

# Texas Register

Volume 15, Number 3, January 9, 1990

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## Texas Register

The *Texas Register* (ISN 0362-4781) is published semi-weekly 100 times a year except June 1, 1990, July 20, 1990, November 9 and 27, 1990, and December 28, 1990. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

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

**Information Available:** The eight 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

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 6 (1981) is cited as follows: 6 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*, sections number, 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 Publications

a section of the  
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P.O. Box 13824  
Austin, Texas 78711-3824  
512-463-5561

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Subscriptions—one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

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129-Texas Diabetes Council  
129-Interagency Council on Early Childhood Intervention  
129-Texas Education Agency  
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132-Commission on Fire Protection Personnel Standards and Education  
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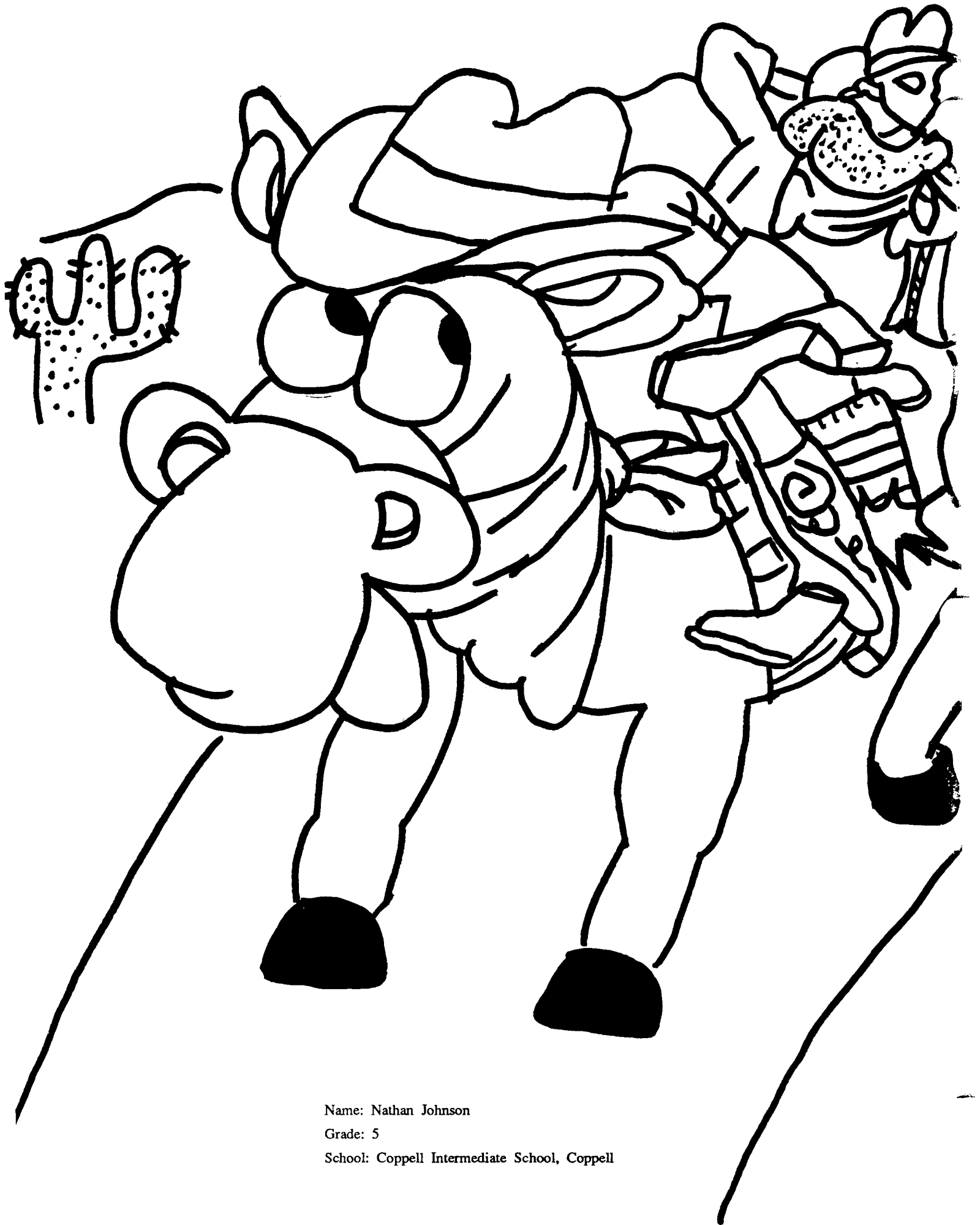
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143-Notice of Public Hearing

