social event and no formal action is planned, they may discuss items on the public hearing scheduled for March 26, 1992, at 9 a.m.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 16, 1992, 2:16 p.m.

TRD-9203825

Thursday, March 26, 1992, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Complex Building B, 4200 Smith School Road, Austin. According to the agenda summary, the commission will meet in executive session to discuss approval of minutes; and land acquisition of Blanco, Matagorda, Harrison and Marion Counties.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 16, 1992, 2:17 p.m.

TRD-9203826

Thursday, March 26, 1992, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Complex Building B, 4200 Smith School Road, Austin. According to the agenda summary, the commission will discuss approval of the minutes; presentation of retirement certificates and service awards; recognize Project WILD teacher of the year; boat ramp funding; proposed state-wide hunting and fishing regulations; briefing on proposed wildlife management area hunting and fishing regulations 1992-1993; Texas Parks and Wildlife Department mitigation policy; proposed refunding and new issuance of state park development bonds; land acquisition-Blanco, Matagorda, Harrison and Marion counties; and briefing on status of the North American Waterfowl management plan.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 16, 1992, 2:17 p.m.

TRD-9203827

Public Utility Commission of Texas

Wednesday, March 25, 1992, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the hearings division will conduct a rehearing conference in Docket Number 10769-application of GTE Southwest, Inc. for approval of enhanced services pursuant to Public Utility Commission Substantive Rule 23.26.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 12, 1992, 2:28 p.m.

TRD-9203670

Monday, March 30, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 10961-application of Southwestern Bell Telephone Company to revise Wats service tariff and general exchange to provide one primary and one foreign exchange directory listing for each commonline 800 number.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 16, 1992, 3:25 p.m.

TRD-9203859

Railroad Commission of Texas

Monday, March 23, 1992, 9:30 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room (12-126), Austin. Agendas follow.

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: March 12, 1992, 10:53 a.m.

TRD-9203697

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7187.

Filed: March 12, 1992, 10:54 a.m.

TRD-9203698

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: March 12, 1992, 10:54 a.m.

TRD-9203699

The commission will consider and act on the Administrative Services Division Director's report on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: March 12, 1992, 10:54 a.m.

TRD-9203700

The commission will consider category determination under §§102(c)(1)(B), 102(c)(1)(C), 103, 107 and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Box 12967, Austin, Texas 78711, (512) 463-6755.

Filed: March 12, 1992, 10:54 a.m.

TRD-9203701

The commission will consider and act on the Division Director's report on budget and personnel matters related to organization of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: March 12, 1992, 10:54 a.m.

TRD-9203702

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss the implementation of individual operating budgets for each individual commissioner's office. Consideration of appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: March 12, 1992, 10:54 a.m.

TRD-9203703

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711, (512) 463-7251.

Filed: March 12, 1992, 10:55 a.m.

TRD-9203704

The commission will consider various matters within the jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various action, including, but not limited, to scheduling an item in its entirety or for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act, including to receive legal advice regarding pending and/or contemplated litigation.

Contact: Walter H. Washington, P.O. Box 12967, Austin, Texas 78711, (512) 463-7274.

Filed: March 12, 1992, 10:55 a.m.

TRD-9203705

Texas County and District Retirement System

Friday, March 27, 1992, 9 a.m. The Board of Trustees of the Texas County and District Retirement System will meet at the Hyatt Regency Town Lake, Austin. According to the agenda summary, the chairman will open meeting; discuss approval of minutes of December 13, 1991, regular board meeting will be read; consider and pass on applications for service retirement and disability retirement benefits; consider applications for TCDRS participation; consider of proposed merger with Port of Corpus Christi and merger of Cameron County Tax Appraisal District's plans into TCDRS; review and act on reports from director, actuary, and investment counsel; and set date for June meeting.

Contact: J. Robert Brown, 400 West 14th Street, Austin, Texas 78701, (512) 476-6651.

Filed: March 17, 1992, 9:43 a.m.

TRD-9203880

Center for Rural Health Initiatives

Tuesday, March 24, 1992, 10 a.m. The Executive Committee of the Center for Rural Health Initiatives will meet at the Texas Department of Health, 1100 West 49th Street, M652, Austin. According to the agenda summary, the committee will discuss the Rural Health Clinics Program, the Outstanding Rural Scholar Program, the HealthFind Project Status, the Relief Services Project, the Health Care Options Project, Legislative Report Development and the Texas Research League report.

Contact: Bryan Sperry, 211 East Seventh Street, #915, Austin, Texas 78701, (512) 479-8891.

Filed: March 16, 1992, 12:02 p.m.

TRD-9203819

Texas Surplus Property Agency

Thursday, March 26, 1992, 1:30 p.m. The Governing Board of the Texas Surplus Property Agency will meet at the Holiday Inn North and Conference Center, 2540

Meacham Boulevard, Fort Worth. According to the complete agenda, the board will discuss approval of the minutes of December 12, 1991 board meeting; general public presentations; discuss approval of agency strategic plan; adjusting agency's handling fee rate; revised district allocations entitlement percentages; and state audit report.

Contact: Marvin J. Titzman, P.O. Box 8120, San Antonio, Texas 78208, (512) 661-2381.

Filed: March 17, 1992, 9:10 a.m.

TRD-9203877

Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Tuesday, March 24, 1992, 8 a.m. The Transition Committee of the Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association will meet at 333 Guadalupe Street, Hobby III, Ninth Floor, Austin. According to the complete agenda, the committee will meet in executive session to interview candidates for the position of executive director and to consider and possibly select an executive director. They will consider and may act upon selection of the executive director.

Contact: Gene Brodhead, 333 Guadalupe Street, Austin, Texas 78701, (512) 322-0223.

Filed: March 16, 1992, 2:02 p.m.

TRD-9203821

Texas State Technical College

Monday March 16, 1992, 7:30 p.m. The Board of Regents of the Texas State Technical College met at the Doubletree Hotel, 6505 IH-35 North, Austin, Texas. According to the complete agenda, the board met with the Texas Higher Education Coordinating Board consultants to discuss operations and needs for the board in accordance with Rider number 30.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705 (817) 867-4890.

Filed: March 12, 1992, 5:39 p.m.

TRD-9203682

Texas Woman's University

Friday, March 27, 1992, 9 a.m. The Student Affairs Committee of the Board of

Regents of Texas Woman's University will meet at the Conference Room, Second Floor, Education Building, TWU Dallas Parkland Center, 1810 Inwood Road, Dallas. According to the complete agenda, the committee will consider approval of the minutes of the meeting of November 13, 1991; report on the Americans with Disabilities Act compliance, APA accreditation visit, the Food Service contract study, the Student Service fees allocations process, the Student Center renovation status, and Food Service design; and report of the committee chair.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: March 12, 1992, 11:16 a.m.

TRD-9203635

Friday, March 27, 1992, 9:20 a.m. The Committee on Institutional Advancement of the Board of Regents of Texas Woman's University will meet at the Conference Room, Second Floor, Education Building, TWU Dallas Parkland Center, 1810 Inwood Road, Dallas. According to the complete agenda, the committee will consider approval of the minutes of the meeting of November 13, 1991; report on alumnae relations, development and public information activities of the Office of Institutional Advancement; and report of the committee chair.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: March 12, 1992, 11:15 a.m.

TRD-9203634

Friday, March 27, 1992, 9:40 a.m. The Academic Affairs Committee of the Board of Regents of Texas Woman's University will meet at the Conference Room, Second Floor, Education Building, TWU Dallas Parkland Center, 1810 Inwood Road, Dallas. According to the complete agenda, the committee will consider approval of the minutes of the meeting of November 13, 1991; consider recommending approval of the: Small Class Report; Faculty Workload Policy; consider recommending phasing out: the recreation program and medical record administration program; the B.A. in dietetics and institutional administration, nutrition, and institutional administration; consider recommending discontinuing the English proficiency examination; and hear report of the committee chair.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: March 12, 1992, 11:16 a.m.

TRD-9203636

Friday, March 27, 1992, 10:30 a.m. The Finance Committee of the Board of Regents of Texas Woman's University will meet at the Conference Room, Second Floor, Education Building, TWU Dallas Parkland Center, 1810 Inwood Road, Dallas. According to the agenda summary, the committee will consider approval of the minutes of the meeting of November 13, 1991; consider recommending approval of personnel additions and changes; gifts and grants; agreements and contracts; allocations of federal funds; insurance; sale of surplus property; certificate of substantial completion of the renovation of the administration building; consider granting authority to the president of the university to determine the use of unrestricted gifts; consider recommending approval of a LoneSTAR Application to the Governor's Energy Office for energy conservation projects; a change in fees paid by students to be effective fall 1991; a resolution which will allow the university to participate in the Texas Local Government Investment Pool; and report of the committee chair.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: March 12, 1992, 11:16 a.m.

TRD-9203637

Friday, March 27, 1992, 1:30 p.m. The Board of Regents of Texas Woman's University will meet at the Conference Room, Second Floor, Education Building, TWU Dallas Parkland Center, 1810 Inwood Road, Dallas. According to the agenda summary, the board will meet in executive session to consider legal, personnel, and real estate matters; consider approval of the minutes of the meeting of November 13, 1991; the small class report; the faculty workload policy, phasing out the recreation program and the medical record administration programs; phasing out the B.A. in Dietetics and Institutional Administration, Nutrition, and Institutional Administration; discontinuing the English proficiency examination; approval of personnel additions and changes; acceptance of gifts and grants; agreements and contracts; allocations of federal funds; insurance; sale of surplus property; certificate of substantial completion of renovation of the administration building; grant authority to the president to determine use of unrestricted gifts; approval of a change in fees paid by students effective fall 1992; a resolution to allow the university to participate in the Texas Local Government Investment Pool; reports from the committee chairs and the president.

Contact: Shirley S. Chater, P.O. Box 23925, Denton, Texas 76204, (817) 898-3201.

Filed: March 12, 1992, 11:17 a.m.

TRD-9203638

Texas Water Commission

Thursday, April 2, 1992, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1149A, Austin. According to the agenda summary, the office will hold a public hearing on assessment of administration penalties and requiring certain actions of Dixie Metals Company.

Contact: Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 16, 1992, 2:11 p.m.

TRD-9203823

Monday, April 6, 1992, 10 a.m. The Texas Water Commission will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-100, Austin. According to the agenda summary, the commission will hold a hearing on an enforcement action against Dan Roberts doing business as Dan Roberts Water System. Dan Roberts Water System provides retail water utility service to customers of Cypress Creek Acres water system and Inwood Forest Water System, both located near Wimberely, Hayes County. Docket Number 9063-E.

Contact: William C. Harris, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1992, 1:58 p.m.

TRD-9203667

Monday, April 6, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 119, Austin. According to the agenda summary, the commission will hold a hearing on an application for a certificate of convenience and necessity by Shady Hollow Partners doing business as Estates of Shady Hollow Water Supply. The applicant is also proposing decertification of Shady Hollow Estates Water Supply Corporation's CCN Number 11846. The proposed service area is approximately 12 miles southwest of downtown Austin, and includes approximately 320 acres and 50 current customers. Docket Number 9313-C.

Contact: Heidi Jackson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1992, 1:59 p.m.

TRD-9203668

Friday, April 10, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 512, Austin. According to the agenda summary, the commission will

hold a hearing on a water rate increase of Gun and Rod Water Estates for its service areas located in Brenham and Washington Counties. Commission staff is requesting hearing to discuss justification for proposed rates, to review utilities' current rates, and to establish reasonable rates based on Texas Water Commission rules. Docket Number 9355-G.

Contact: Linda Sorrells, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1992, 1:58 p.m.

TRD-9203665

Friday, April 10, 1992, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 119, Austin. According to the agenda summary, the commission will hold a hearing on an appeal by ratepayers concerning an out-of-city water rate increase by the City of Hackberry; and the City of Hackberry's rate increase was effective January 1992. Docket Number 9396-W.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1992, 1:58 p.m.

TRD-9203666

Monday, April 13, 1992, 10 a.m. The Texas Water Commission will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-109, Austin. According to the agenda summary, the commission will hold a hearing on a water rate increase of Payne Utilities, Inc. effective January 1, 1992, for its service areas located in Montgomery and San Jacinto Counties. Docket Number 9357-R.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1992, 1:57 p.m.

TRD-9203663

Monday, April 13, 1992, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1028A, Austin. According to the agenda summary, the office will hold a public hearing on assessment of administrative penalties and requiring certain actions of Pat G. Chapman, Permit Number 13184-01.

Contact: Sally Colbert, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 16, 1992, 2:23 p.m.

TRD-9203839

Wednesday, April 15, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen

F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the office will consider whether to affirm, modify or set aside Emergency Order Number 92-4E granted on February 19, 1992 to Dow Chemical Company. The order authorizes Dow Chemical to store, process and dispose of certain agricultural chemical wastes collected as part of the Texas Water Commission's agricultural waste collection program.

Contact: Bob Warneke, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 16, 1992, 2:23 p.m.

TRD-9203837

Wednesday, April 15, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the office will consider whether to affirm, modify or set aside Emergency Order Number 92-5E granted on February 19, 1992 to Chemical Waste Management, Inc. The order authorizes Chemical Waste Management to store and repackage certain agricultural chemical wastes collected as part of the Texas Water Commission's agricultural waste collection program.

Contact: Glen Hall, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 16, 1992, 2:23 p.m.

TRD-9203838

Tuesday, April 28, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse, Courtroom, On the Square, Stephenville. According to the agenda summary, the office will consider an application by Guy Viss V-12 Dairy for Proposed Permit Number 13210 authorizing disposal of wastes and wastewater from a dairy which will consist of a maximum of 990 head. The dairy is located on the west side of an unnamed county road, approximately 4.5 miles southeast of the intersection of U.S. Highway 67 and FM 2481 in Erath County.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 16, 1992, 2:22 p.m.

TRD-9203835

Wednesday, May 6, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a hearing to consider an application requesting an amendment to an order issued November 30, 1990 approving standby fees for Harris County Municipal

Utility District Number 250. The district is requesting an increase in the standby fees to: offset the tax revenues lost due to significant reductions in assessed property valuations; and cover operating budget shortfalls that seriously affect the financial integrity and stability of the district.

Contact: Sam Jones, P.O. Box 13087, Austin, Texas 78711, (512) 463-8442.

Filed: March 12, 1992, 1:59 p.m.

TRD-9203669

Thursday, May 7, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Alvin Community College, Theater, 3110 Mustang Road, Alvin. According to the agenda summary, the office will consider an application by E & D Waste Systems, Inc. for Proposed Permit Number 03416 authorizing flow variable discharges of groundwater from dewatering wells and uncontaminated stormwater runoff via Outfall 001 into Bushway Draw; thence to Dickinson Bayou. The proposed permit also authorizes flow variable discharges of uncontaminated stormwater runoff via Outfall 002 into a series of drainage ditches; thence to Dickinson Bayou in Segment Number 1104 of the San Jacinto-Brazos Coastal Basin.

Contact: Deborah Parker, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 16, 1992, 2:22 p.m.

TRD-9203836

Tuesday, May 19, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Grayson County Courthouse, Assembly Room, 100 West Houston Street, Sherman. According to the agenda summary, the office will consider an application by the City of Sadler for renewal of Permit Number 11037-01 authorizing a discharge of treated domestic wastewater effluent into an unnamed tributary; thence to Mustang Creek; thence to Lake Texoma in Segment Number 0203 of the Red River Basin.

Contact: Linda Sorrels, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 16, 1992, 2:22 p.m.

TRD-9203834

Thursday, May 28, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Central Jury Room, 919 Houston Street, Laredo. According to the agenda summary, the office will consider an application by Webb County for an amendment to Permit Number 12271-01 to increase the discharge of treated domestic wastewater effluent into an unnamed tributary of Chacon Creek; thence to Chacon Creek; thence to Casa Blanca Lake; thence to Chacon Creek; thence to the Rio Grande in Segment Number 2304 of the Rio Grande Basin.

Contact: Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 16, 1992, 2:13 p.m.

TRD-9203824

Texas Workers' Compensation Research Center

Friday, March 27, 1992, 9 a.m. The Board of Directors of the Texas Workers' Compensation Research Center will meet at Room 3.108 of the Sid Richardson Hall of the LBJ School of Public Affairs, University of Texas, Austin. According to the complete agenda, the board will call the meeting to order; discuss approval of minutes; hear report from the executive director; discuss and adopt strategic plan; discuss ethics law provisions; set date of next meeting date; and adjourn.

Contact: June L. Karp, SHB 1005, Austin, Texas 78701, (512) 475-4991.

Filed: March 16, 1992, 2:52 p.m.

TRD-9203856

Regional Meetings

Meetings Filed March 12, 1992

The Austin Transportation Study Policy Advisory Committee met at the Joe C. Thompson Conference Center, Room 2.102, 26th and Red River Streets, Austin, March 17, 1992, at 6 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs Road, Suite 700, Austin, Texas 78704, (512) 472-7483. TRD-9203621.

The Education Service Center, Region XI Board of Directors will meet at the Education Service Center, Region XI, 3001 North Freeway, Fort Worth, March 31, 1992, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9203631.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2023 South Bridge Street, Brady, March 19, 1992, at 7 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9203681.

The Houston-Galveston Area Council Projects Review Committee met at the Fourth Floor Board of Directors Conference Room, 3555 Timmons Lane, Houston, March 17, 1992, at 9 a.m. Information may be obtained from Rowena Ballas, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200. TRD-9203632.

The Houston-Galveston Area Council H-GAC Board of Directors met at the Board of Directors Conference Room, 3555 Timmons Lane, Houston, March 17, 1992, at 10 a.m. Information may be obtained from Rowena Ballas, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200. TRD-9203633.

The Middle Rio Grande Development Council Private Industry Council will meet at the Del Rio Civic Center, 1915 Avenue F, Del Rio, March 24, 1992, at 11 a.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9203651.

The Region VII Education Service Center Board of Directors met at the Golden Corral Restaurant, Highway 79 South, Henderson, March 19, 1992, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (903) 984-3071. TRD-9203622.

The Sabine Valley Center Board of Trustees met at the Administration Building, 107 Woodbine Place, Bramlette Lane, Longview, March 16, 1992, at 7 p.m. Information may be obtained from Mack O. Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9203674.

The Shackelford Water Supply Corporation Director's met at the Ft. Griffin Restaurant, Albany, March 18, 1992, at noon. Information may be obtained from E. D. Fincher, P.O. Box 1295, Albany, Texas 76430, (915) 762-2519. TRD-9203678.

The Tax Appraisal District of Bell County Board of Directors met at the Tax Appraisal District Building, 411 East Central Avenue, Belton, March 18, 1992, at 7 p.m. (revised agenda). Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, Ext. 29. TRD-9203675.