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144-Notice of Public Hearing

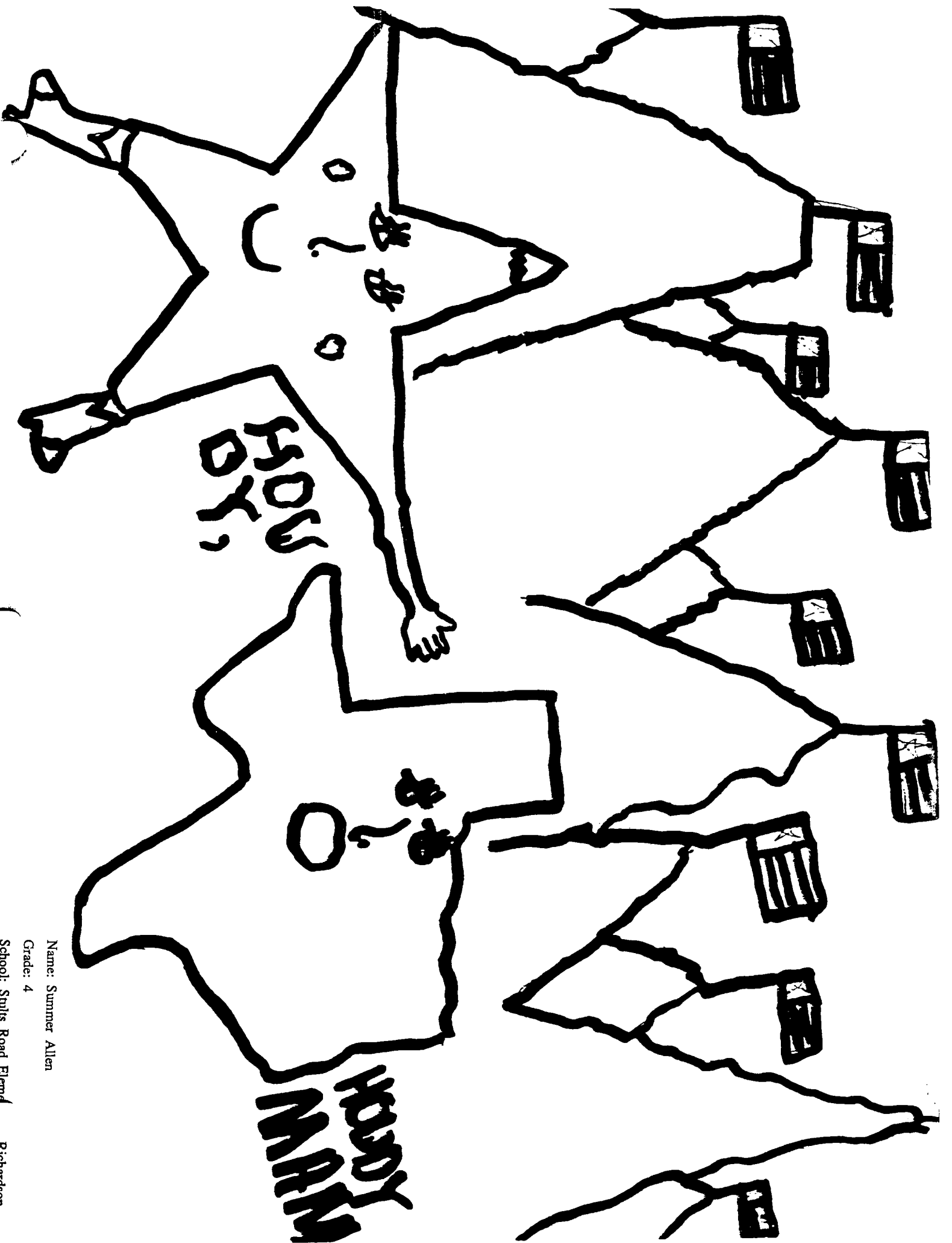
144-Correction of Error



Name: Nathan Johnson

Grade: 5

School: Coppell Intermediate School, Coppell