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**Meetings Filed March 13,
1992**

The Alamo Area Council of Governments Management Committee met at 118 Broadway, Suite 420, San Antonio, March 18, 1992, at 10 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9203687.

The Atascosa County Appraisal District Board of Directors met at Fourth and Avenue J, Poteet, March 19, 1992, at 1:30 p.m. Information may be obtained from Vernon A. Warren, P.O. Box 139, Poteet, Texas 78065-0139, (512) 742-3591. TRD-9203744.

The Bosque Central Appraisal District Board of Directors met at the Bosque Cen-

tral Appraisal District Office, 104 West Morgan Street, Meridian, March 19, 1992, at 1 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304, FAX (817) 435-6139. TRD-9203759.

The Burnet County Appraisal District Board of Directors met at 223 South Pierce Street, Burnet, March 19, 1992, at 6:30 p.m. Information may be obtained from Barbara Ratliff, P.O. Drawer 3, Burnet, Texas 78611, (512) 756-8291. TRD-9203708.

The Central Texas Council of Governments Central Texas Private Industry Council will meet at 302 East Central, Belton, March 26, 1992, at 10 a. m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513, (817) 939-3771. TRD-9203723.

The Dallas Area Rapid Transit Board Member Briefing was held at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, March 17, 1992, at 11:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9203758.

The Dallas Area Rapid Transit Budget and Finance Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, March 17, 1992, at 1 p. m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9203755.

The Dallas Area Rapid Transit The Rail Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, March 17, 1992, at 2:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9203757.

The Dallas Area Rapid Transit Mobility Impaired Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, March 17, 1992, at 5:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9203686.

The Dallas Area Rapid Transit Board of Directors' met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, March 17, 1992, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9203754.

The Dallas Area Rapid Transit Board of Directors' met at the DART Office, 601 Pacific Avenue, Dallas, March 17, 1992, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9203748.

The Dallas Central Appraisal District will hold a public hearing at 2949 North Stemmons Freeway, Community Room, Second Floor, Dallas, April 1, 1992, at 8 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9203695.

The East Texas Council of Governments Private Industry Council met at the ETCOG Office, Kilgore, March 19, 1992, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9203742.

The Johnson County Rural Water Supply Corporation held an emergency meeting at the JCRWSC Office Board Room, Highway 171 South, Cleburne, March 13, 1992, at 2:30 p.m. The emergency status was necessary due to an expenditure of \$725,000 by JCRWSC which needed the immediate attention of the full board of directors to rescind or approve due to uncertainty of contract terms, definition and closure date. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9203740.

The Liberty County Central Appraisal District Appraisal Review Board met at 315 Main Street, Liberty, March 19, 1992, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9203741.

The Lower Colorado River Authority Natural Resources Committee met at 3700 Lake Austin Boulevard, General Manager's Conference Room, Austin, March 17, 1992, at 10 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203718.

The Lower Colorado River Authority Committees on Planning and Public Policy and Natural Resources met at 3700 Lake Austin Boulevard, Austin, March 17, 1992, at 1:30 p.m. Information may be obtained from Glen E. Taylor, P. O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203717.

The Lower Colorado River Authority Energy Operations Committee met at 3700 Lake Austin Boulevard, Austin, March 18, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203714.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, March 18, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203713.

The Lower Colorado River Authority Natural Resources Committee met at 3700 Lake Austin Boulevard, Austin, March 18, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203712.

The Lower Colorado River Authority Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, March 18, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203711.

The Lower Colorado River Authority Finance and Administration Committee met at 3700 Lake Austin Boulevard, Austin, March 18, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203710.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, March 18, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203716.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, March 19, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9203715.

The North Central Texas Interlink, Inc. Board will meet at the Mountain View College, 4849 West Illinois, Dallas, April 8, 1992, at 4 p.m. Information may be obtained from Candy Slocum, P.O. Box 610246, DFW Airport, Texas 75261, (214) 621-0400. TRD-9203696.

The Nortex Regional Planning Commission North Texas Private Industry Council will meet at the Wichita Falls Activities Center, Room 215, 10th and Indiana Streets, Wichita Falls, March 25, 1992, at 12:15 p.m. Information may be obtained from Tom O'Neil, Chairperson, First State Bank, Archer City, Texas 76351, (817) 574-4507. TRD-9203725.

The Southwest Milam Water Supply Corporation Board will meet at 114 East Cameron, Rockdale, March 23, 1992, at 7 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9203739.

The Texas Association of Regional Councils Board of Directors met at the Radisson Plaza Hotel, Austin, March 19, 1992, at 2:30 p.m. Information may be obtained from Sheila Jennings, 508 West 12th Street, Austin, Texas 78701, (512) 478-4715. TRD-9203683.

The Wood County Appraisal District Board of Directors met at 217 North Main Street, Conference Room, Wood County Appraisal District, Quitman, March 19, 1992, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951, (903) 763-4891. TRD-9203724.

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**Meetings Filed March 16,
1992**

The Austin-Travis County Mental Health and Mental Retardation Center Finance and Control Committee held an emergency meeting at 1430 Collier Street, Austin, March 18, 1992, at noon. The emergency status was necessary as we were waiting for financial statements and did not have the information ready. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9203813.

The Central Texas Council of Governments Executive Committee will meet at 302 East Central, Belton, March 26, 1992, at 12:45 p.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9203820.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Dallas, March 31, 1992, at 8:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75249, (214) 631-0520. TRD-9203794.

The Deep East Texas Council of Governments Grants Application Review Committee will meet at Cape Royale, FM 224, San Jacinto County, Coldspring, March 26, 1992, at 11 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9203841.

The Gray County Appraisal District Appraisal Review Board met at 815 North Sumner Street, Pampa, March 19, 1992, at 5 p.m. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79006-0836, (806) 665-0791. TRD-9203812.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District Board Room, 4801 King Street, Greenville, March 17, 1992, at 9:15 a.m. The emergency revised agenda was necessary as board needed to hear tax payers protests. Information may be obtained from Triena Rogers, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9203814.

The Kempner Water Supply Corporation Board of Directors met at the Kempner Water Supply Corporation Office, Highway

190, Kempner, March 19, 1992, at 7 p.m. Information may be obtained from Doug Lavender or Alton Myers, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9203795.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, March 19, 1992, at 7 p.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9203797.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, March 19, 1992, at 7 p.m. (revised agenda). Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9203796.

The Nortex Regional Planning Commission General Membership Committee will meet at the Wichita Falls Activities Center, Room 214, 10th and Indiana Streets, Wichita Falls, March 26, 1992, at noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281. TRD-9203798.

The Nortex Regional Planning Commission North Texas State Planning Region Consortium will meet at the Wichita Falls Activities Center, Room 214, 10th and Indiana Streets, Wichita Falls, March 26, 1992, at 1 p.m. Information may be obtained from Judge Kenneth McNabb, Chairperson, Hardeman County Courthouse, Quanah, Texas 79252, (817) 663-2911. TRD-9203793.

The Rio Grande Council of Governments Board of Directors will meet at 1014 North Stanton, Main Conference Room, El Paso, March 23, 1992, at 9:30 a.m. (MST). Information may be obtained from Cecile C. Gamez, 1014 North Stanton, Suite 100, El Paso, Texas 79902, (915) 533-0998. TRD-9203816.

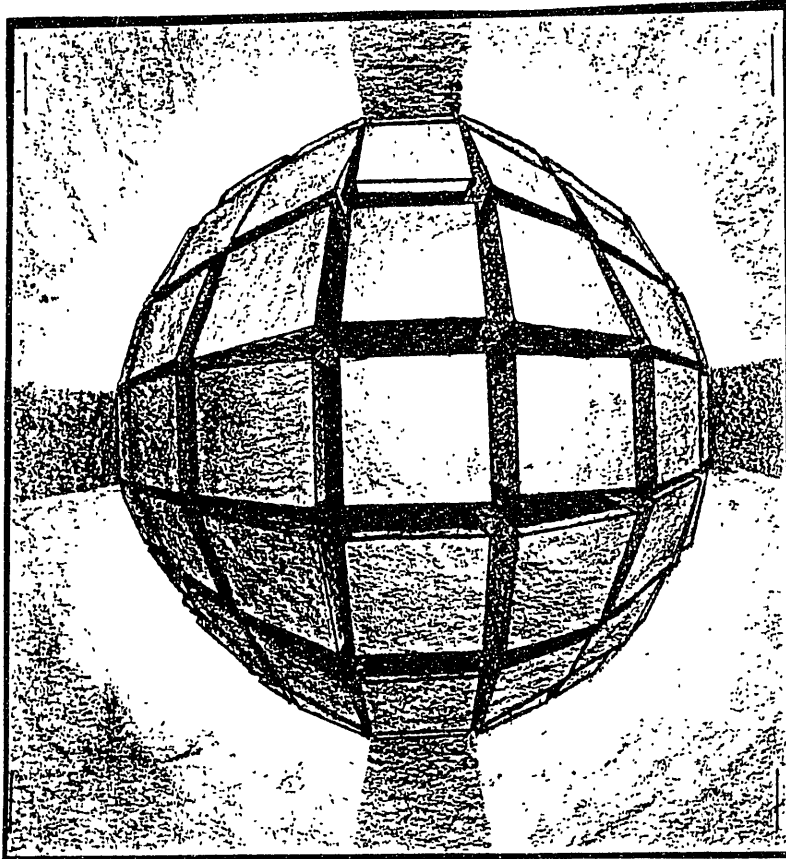
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**Meetings Filed March 17,
1992**

The East Texas Council of Governments Board of Directors will meet at the Cherokee Country Club, Jacksonville, March 26, 1992, at 7:30 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9203874.

The Middle Rio Grande Development Council Texas Review and Comment System will meet at the Civic Center, Kennedy Room, 1915 Avenue F, Del Rio, March 24, 1992, at 10 a.m. Information may be obtained from Dora T. Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9203878.

The Wise County Appraisal District Board of Directors met at 206 South State, Board Room, Decatur, March 19, 1992, at 7 p.m. Information may be obtained from Brenda Jones, 206 South State, Decatur, Texas 76234, (817) 627-3081, ext. 4. TRD-9203876.





Name: Brent Mckee

Grade: 11

School: Plano East Senior High, Plano ISD

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 Department of Agriculture Request for Proposals

The Texas Department of Agriculture is soliciting proposals for administration of the Texas Cooperative Inspection Program (TCIP). The department signed on February 4, 1992, a cooperative agreement with the Agricultural Marketing Service of the United States Department of Agriculture (USDA) to provide the joint operation of the TCIP Program. The department is seeking turnkey solutions which will provide the accounting, payroll, personnel, and data processing services for the TCIP program. Proposals which address only individual components of the Request for Proposal (RFP) will not be considered.

Overview of the Program. The objective of the TCIP Program is to make the inspection service for fresh fruit, vegetables, peanuts, and other products authorized by Congress more widely available to growers, shippers, processors, and receivers than would be possible without the cooperation of the department.

The inspections are conducted by personnel located throughout the State of Texas. The number of employees ranges from 60 to 200, dependent on the time of year.

Background. The Texas Department of Agriculture and the United States Department of Agriculture have had a joint agreement of some type in place for the administration of the inspection program since 1955, with a few brief exceptions.

Prior to the signing of the cooperative agreement on February 4, 1992, the last agreement was in place until May 10, 1990. It is on that date the cooperative agreement between the USDA and the department was terminated.

In order to continue the required inspections, the USDA signed an agreement with the Texas Citrus and Vegetable Association (TCVA) located in Harlingen. TCVA hired former inspectors and put into place an accounting, payroll, and personnel system for the administration of the program. TCVA also developed several data processing systems which helped to administer these functions.

The agreement between the TCVA and USDA continued until the department and the USDA renewed this former relationship by signing a cooperative agreement on February 4, 1992.

Cooperative Agreement. The cooperative agreement between the Agricultural Marketing Service of the United States Department of Agriculture and the Texas Department of Agriculture clearly defines the role of the USDA and the department. The role of the USDA is to provide a supervising inspector and other federal supervisors, employed by the Fruit and Vegetable Division of the Agricultural Marketing Service, who will be under the exclusive supervision of the USDA. These supervisors will instruct inspectors in the interpretation and application of grades,

methods of performing inspections, and preparation of federal and federal-state certificates, and ensure training regarding the federal-state duties.

The Texas Department of Agriculture will assign an administrative director and clerical employees who will be under the exclusive supervision of the department. They will also assign federally licensed inspectors who will be under the exclusive supervision of the department.

The administrative director, who will bear the title of Assistant Commissioner for Inspection Services, will be responsible for the management of the operations of the inspection service and will report directly to the commissioner of the department or a designee. The clerical employees will provide the necessary administrative support to the operation. The inspectors will perform all inspections required under the terms of this cooperative agreement.

Scope and Objectives. The department is seeking vendors who will perform the administration of the Texas Cooperative Inspection Program, generally considered to be the operation of the accounting, payroll, personnel, and data processing needed to support the inspection service. The Texas Department of Agriculture is requesting proposals which address the following specific requirements: the general administration of the inspection operation described in the cooperative agreement; the entry and maintenance of an automated accounting system; the entry and maintenance of an automated payroll system; and, the operation of a data processing facility to support the requirements of this proposal.

This includes the human resources necessary to handle each of these requirements, the computer hardware and software, and a office space to house all of this activity. The department will assign a representative for the agency who will act as the agency's designee to oversee the TCIP Program. Time is of the essence, so solutions which provide the quickest installation of the requested requirements is being sought. The solution must be in operation by May 2, 1992.

RFP Organization. The RFP has been developed to facilitate a vendor's response and provide a foundation for the evaluation of such responses. This information will also serve as the basis for the contract between the Texas Department of Agriculture and the vendor. The RFP will require a substantial amount of time and effort to develop an acceptable response. A vendor's ability to respond thoroughly and completely within the given time parameter is part of the evaluation.

The RFP is organized into the following sections.

Introduction: This section introduces the purpose of the RFP, and provides certain background and overview information concerning the desired scope and objectives for the TCIP.

Administrative Information: This section of the RFP explains the various administrative information required to respond to the RFP and to provide information for vendors concerning the contractual obligations into which they must enter if selected to provide the services solicited in this RFP. This section describes the anticipated schedule of events and other relevant information. Vendors must comply with all of the terms of this RFP.

Description of Texas Federal Inspection Service: This section of the RFP describes the operations of the Texas Citrus and Vegetable Association as it currently maintains the inspection service administrative operation.

Information Resources Description: This section of the RFP describes the current information resources system used by the Texas Citrus and Vegetable Association in the administrative operation of inspection service.

Administrative Requirements: This section of the RFP describes the administrative duties of the TCIP the department will require of the vendor.

Requirements of Information Resources: This section of the RFP describes the hardware, software, and operations requirements of the vendor.

Cost Schedules: This section of the RFP describes the summary and detailed cost information which will be required from the vendor.

Attachments: This section contains a copy of the cooperative agreement and the various required reports which must be filed by the vendor.

Persons to Contact to Obtain Complete RFP. This notice provides only a summary of contractor responsibilities and very general information regarding the services required. Other requirements including specifics for submission of a proposal are contained in the complete RFP. Requests for copies of the complete RFP and inquiries concerning this RFP should be directed to: Mariano Camarillo, III, Assistant Commissioner for Information Resources, Texas Department of Agriculture at 1700 North Congress Avenue, Room 933, Austin, Texas 78701 or at P.O. Box 12847, Austin, Texas 78711. No oral inquiries will be accepted. Any vendor seeking additional information must submit written requests by March 31, 1992. Requests may be faxed to (512) 463-1104.

Proposal Selection and Timeline. The anticipated schedule of the planned major activities of the RFP distribution, submission, evaluation, and contract award process is as follows: RFP issued: March 20, 1992, last day for written questions: March 31, 1992, proposal submission deadline: 5 p.m. April 17, 1992, contract discussions: April 24, 1992, commencement of contract: May 4, 1992.

Proposals will be evaluated on the basis of demonstrated experience in similar projects, quality and experience of staff, and the responsiveness of the proposal to the purpose and scope of services to be provided.

Issued in Austin, Texas, on March 13, 1992.

TRD-9203799 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Filed: March 16, 1992

For further information, please call: (512) 463-7583



Texas Air Control Board

Notice of Contested Case Hearing, In the Matter of Lafarge Corporation Contest Case Hearing Number 295

An examiner for the Texas Air Control Board (TACB) will conduct a contested case hearing on the appeal of the executive director's denial of Lafarge Corporation's application for authorization under Construction Permit Number C-6048B to burn hazardous waste containing materials as fuel for its Portland cement plant located in New Braunfels, Comal County.

Deadline for Requesting to be a Party. At the hearing, only those persons admitted as parties and their witnesses will be allowed to participate. Presently, the only prospective parties are Lafarge Corporation and the TACB staff. Any person who may be affected by emissions from the proposed authorization who wants to be made a party must send a specific written request for party status to Hearings Examiner Bill Ehret and make sure that this request is actually received at the TACB Central Office, 12124 Park 35 Circle, Austin, Texas 78753 by 5 p.m. on March 25, 1992. The examiner cannot grant party status after that deadline, unless there is good cause for the request arriving late. Hearing requests, comments, or other correspondence sent to the TACB before publication of this notice will not be considered as a request for party status. The examiner will decide on party status at the prehearing conference.

Prehearing Conference. The examiner has scheduled a prehearing conference at 1:30 p.m. on Wednesday, April 8, 1992, at the TACB Central Office in Room 143E, 12124 Park 35 Circle, Austin, Texas 78753. At this conference, the examiner will consider any motions of the parties, but may grant contested motions for continuance only upon proof of good cause. The examiner will also establish a specific date prior to the hearing on the merits for the exchange of written and documentary evidence.

Time and Place of Hearing. The examiner has set the hearing to begin at 1:30 p.m. on Tuesday, May 5, 1992 at the TACB Central Office in Room 143E, 12124 Park 35 Circle, Austin, Texas 78753.

What the Applicant Must Prove. This hearing is a contested case hearing under §13, the Administrative Procedure and Texas Register Act, §13, Texas Civil Statutes, Article 6252-13a. It is generally conducted like a trial in district court. Lafarge Corporation must demonstrate, by a preponderance of the evidence, that the application satisfies the requirements of the Texas Clean Air Act, Chapter 382, Health and Safety Code, (the Act), §382.0518, and TACB §116.3 as they existed on January 17, 1992. These requirements include compliance with all applicable TACB and federal regulations, including the requirement that the facility as operated pursuant to the changes proposed in the application will use the best available control technology, considering the technical practicability and economic reasonableness of reducing or eliminating emissions.