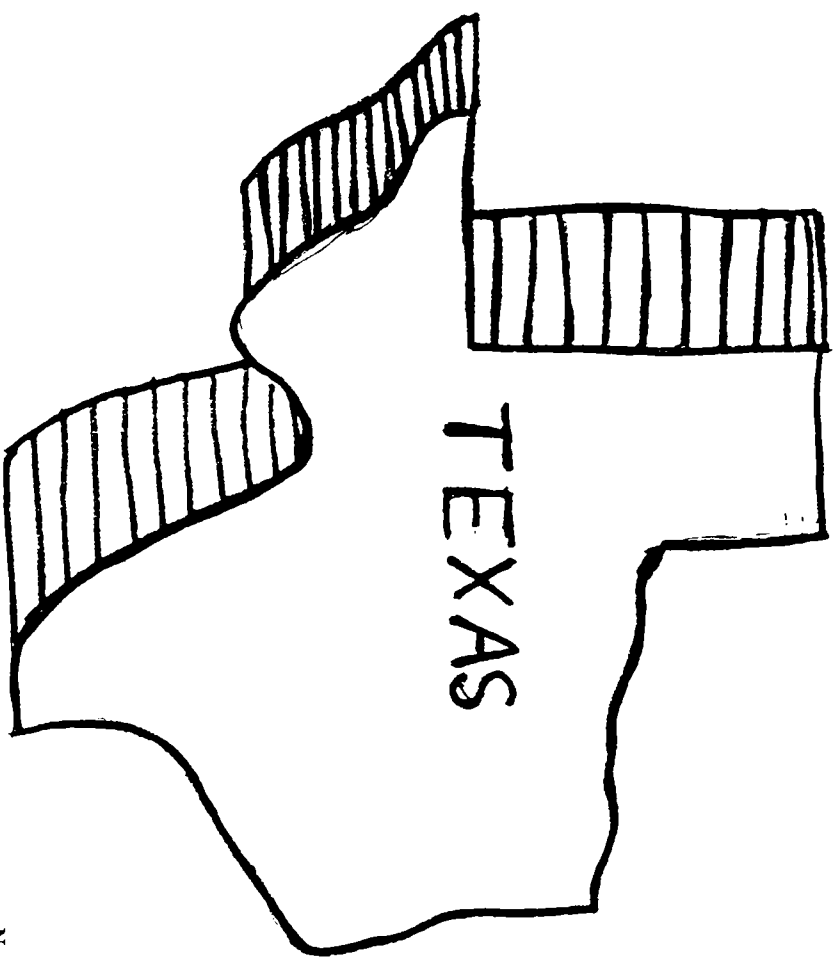


Name: Summer Allen

Grade: 4

School: Stults Road Elem

Richardson



Name: Hoa Luu

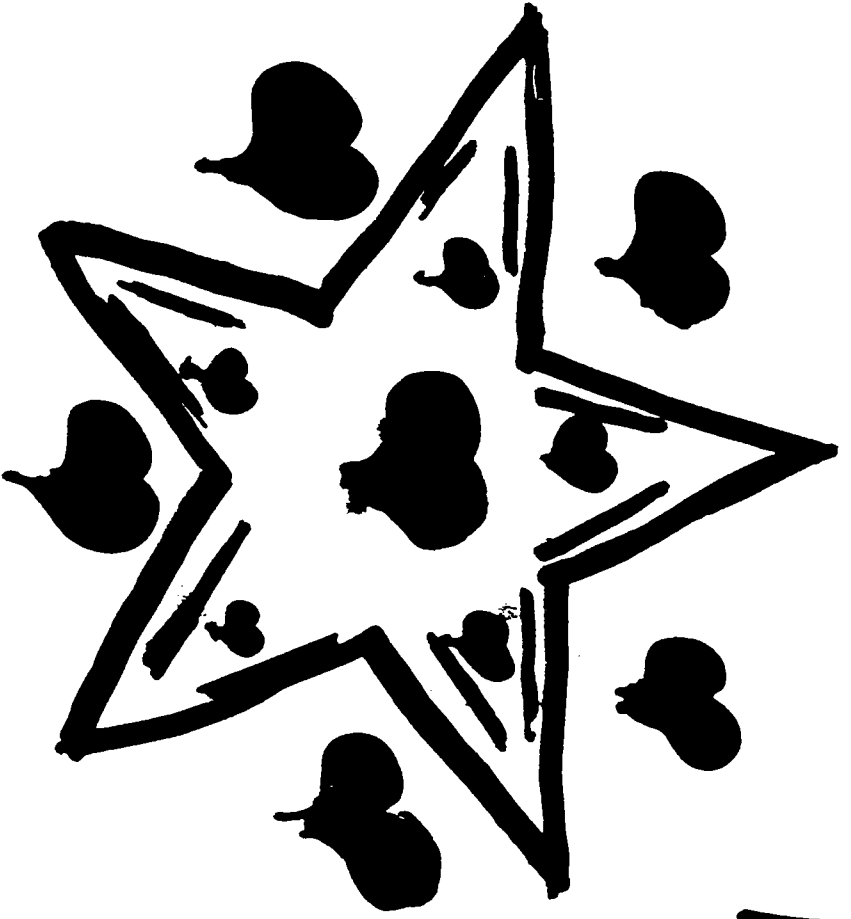
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School: Sults Road Elementary, Richardson