Public Attendance and Testimony. Members of the general public may attend the prehearing conference and the hearing. Those who plan to attend are encouraged to telephone the TACB Central Office in Austin at (512) 908-1770 a day or two prior to the prehearing conference and the hearing date in order to confirm the settings, since continuances are sometimes granted. Any person who

wants to give testimony at the hearing, but who does not want to be a party, may call the Hearings Section of the TACB Legal Division at (512) 908-1770 to find out the names and addresses of all persons who may be contacted about the possibility of presenting testimony.

Information About the Application and TACB Rules. Information about the application and copies of the TACB's rules and regulations are available at the TACB Regional Office located at 4335 Piedras West, Suite 1001, San Antonio, Texas 78228, the TACB Central Office located at 12124 Park 35 Circle, Austin, Texas 78753, and at the New Braunfels City Hall Building located at 424 South Castell, New Braunfels, Texas 78130.

Legal Authority. This hearing is called and will be conducted under the authority of the Act, §§382.029, 382.0291, 382.030, 382.031, and 382.061 and TACB §§103.11(3), 103.31, 103.41, and 103.81.

Issued in Austin, Texas, on March 6, 1992.

TRD-9203577 Steve Spaw, P.E.
Executive Director
Texas Air Control Board

Filed: March 11, 1992

For further information, please call: (512) 908-1451

The Texas Commission for the Blind Request For Proposals

Pat D. Westbrook, Executive Director of the The Texas Commission for the Blind, has announced the availability of funds to contract for individualized computer and software program training to consumers receiving services from the commission and staff of the commission who are blind or severely visually impaired.

Objectives. The primary objective is to enable consumers and staff who are blind or severely visually impaired to have access to work-place, task-specific, advanced training in the use of access hardware and software systems, and to the integration of software programs and hardware systems for employment, education, and training applications. This is achieved by the provision of computer access technology training by individuals familiar with computer technology, applications of this technology for consumers and staff who are blind, and methods of instructing consumers and staff who are blind and visually impaired as well as the ability to set software environments and create windows/macros (Form Fill) specific to an individual's needs on the job. The Texas Commission for the Blind intends to enter into contracts with individuals and organizations to provide computer access technology training on a fee-for-service basis to consumers and staff determined eligible by the commission. Examples of training would be: advanced skills with computer hardware/software; advanced skills with DOS; advanced skills with specific software, e.g., Wordperfect, Lotus 123, PC Files+, and other off-the-shelf software.

Examples of adaptive technology include: large print programs, e.g., VISTA, ZOOMTEXT, LP DOS, etc.; speech screen review software, e.g., VERT, VOCAL-EYES, ARTIC, JAWS, etc.; Braille systems, e.g., Navigator, ALVA, Braille-o etc.

Targeted Population. Consumers served under these contracts are persons who are legally or totally blind or severely visually impaired and who have met the basic

requirements for receiving services and who have been referred by an authorized agency representative. Staff served under these contracts would be persons referred by a regional supervisor/program supervisor.

Who is eligible to apply. Organizations and individuals that provide computer technology training are eligible to apply for contracts.

Application Procedures. Submit to: Glenda Embree, Supervisor of Program Specialists, The Texas Commission for the Blind, 4800 North Lamar Boulevard, Austin, Texas 78756, a narrative no longer than five typed pages which describes: the individual or organization applying; the quality and extent of services to be provided; the individuals now being served; cost per person per hour for proposed training and method used to calculate cost.

Also include: qualifications of key personnel; additional information about persons or the organization and past achievements in serving the consumer who is disabled.

All Applications Must Be Postmarked No Later Than May 1, 1992.

Interested parties are urged to contact the The Texas Commission for the Blind with related questions prior to drafting proposals to facilitate the request for proposal process. Inquiries should be directed to Cathy Duvall at (512) 467-6309.

Method of Payment. The service provider will be reimbursed monthly via: monthly submission of a voucher with a detailed listing of services provided; and agency review and approval of submitted material.

Review criteria. The criteria used by reviewers to evaluate proposals are as follows: the proposal addresses the explicit purpose of the RFP; the applicant provides evidence of his or her professional and organizational familiarity and expertise with the RFP subject matter and his or her capacity to achieve the objectives in a timely manner; the applicant agrees to provide services to the consumer or staff at their work place.

Issued in Austin, Texas, on March 6, 1992.

TRD-9203574 Pat D. Westbrook
Executive Director
The Texas Commission for the Blind

Filed: March 11, 1992

For further information, please call: (512) 459-2601

Texas Department of Commerce Product Development Fund Request for Information

Purpose: The Texas Department of Commerce (Commerce) is soliciting innovative proposals for using the state's general obligation bond authority under the product development fund (PDF). The intent of the product development fund is to increase the amount of venture financing for the development and commercialization of new technology products or processes. The purpose of this RFI is to assess the demand for participation in this type of program; and solicit innovative ideas for fund use. Commerce wishes to increase the number of investment organizations in the state. These proposals will be reviewed by Commerce and the PDF Advisory Board after which time a request for proposal will be issued which may be based

in part on the responses to this RFI. Program implementation is planned for this summer.

Program Background. Commerce may issue up to \$25 million of general obligation bonds for its product development fund. Bond proceeds should be used to establish and fund a program to provide venture financing to aid in the development and for the commercialization of new or improved Texas products or processes. The PDF Advisory Board and ultimately Commerce must approve disposition of funds from the bond issue. It is not expected that Commerce's investment in any one organization will exceed \$3 million.

Response Criteria: Commerce is soliciting innovative program suggestions that address the following criteria: Commerce wishes to use the PDF authority to increase the amount of venture capital available for new product development and ultimately increase the number of technology products developed and jobs created in Texas; Commerce wishes to leverage additional private sector investment in new technology development; a ratio of 3:1 or greater is desired; Commerce wishes to establish a program which will provide a reasonable assurance of safety for state funds. The PDF should be self supporting; Commerce wishes to minimize the administrative costs of the program; Commerce wishes the state funds to be invested or managed by persons with experience in technology-related investment.

Commerce welcomes a wide variety of responses to this request including those that increase venture capital fund formation in the state as well as those responses that encourage greater banking activity in riskier technology projects, create community or industry-backed investment programs, enhance university technology transfer investment, or other innovative capital formation suggestions.

Examples: Responses may include, but are not limited to, the following: creation or expansion of a venture fund targeted at a Texas Technology industry; establishment of a technology investment fund targeted at moving university technology to the marketplace; formation of a community-based technology investment fund using PDF money matched with private sector or community economic development funds; establishment of a capital access reserve fund to encourage technology financing by banks; or formation of a BIDCO (business and industrial development corporation) to target moderate risk technology investments.

Response Format: Responses to this request should not exceed two single-spaced typed pages and should be received no later than 5 p.m. Friday, April 3, 1992. Respondents should provide a brief overview of their proposal, indicate their level of interest in the program, summarize their proposed investment strategy, and show how their proposal would best meet the criteria outlined in the prior section. Responses to this request should be sent to Michael Klonsinski, Program Director of the Office of Advanced Technology, Texas Department of Commerce; 816 Congress Avenue, Suite 1200, Austin, Texas 78701 by April 3, 1992. All communications with Commerce concerning this request for information should be directed to Michael Klonsinski, Program Director of the Office of Advanced Technology, (512) 320-9561 or Dan McNeil, Program Director of Finance at (512) 320-9689. No respondent can claim ownership or proprietary interest in the ideas and proposals submitted. Commerce has the right to accept or reject any ideas or proposals in full or in part. Further, Commerce's acceptance of an idea does not give the submitter any right, entitlement, or preference to any future contract which may result from ideas or proposals submitted. Participation in this RFI is purely voluntary, and no compensation or remuneration for time or expense may be recovered from Commerce.

Issued in Austin, Texas, on March 10, 1992.

TRD-9203655 Cathy Bonner
Executive Director
Texas Department of Commerce

Filed: March 12, 1992

For further information, please call. (512) 320-9666

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**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, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<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)	03/16/92-03/22/92	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 this the 9th day of March, 1992.

For further information, please call: (512) 479-1280

Issued in Austin, Texas, on March 9, 1992.

TRD-9203571 Al Endsley
Consumer Credit Commissioner

Filed: March 11, 1992

Texas Education Agency
Request for Public Comment-ESEA
Chapter 2 Federal Funds

Pursuant to the requirements of Public Law 100-297, the Texas Education Agency is providing notice and requesting public comment regarding the recommendations made by the Chapter 2 State Advisory Committee on the use of ESEA Chapter 2 federal funds for the 1992-1993 school year, specifically the formula for distributing entitlement funds to local school districts and the special discretionary projects to be conducted by the Agency.

The state of Texas will receive approximately \$32,563,373 from Chapter 2 of the Elementary and Secondary Education Act (ESEA) for 1992-1993. Of the total amount received, the law requires that not less than 80% (approximately \$26,050, 699) should be distributed to public school districts on a formula entitlement basis and that no more than 20% (approximately \$6,512,674) be reserved by the state education agency to fund special discretionary projects, provide technical assistance to school districts, and administer Chapter 2 programs. The proposed formula to be used to allocate the 80% entitlement funds to local school districts (as constrained by ESEA, Chapter 2 law, Public Law 100-297, §1512) is: Step 1-determine public and private nonprofit school enrollment by Local Education Agency (LEA) and for the state; Step 2-determine high cost students (those on free and reduced lunch) by LEA and for the state. Compare the number and percentage for each category of high cost students (as defined by Public Law 100-297, §1572(b)(2)(A) by LEA to the state-wide average number and percentage of high cost students in the computations; Step 3-calculate the per capita amount for the state by dividing the sum of Step 1 plus Step 2 into 80% of the state grant award for Chapter 2; Step 4-multiply the per capita amount computed in Step 3 times the sum of Step 1 plus Step 2 for each LEA. Based upon the most recent data available, the per capita amount for fiscal year 1993 (school year 1992-1993) is approximately \$5.64.

The special discretionary projects and funding amounts recommended by the Chapter 2 State Advisory Committee on March 5-6, 1992 for 1992-1993 are as follows: Texas School Improvement Initiative (TSII) (\$188,000); Partnership Schools Initiative (\$385,000); Education Service Center Funding for Targeted Campuses Using Effective Schools Correlates, Parent and Community Involvement (\$1,600,000); Effective Schools Programs Research and Evaluation (\$86,000); Enabling Equity on Elementary School Campuses Through Capacity Enhancement (\$694,549); Effective Middle School Program Evaluation (\$175,000); Using Technology for Access to Problem Solving (\$1,050,957); Elementary Science Priority Staff Development Model (\$400,000); Site-Based Decision Making Using Collaboration and Technology (\$145,000); Texas Education Agency Training and Professional Development (\$160,000); Alternative Tutorial Program for At-Risk Students (funded from balance of 1990-1991 carryover funds; approximately \$320,000); and State Administration-A maximum of \$1,628,168 (approximate) may be reserved by the agency for administrative expenditures related to planning, supervising, monitoring, evaluating, and operating Chapter 2 programs; to provide technical assistance in implementing targeted assistance programs; and for activities to carry out effective schools programs. The Chapter 2 State Advisory Committee rec-

ommended not funding the Cooperative Superintendency Fellows Program (\$340, 957).

The State Board of Education will consider funding for projects recommended by the Advisory Committee at the April 1992 board meeting. Any comments received from the public regarding the formula for distributing the 80% funds to school districts or the funding of special discretionary projects will be submitted to the board at that time.

Comments regarding the use of the aforementioned Chapter 2 funds for 1992-1993 should be addressed to Earin Martin, Chapter 2 State Coordinator, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, and must be received by Monday, April 6, 1992. Questions regarding this matter should be directed to Ms. Martin at (512) 463-9269.

Issued in Austin, Texas, on March 12, 1992.

TRD-9203659 Lionel R. Meno
Commissioner of Education

Filed: March 12, 1992

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

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Governor's Budget and Planning
Office
Consultant Contract Award

The Governor's Budget and Planning Office (GBPO) furnishes this notice of a consulting services contract award to prepare and negotiate with the federal government, under the provisions of OMB Circular A-87, the State of Texas' consolidated statewide cost allocation plan for the fiscal year ending August 31, 1992. The notice for request for proposals was published in the May 28, 1991, issue of the *Texas Register* (16 TexReg 2964).

Description of Services. The contractor will develop a cost allocation plan that enables eligible state agencies to recover the maximum indirect costs possible from federal programs.

Effective Date of Value of Contract. The contract will be effective upon execution and all work must be completed by August 31, 1992. The maximum contract amount is \$25,000.

Name of Contractor. The contract has been awarded to David M. Griffith and Associates, 8100 Springwood Drive, Suite 200, Irving, Texas 75063.

Persons who have questions concerning this award may contact Tom Adams, Governor's Budget and Planning Office, P.O. Box 12428, Austin, Texas 78701, (512) 463-1778.

Issued in Austin, Texas, on March 6, 1992.

TRD-9203664 Dale K. Craymer
Director
Governor's Budget and Planning Office

Filed: March 21, 1992

For further information, please call: (512) 463-1778

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Texas Department of Health Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Joseph S. Vadas, M.D., P.A. (registrant), doing business as Groves Diagnostic and Treatment Center, to cease and desist using any source of radiation in his possession until all violations found during a recent inspection of his operations have been corrected. The bureau determined that the continued use of the source of radiation at this facility constitutes a threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions to correct the violations and the methods to prevent their recurrence.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1992.

TRD-9203619 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1992

For further information, please call: (512) 834-6688

Notice of Intent to Revoke Certificates of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Robert C. Schwoppe, D.D.S., San Antonio, R11374; John D. Schlegel, M.D., Carrollton, R15065; Edgepark Family Health Center, Mexia, R07063; Anthony P. Sertich, D.D.S., San Antonio, R08731; Boenig Animal Clinic, Portland, R12347; Jim Taylor, D.D.S., Hawkins, R13746; Gregory Cegelski, South Houston, R14135; Advanced X-Ray Sales and Service, Inc., Arlington, R16718; AMS of Houston, Houston, R16768; Surgical Laser Technologies, Malvern, PA, Z00508; Lone Star Imaging, Houston, R16485.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be

revoked at the end of the 30-day period of notice. 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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1992

TRD-9203620 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1992

For further information, please call: (512) 834-6688

Notice of Intent to Revoke a Radioactive Material License

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following licensee: Highway Materials, Inc., Bryan, L04055.

The department intends to revoke the radioactive material license; order the licensee to cease and desist use of such radioactive material; order the licensee to divest himself of the radioactive material; and order the licensee to present evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the licensee for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material license will be revoked at the end of the 30-day period of notice. 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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1992

TRD-9203617 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1992

For further information, please call: (512) 834-6688

Notice of Radioactive Material License Amendments

Notice is hereby given by the Texas Department of Health that it has granted an amendment to Radioactive Material License Number L03904 issued to Syncor International Corporation (mailing address: Syncor International Corporation, 7920 Elmbrook, Suite 100, Dallas, Texas 75247).

Amendment Number 6 results in the following changes to this license: changes the designated radiation safety officer

from Rick Sheriff to Mike Mettetal, changes the mailing address for the license, and terminates the licensee's authorization to employ the facility located at 2030 Century Center Boulevard, Suite 14 in Irving, for the use of radioactive materials.

The Division of Licensing, Registration and Standards has determined that the licensee has met the standard(s) appropriate to this amendment: the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the *Texas Regulations for Control of Radiation* (TRCR) in such a manner as to minimize danger to public health and safety or property; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license amendment will not be inimical to the health and safety of the public; and the licensee satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by the Health and Safety Code, §401.116, as amended, and as set out in TRCR 13.6. A "person affected" is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 8407 Wall Street, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 834-6688.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203580 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 11, 1992

For further information, please call: (512) 458-7236

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Notice is hereby given by the Texas Department of Health that it has granted an amendment to Radioactive Material License Number LO4061, issued to Syncor International Corporation for their facility located in Corpus Christi, (mailing address: Syncor International Corporation, 613 South Shoreline Boulevard, Corpus Christi, Texas 78401). This amendment changes the person designated as the

radiation safety officer from Eugene Shipley to Ralph Bruce Tarleton.

The Division of Licensing, Registration and Standards has determined that the licensee has met the standard(s) appropriate to this amendment: the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the *Texas Regulations for Control of Radiation* (TRCR) in such a manner as to minimize danger to public health and safety or property; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license amendment will not be inimical to the health and safety of the public; and the licensee satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by the Health and Safety Code, §401.116, as amended, and as set out in TRCR 13.6. A "person affected" is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 8407 Wall Street, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 834-6688.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203581 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 11, 1992

For further information, please call: (512) 458-7236

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Notice is hereby given by the Texas Department of Health that it has granted Amendment Number 10 to Radioactive Material License Number LO3903, issued to Syncor International Corporation for their facility located in San Antonio, (mailing address: Syncor International Corporation, Creek Garden Offices, Suite 603, 8600 Wurzbach, San Antonio, Texas 78240).

The amendment to this license changes the radiation safety officer listed on the license from James S. Hilton to Russel Hildebrandt.

The Division of Licensing, Registration and Standards has determined that the licensee has met the standard(s) appropriate to this amendment: the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the *Texas Regulations for Control of Radiation* (TRCR) in such a manner as to minimize danger to public health and safety or property; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license amendment will not be inimical to the health and safety of the public; and the licensee satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by the Health and Safety Code, §401.116, as amended, and as set out in TRCR 13.6. A "person affected" is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 8407 Wall Street, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 834-6688.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203579 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 11, 1992

For further information, please call: (512) 458-7236

Notice of Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order: Emergency Impoundment Order issued March 7, 1991, to Baribeau Cataract Institute/South Texas Outpatient Surgical Center, San Antonio, holder of Radioactive Material License Number L04546.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1992.

TRD-9203615 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1992

For further information, please call: (512) 834-6688

Notice of Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following certificates of registration: Buena Vista Veterinary Clinic, El Paso, R01520, March 6, 1992; Gary C. Hocker, D.D.S., Canadian, R15897, March 6, 1992; H. Arthur Nelson, D.D.S., Dallas, R16163, March 6, 1992; Andrew J. Goodrow, D.P.M., Longview, R16210, March 6, 1992; H & H X-Ray, El Paso, R15468, March 6, 1992; James A. Smith, D.O., Midlothian, R16215, March 6, 1992; Oerlikon Welding Industries, Inc., Houston, R12483, March 6, 1992; Eugene H. Judd, Jr., D.D.S., Dallas, R10719, March 6, 1992; Etcetera, Dallas, Z00397, March 6, 1992; Carl Zeiss, Inc., Dallas, Z00460, March 6, 1992; Ranger Family Clinic, Ranger, R15828, March 6, 1992; Chiropractic Plus, Shreveport, Louisiana, R17427, March 6, 1992; West Texas Imaging Services, Ransom Canyon, R15426, March 6, 1992; Bio Quantum Technologies, Inc., Houston, Z00269, March 6, 1992.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1992

TRD-9203616 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1992

For further information, please call: (512) 834-6688

Notice of Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following radioactive material licenses: Testing Unlimited Incorporated, Houston, L03520, March 6, 1992; Regency Veterinary Laboratories, Inc., Dallas, G01505, March 6, 1992.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1992.