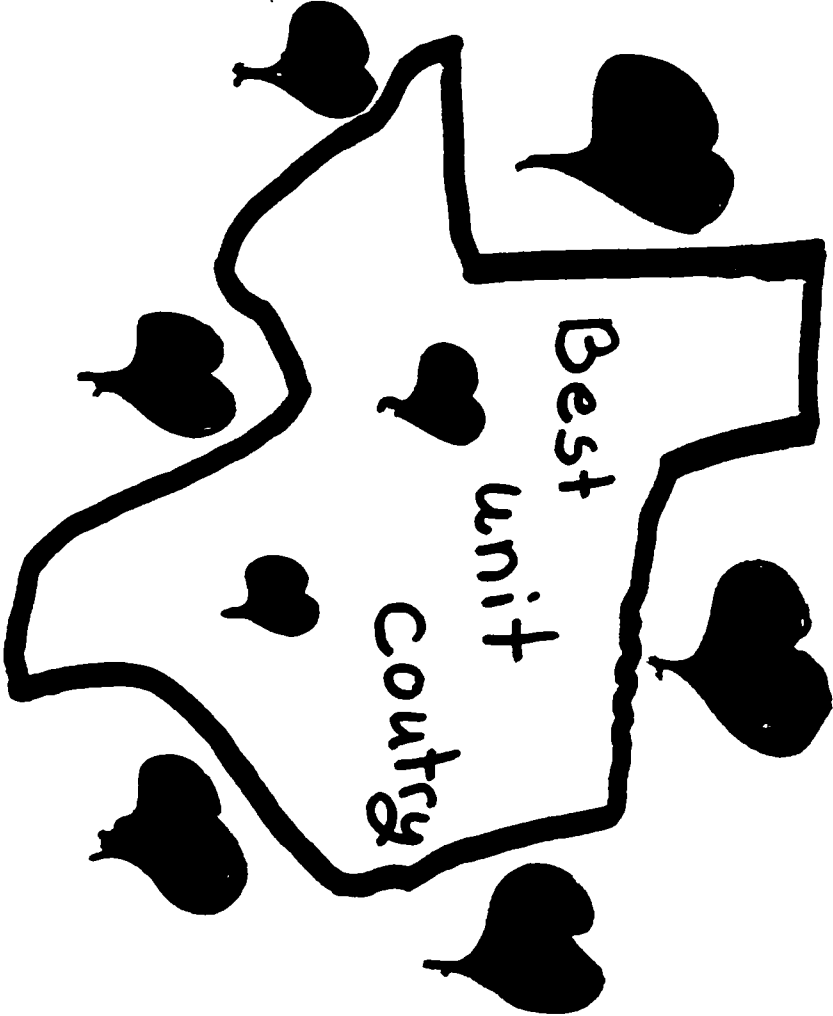
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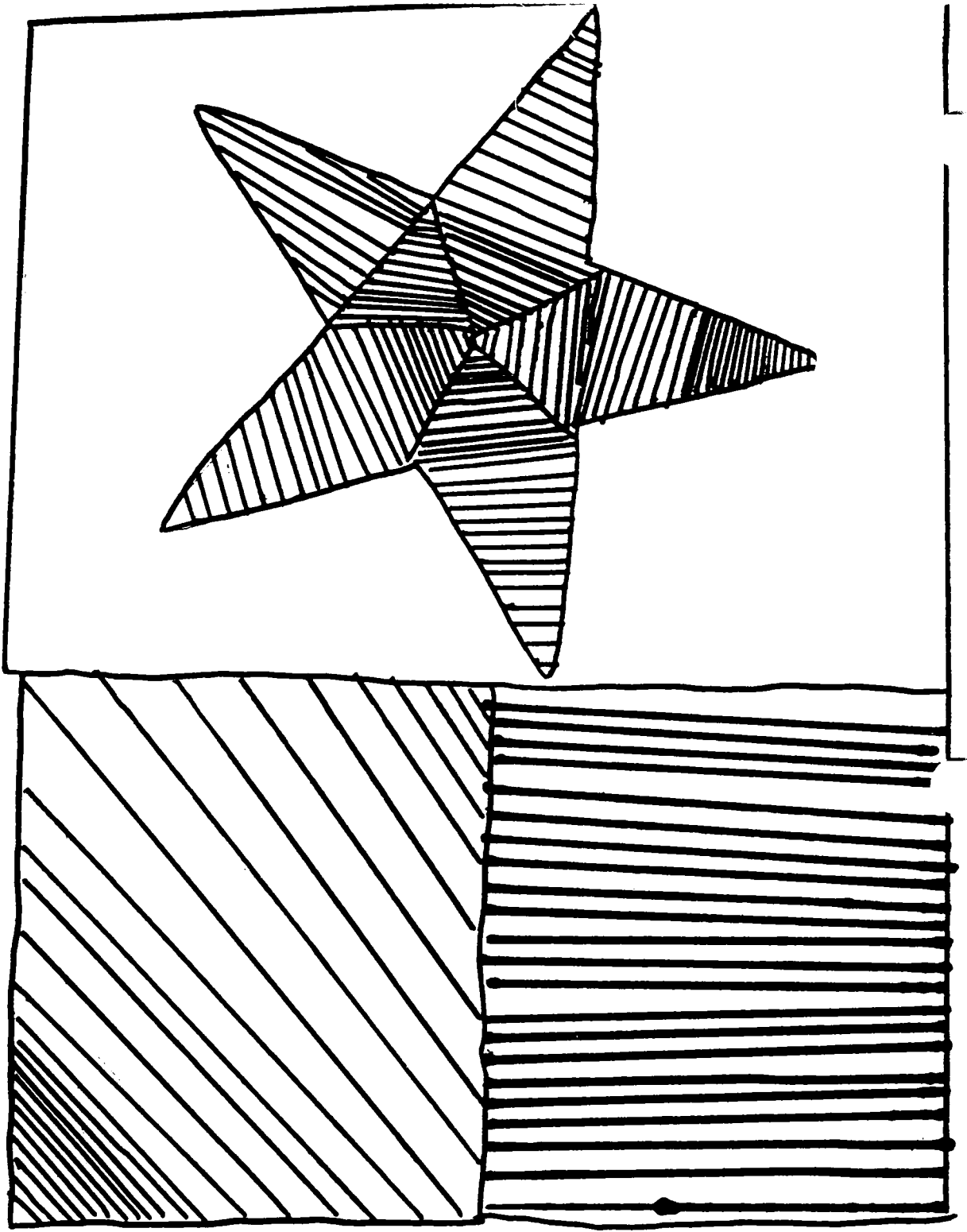
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unit  
country



Name: Shanda Brunfield

Grade: 4

School: Stuls P-4d Elementary, Richardson



# Texas Flag

Name: LaToya Poole

Grade: 4

School: Stulis Road Elementary, Richardson



# TAC Titles Affected

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## TAC Titles Affected—January

The following is a list of the administrative rules that have been published this month.