TRD-9203618 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1992

For further information, please call: (512) 834-6688

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**Texas Department of Housing and
Community Affairs**

Public Notice

The Texas Department of Housing and Community Affairs is sponsoring a series of workshops around the state to assist developers in completing the application forms for the 1992 Low income Housing Tax Credit Program. The date and times for these workshops are listed following.

Persons who plan to attend any of these workshops, and or have questions or requests for information, must call Rose H. Bergman at (512) 474-2974, extension 135 or Amy Soelzer at extension 127, on or before March 12, 1992 to register. Attendance is limited, and is on a first come, first served basis. The workshops will cover the application forms, procedures for submission of applications, and the basic requirements of The Texas Department of Housing and Community Affairs low income housing tax credit rules.

Monday, March 16—San Antonio Housing Authority, 818 South Flores, Room 100, San Antonio, Texas (512) 220-3210, 9 a.m.-12 p.m.; McAllen Housing Authority, 2301 Jasmine Avenue, McAllen, Texas (512) 686-3951, 1 p.m.-4 p.m.

Tuesday, March 17—Cameron County Housing Authority, 65 Castellano Circle, Brownsville, Texas (521) 541-4983, 1 p.m.-4 p.m.

Wednesday, March 18—Harris County Housing Authority, 3100 Timmons Lane #200, Houston, Texas (713) 626-0917, 1 p.m.-4 p.m.

Thursday, March 19—El Paso Housing Authority, 1600 Montana Avenue, El Paso, Texas (915) 532-5678, 1 p.m.-4 p.m.

Friday, March 20—Travis Building, 1701 Congress Avenue, Room 1-100, Austin, Texas 1 p.m.-4 p.m.; Cliff Manor, 2423 Fort Worth Avenue, Dallas, Texas (214) 943-5911.

Issued in Austin, Texas, on March 12, 1992.

TRD-9203680 Mario Aguilar
 Attorney
 Texas Department of Housing and
 Community Affairs

Filed: March 12, 1992

For further information, please call: (512) 474-2974, ext. 135

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**Texas Department of Insurance
Company License**

The following applications have been filed with the Texas Department of Insurance and are under consideration:

1. Application for incorporation in Texas for ADAPT Healthcare (assumed name for ADAPT Healthcare, Inc.), a domestic third party administrator. The home office is in Dallas, Texas.
2. Application for admission to do business in Texas for Butler Insurance Company, a foreign fire insurance company. The home office is in Indianapolis, Indiana.

3. Application for admission to do business in Texas for David L. Jelinek Agency, (assumed name for David L. Jelinek) a foreign third party administrator. The home office is in Chicago, Illinois.

4. Application for admission to do business in Texas for Exclusive Healthcare, Incorporated, a foreign health maintenance organization. The home office is in Omaha, Nebraska.

5. Application for admission to do business in Texas for The Hanover American Insurance Company, a foreign fire insurance company. The home office is in Bedford, New Hampshire.

6. Application for incorporation in Texas for Ryder Claims Services Corporation (assumed name for Ryder Services Corporation), a domestic third party administrator. The home office is in Dallas, Texas.

7. Application for incorporation in Texas for StoneEagle Services, Inc., a domestic third party administrator. The home office is in Dallas, Texas.

8. Application for admission to do business in Texas for Student Plans, Inc., a foreign third party administrator. The home office is in Naperville, Illinois.

9. Application for admission to do business in Texas for National Chiropractic Mutual Insurance Company, a foreign fire insurance company. The home office is in West Des Moines, Iowa.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203722 Linda K. von Quintus-Dorn
 Chief Clerk
 Texas Department of Insurance

Filed: March 13, 1992

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

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Notice of Public Hearing

Notice is hereby given that the State Board of Insurance will conduct a public hearing under Docket Number 1869, beginning at 10 a.m. on May 11, 1992, and continuing thereafter each day at times and places designated by the board until conclusion.

The purpose of the hearing will be consideration of adoption and promulgations of presumptive premium rates for credit life and credit accident and health insurance. The board may also consider such other matters and subjects relative to the regulation of the business of credit life and credit accident and health insurance as the board shall determine necessary or proper, including, but not limited to, procedural rules, and amendments thereto.

Notice of a Pre-Hearing Conference. Notice is hereby given that a pre-hearing conference will be held before the general counsel or other designated representative of the State Board of Insurance at 10 a.m. on April 1, 1992 in Room 100 of the William P. Hobby, Jr., State Office Building, 333 Guadalupe Street, Austin, Texas 78701.

The pre-hearing conference will be held for the following purposes: admission of parties; consideration of formulation and simplification of issues; settlement of issues as are in dispute including discovery; agreeing to a calendar and deadlines for the designation of expert witnesses, discovery, and the pre-filing of direct testimony and exhibits etc.; considering the procedure at the hearing including

grouping of agenda items, time limits, order of presentation, and cross examination; such other matters as may aid in the simplification of the proceedings, and in the disposition of matters in controversy.

Anyone wishing to participate in the hearing as a party must, by 5 p.m. on March 30, 1992, present a written motion for admission as a party to the Office of the General Counsel, Texas Department of Insurance, Mail Code 113-2A, 333 Guadalupe Street, Austin, Texas 78701. The motion must contain a full explanation of the identifiable separate interest and separate contribution which would constitute sufficient justification for granting the motion for admission as a party. Without an extensive showing of exceptional circumstances, the board will not accept any motion for admission as a party after the deadline stated herein, and any decision on admission or consolidation of parties at the pre-hearing conference will be final, subject to review by the board.

Authority and Jurisdiction. This hearing will be held in accordance with the legal authority and jurisdiction provided in the Texas Insurance Code, Articles 1.02, 1.04, 3.53, and 21.07. The hearing and procedure under Docket Number 1869 will be governed by the contested case provisions of the rules of practice and procedure before the State Board of Insurance (28 TAC Chapter 1, Subchapter A). Pursuant to Texas Insurance Code, Article 3.53, the hearing will be conducted in accordance with the contested case provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a). Rule changes will be considered under the rulemaking provisions of the Administrative Procedure and Texas Register Act.

Statutes and Rules Involved. Reference is hereby made to the statutes and rules cited in other paragraphs of this notice of hearing and to Articles 1.04, 3.42, 3.44, 3.50 and 3.53, Chapter 21, and other articles of the Texas Insurance Code, and to 28 TAC Part I, particularly Chapter 3, Subchapter FF, as particular sections of statutory and rules may be involved in this hearing.

Matters Asserted. The matters asserted under Docket Number 1869 are the adoption and promulgation of credit life and credit accident and health insurance presumptive premium rates and any such other rate and procedural rules on matters and subjects relative to the regulation of the business of credit life and credit accident and health insurance as the board shall determine necessary or proper.

Conduct of the Hearing. Please note §1.9 of the rules of practice and procedure before the State Board of Insurance and the commissioner of insurance: §1.9. Failure to Appear at Hearing. Even though some or all of the parties fail to appear in person or through their duly authorized representatives, the board, the commissioner, or the fire marshal may consider fully and dispose of the matter pending if notice has been given in accordance with the law. Such consideration and decision shall be on the basis of the entire record in the proceedings.

Each page of any exhibit offered in evidence must be numbered and on 8 1/2-inch by 11-inch paper, three-hole punched along the left margin. The front page of each exhibit should indicate that it would be part of the record of a public hearing before the State Board of Insurance and should identify the subject of the hearing, the docket number, the hearing date, and the party offering the exhibit. The front page of an exhibit should also provide a description of the exhibit and a space for numbering the exhibit. For example:

Public Hearing before the State Board of Insurance

Subject of Hearing: Rates for Credit Life and Credit Accident and Health Insurance

Docket No. 1869

Date: April 1, 1992

Party: _____

Exhibit # _____

Description of Exhibit:

A party offering supplemental or revised exhibits into evidence at the hearing should be prepared to furnish the following: the original exhibit and five copies. The original shall be marked and retained for the official record, and the parties shall thereafter use an exact photocopy of such marked exhibit in the examination of witnesses; one copy for each other party admitted to the hearing.

After identification of the exhibit and any use of it by a witness, the original of each exhibit should be returned to and retained by the general counsel as a part of the record in the hearing.

All deadlines in this notice and the deadlines established in the procedural calendar are subject to change by and at the board's discretion except for items requiring statutory notice.

Please direct inquiries regarding this hearing to Gloria Leal, General Counsel, Mail Code 113-2A, Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78701, or telephone (512) 463-6331 or to Max Ryan, Director of Credit Life, Accident and Health Insurance, Mail Code 106-1C, or telephone (512) 322-3402.

Issued in Austin, Texas, on March 12, 1992.

TRD-9203684 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: March 13, 1992

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

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Public Meeting

The State Board of Insurance will hold a public meeting on April 22, 1992, beginning at 9 a.m. and continuing each day thereafter at times and places designated by the board until conclusion in Room 100 of the William P. Hobby Building at 333 Guadalupe, Austin, for the consideration of and possible action on the rules and regulations of the Texas Department of Insurance by adoption of proposed new 28 TAC §5.7016, entitled "Cancellation, Denial, and Non-Renewal of Certain Property and Casualty Insurance Coverage." That proposed rule declares it to be an unfair trade practice for an insurer to cancel, non-renew, or deny private passenger automobile insurance coverage based on an insured's or applicant's having incurred one of 11 types of prior accidents or claims which are enumerated in the section.