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#### *Part IV. Office of the Secretary of State*

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25 TAC §37.90—16

25 TAC §§115.5, 115.8, 115.17—17

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28 TAC §1.1001—109

28 TAC §7.58—69,

28 TAC §7.1008—70

28 TAC §§7.1601-7.1613—13

28 TAC §§7.1601-7.1622—13

28 TAC §9.401—117

28 TAC §21.704—13

28 TAC §25.714—71

28 TAC §§33.1-33.3—14

28 TAC §§33.107, §33.108—14

28 TAC §§33.401, 33.404, 33.405—14

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***Part III. Texas Air Control Board***

31 TAC §§101.1, 101.7, 101.24, 101.25, 101.26—17

***Part IX. Water Rates***

31 TAC §§291.131-291.136—14

**TITLE 34. PUBLIC FINANCE**

***Part I. Comptroller of Public Accounts***

34 TAC §3.8—19

34 TAC §3.399—117

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***Part IV. Employees Retirement System of Texas***

34 TAC §§67.97—83

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43 TAC §25.81—71



# Attorney General

**Description of Attorney General submissions.** Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

## Opinions

**JM-1119 (RQ-1859).** Request from Kent A. Caperton, Chairman, Finance Committee, Austin, concerning effect and authority of a grand jury recommendation regarding a county's use of night depositories.

**Summary of Opinion.** A grand jury recommendation relative to the use of a bank's night depository is not binding on the tax assessor-collector.

TRD-8912457

**JM-1120 (RQ-1851).** Request from Jesusa Sanchez-Vera, Jim Wells County Attorney, Alice, concerning whether a commissioners court may authorize a justice of the peace to retain a portion of assessed fines for the purpose of funding additional positions.

**Summary of Opinion.** A county commissioners court may not authorize a justice of the peace to retain a portion of assessed fines for the purposes of funding an additional employee.

TRD-8912456

**JM-1121 (RQ-1846).** Request from Tom O'Connell, Collin County Criminal District Attorney, McKinney, concerning authority of a sheriff to contract regarding the jail commissary without consulting the county purchasing agent.

**Summary of Opinion.** The Local Government Code §351.0415 authorizes the Collin County Sheriff to enter into a contract regarding the county jail commissary without consulting the county purchasing agent.

TRD-8912455

**JM-1122 (RQ-1808).** Request from D.R. "Tom" Uher, Chairman, Redistricting Committee, Austin, concerning authority of the Matagorda County-Pacacios Seawall Commission to expend funds to create a public beach.

**Summary of Opinion.** Unless, on the facts of a particular case, a public beach could be accurately characterized as a seawall, break-

water, levee, dike, floodway, or drainway, or as a beautification measure for a boulevard erected in connection with such a flood control project, a seawall commission operating under Chapter 421 of the Local Government Code and Title 118, Texas Civil Statutes, such as the Matagorda County-Palacios Seawall Commission lacks authority to expend funds for the beach's creation or construction.

TRD-8912454

**JM-1123 (RQ-1767).** Request from Lloyd Criss, Chairman, Labor and Employment Relations Committee, Austin, concerning ownership of an artificially restored beach, and related questions.

**Summary of Opinion.** Under the circumstances addressed, where title to submerged littoral land is in the state, raising the land above the tideline by artificial means does not effect a transfer of title to the adjacent upland littoral property owner. Title remains in the state.

Whether there would be liability for damages or other relief from harm caused by a dislodged breakwater would depend on the facts of the particular case.

TRD-8912453

**JM-1124 (RQ-1815).** Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning effect of amendments to statutes that allow a driver to defer disposition of punishment pending successful completion of a defensive driving course.