The proposed rule was published in the *Texas Register* on January 28, 1992 (17 TexReg 615) and the 30-day period for public comment on such rule expired on February 28, 1992.

Issued in Austin, Texas, on March 12, 1992.

TRD-9203685 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: March 13, 1992

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

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State Pension Review Board
Consultant Proposal Request

The State Pension Review Board seeks proposals from qualified actuarial consulting firms to provide actuarial services for a special study for the period May 1, 1992, to August 31, 1992, with the provisions that, at the board's discretion, the contract expiration can be extended in writing to August 31, 1993, to cover actuarial activities during the legislative session under provisions of Texas Civil Statutes, Article 6252-11c.

Agency Contact: Copies of the proposal request and/or specific details governing the proposal may be obtained by contacting Rita Horwitz, Executive Director, State Pension Review Board, P.O. Box 13498, Austin, Texas 78711-3498, (512) 463-1736.

Response Date: Proposals must be submitted in writing to Ms. Horwitz no later than 5 p.m. on April 30, 1992. Any proposals received after that date will not be considered.

Selection Criteria: Contract will be awarded to an individual or firm meeting the specific requirements as outlined in the proposal request. Contract is subject to a maximum of \$30,000 for the special study through August 31, 1992, and an additional \$60,000 for actuarial services including review of legislation, from September 1, 1992-August 31, 1993, if the length of the contract is extended at the discretion of the board.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203596 Lynda Baker
Administrative Technician
State Pension Review Board

Filed: March 11, 1992

For further information, please call: (512) 463-1736

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Public Utility Commission of Texas
Notice of Intent To File Pursuant To
PUC 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 PUC Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the Texas Air Control Board, Austin.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the Texas Air Control Board Pursuant to PUC Substantive Rule 23.27(k). Tariff Control Number 11002.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for the Texas Air Control Board. The geographic service market for this specific service is the Austin area.

Persons who wish to comment upon the 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 Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 12, 1992.

TRD-9203671 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: March 12, 1992

For further information, please call: (512) 458-0100

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Texas Water Commission
Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Bailey, Kenneth (No Permit) on March 9, 1992, assessing \$12,507.50 in administrative penalties. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Mark Alvarado, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203782 Laurie J. Lancaster
Notices Coordinator
Texas Water Commission

Filed: March 16, 1992

For further information, please call: (512) 463-7898.

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Southwestern Refining Company Inc. (SWR 30033) on March 9, 1992, assessing \$27,200 in administrative penalties with \$5, 200 deferred and foregone pending compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting H. Glenn Hall, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on March 11, 1992.

TRD-9203783 Laurie J. Lancaster
Notices Coordinator
Texas Water Commission

Filed: March 16, 1992

For further information, please call: (512) 463-7898.

1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1992 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 February 28, November 6, December 1, and December 29. A bullet 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 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14
6 Tuesday, January 21	Wednesday, January 15	Thursday, January 16
Friday, January 24	1991 ANNUAL INDEX	
7 Tuesday, January 28	Wednesday, January 22	Thursday, January 23
8 Friday, January 31	Monday, January 27	Tuesday, January 28
9 Tuesday, February 4	Wednesday, January 29	Thursday, January 30
10 Friday, February 7	Monday, February 3	Tuesday, February 4
11 Tuesday, February 11	Wednesday, February 5	Thursday, February 6
12 Friday, February 14	Monday, February 10	Tuesday, February 11
13 Tuesday, February 18	Wednesday, February 12	Thursday, February 13
14 *Friday, February 21	Friday, February 14	Tuesday, February 18
15 Tuesday, February 25	Wednesday, February 19	Thursday, February 20
Friday, February 28	NO ISSUE PUBLISHED	
16 Tuesday, March 3	Wednesday, February 26	Thursday, February 27
17 Friday, March 6	Monday, March 2	Tuesday, March 3
18 Tuesday, March 10	Wednesday, March 4	Thursday, March 5
19 Friday, March 13	Monday, March 9	Tuesday, March 10
20 Tuesday, March 17	Wednesday, March 11	Thursday, March 12
21 Friday, March 20	Monday, March 16	Tuesday, March 17
22 Tuesday, March 24	Wednesday, March 18	Thursday, March 19
23 Friday, March 27	Monday, March 23	Tuesday, March 24
24 Tuesday, March 31	Wednesday, March 25	Thursday, March 26
25 Friday, April 3	Monday, March 30	Tuesday, March 31
26 Tuesday, April 7	Wednesday, April 1	Thursday, April 2
27 Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	FIRST QUARTERLY INDEX	
28 Friday, April 17	Monday, April 13	Tuesday, April 14
29 Tuesday, April 21	Wednesday, April 15	Thursday, April 16

30 Friday, April 24	Monday, April 20	Tuesday, April 21
31 Tuesday, April 28	Wednesday, April 22	Thursday, April 23
32 Friday, May 1	Monday, April 27	Tuesday, April 28
33 Tuesday, May 5	Wednesday, April 29	Thursday, April 30
34 Friday, May 8	Monday, May 4	Tuesday, May 5
35 Tuesday, May 12	Wednesday, May 6	Thursday, May 7
36 Friday, May 15	Monday, May 11	Tuesday, May 12
37 Tuesday, May 19	Wednesday, May 13	Thursday, May 14
38 Friday, May 22	Monday, May 18	Tuesday, May 19
39 Tuesday, May 26	Wednesday, May 20	Thursday, May 21
40 *Friday, May 29	Friday, May 22	Tuesday, May 26
41 Tuesday, June 2	Wednesday, May 27	Thursday, May 28
42 Friday, June 5	Monday, June 1	Tuesday, June 2
43 Tuesday, June 9	Wednesday, June 3	Thursday, June 4
44 Friday, June 12	Monday, June 8	Tuesday, June 9
45 Tuesday, June 16	Wednesday, June 10	Thursday, June 11
46 Friday, June 19	Monday, June 15	Tuesday, June 16
47 Tuesday, June 23	Wednesday, June 17	Thursday, June 18
48 Friday, June 26	Monday, June 22	Tuesday, June 23
49 Tuesday, June 30	Wednesday, June 24	Thursday, June 25
50 Friday, July 3	Monday, June 29	Tuesday, June 30
51 Tuesday, July 7	Wednesday, July 1	Thursday, July 2
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	SECOND QUARTERLY INDEX	
53 Friday, July 17	Monday, July 13	Tuesday, July 14
54 Tuesday, July 21	Wednesday, July 15	Thursday, July 16
55 Friday, July 24	Monday, July 20	Tuesday, July 21
56 Tuesday, July 28	Wednesday, July 22	Thursday, July 23
57 Friday, July 31	Monday, July 27	Tuesday, July 28
58 Tuesday, August 4	Wednesday, July 29	Thursday, July 30
59 Friday, August 7	Monday, August 3	Tuesday, August 4
60 Tuesday, August 11	Wednesday, August 5	Thursday, August 6
61 Friday, August 14	Monday, August 10	Tuesday, August 11
62 Tuesday, August 18	Wednesday, August 12	Thursday, August 13
63 Friday, August 21	Monday, August 17	Tuesday, August 18
64 Tuesday, August 25	Wednesday, August 19	Thursday, August 20
65 Friday, August 28	Monday, August 24	Tuesday, August 25
66 Tuesday, September 1	Wednesday, August 26	Thursday, August 27
67 Friday, September 4	Monday, August 31	Tuesday, September 1
68 Tuesday, September 8	Wednesday, September 2	Thursday, September 3
69 *Friday, September 11	Friday, September 4	Tuesday, September 8

70 Tuesday, September 15.	Wednesday, September 9	Thursday, September 10
71 Friday, September 18	Monday, September 14	Tuesday, September 15
72 Tuesday, September 22	Wednesday, September 16	Thursday, September 17
73 Friday, September 25	Monday, September 21	Tuesday, September 22
74 Tuesday, September 29	Wednesday, September 23	Thursday, September 24
75 Friday, October 2	Monday, September 28	Tuesday, September 29
76 Tuesday, October 6	Wednesday, September 30	Thursday, October 1
77 Friday, October 9	Monday, October 5	Tuesday, October 6
Tuesday, October 13	THIRD QUARTERLY INDEX	
78 Friday, October 16	Monday, October 12	Tuesday, October 13
79 Tuesday, October 20	Wednesday, October 14	Thursday, October 15
80 Friday, October 23	Monday, October 19	Tuesday, October 20
81 Tuesday, October 27	Wednesday, October 21	Thursday, October 22
82 Friday, October 30	Monday, October 26	Tuesday, October 27
83 Tuesday, November 3	Wednesday, October 28	Thursday, October 29
Friday, November 6	NO ISSUE PUBLISHED	
84 Tuesday, November 10	Wednesday, November 4	Thursday, November 5
85 Friday, November 13	Monday, November 9	Tuesday, November 10
*86 Tuesday, November 17	Tuesday, November 10	Thursday, November 12
87 Friday, November 20	Monday, November 16	Tuesday, November 17
88 Tuesday, November 24	Wednesday, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15
95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 (1993) Friday, January 1	Monday, December 28	Tuesday, December 29

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