**Summary of Opinion.** Senate Bill 1204 and Senate Bill 1085 of the 71st Legislature are not violative of any constitutional provision in permitting costs to be assessed against a defendant in a subsection (a)(2), Texas Civil Statutes, Article 6701d, §143A, proceeding that permits the court to defer imposition of judgment pending successful completion of a defensive driving course. The assessment of court costs in a subsection (a)(1), Texas Civil Statutes, Article 6701d, §143A, proceeding where the defendant is adjudged to be guilty without having entered a plea to the charge or the court

having made an adjudication of guilt deprives a defendant of due process of law and his constitutional right to a trial. Court costs are due at the time of entry of judgment following the defendant's plea and entry of judgment in a subsection (a) (2) proceeding. A fee not to exceed \$10 authorized by subsection (c) of Texas Civil Statutes, Article 6701d, §143A, is not violative of any constitutional provision in a subsection (a)(2) proceeding. The imposition of such fee in subsection (a)(1) proceeding is unconstitutional.

TRD-8912452

## Requests for Opinions

**(RQ-1894).** Request from Mark W. Stiles, Chairman, County Affairs, Texas House of Representatives, Austin, concerning whether a taxing unit is required to pay interest on refunds made on or after June 15, 1989.

**(RQ-1895).** Request from D. C. Jim Dozier, County Attorney, Montgomery County, Conroe, concerning applicability of competitive bidding requirement to an adult probation residential facility and a courthouse annex.

**RQ-1896.** Request from Ron Lindsey, Commissioner, Texas Department of Human Services, Austin, concerning authority of a state agency to prohibit outside employment.

**(RQ-1897).** Request from Tish Gonzalez, Acting Executive Administrators, Texas Housing Agency, Austin, concerning authority of the Texas Housing Agency to take and hold title to foreclosed properties in its own name.

**(RQ-1898).** Request from Ted B. Lyon, State Senator, District 2, The Senate of the State of Texas, Austin, concerning status of an individual who is appointed and sworn in as a district judge, but who subsequently removes his name from consideration and whose name is not submitted for confirmation.

**(RQ-1899).** Request from Dan Meehan, Fannin District and County Attorney, Bonham, concerning availability of salary supplement to county auditor for adminis-

tration of state and federal grant program (re-opening of RQ-1761).

(RQ-1900). Request from Bill Ratliff, Senator, The State of Texas Senate, Austin, concerning effect of a "gold seal" pardon from the State of Louisiana on an individual's right to certification as a Texas peace officers.

(RQ-1901). Request from Jim Hightower, Commissioner of Agriculture, Department of Agriculture, Austin, concerning proof of financial responsibility for a commercial applicator of pesticides under the Agriculture Code, Chapter 76.

TRD-8912458



# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

## Appointments Made December 21, 1989

To be **Criminal District Attorney of San Jacinto County** to be effective January 1, 1990, until the next general election and until his successor shall be duly elected and qualified: Robert Hill Trapp, P.O. Box 96, Coldspring, Texas 77331. Mr. Trapp is being appointed to a new position pursuant to House Bill 1474, 71st Legislature, Regular Session.

To be a member of the **Public Safety Commission** for a term to expire December 31, 1995 to be effective January 1, 1990: Robert B. Holt, 303 West Wall Street, Suite 2200, Midland, Texas 79701. Mr. Holt will be replacing Ruben R. Cardenas of McAllen, whose term expires.

To be a member of the **Texas Committee for the Humanities** for a term to expire December 31, 1991: Homer B. Reynolds, III, 307 South McDonald, McKinney, Texas 75069. Mr. Reynolds is being reappointed.

To be a member of the **Texas Committee for the Humanities** for a term to expire December 31, 1991: Bridget Barry, 5025 Overton Ridge Boulevard, Suite 1728, Fort Worth, Texas 76132. Ms. Barry is being reappointed.

To be a member of the **Rural Economic Development Commission** for a term at the pleasure of the Governor: A. Carlos Barrera, P.O. Box 2135, Brownsville, Texas 78520. Mr. Barrera is being appointed to a new position pursuant to House Bill 438, 71st Legislature, Regular Session.

To be a member of the **Rural Economic Development Commission** as member and Chairman for a term at the pleasure of the Governor: Zerle L. Carpenter, 2401 Kent, Bryan, Texas 77801. Dr. Carpenter is being appointed to a new position pursuant to House Bill 438, 71st Legislature, Regular Session.

To be a member of the **Interagency Council for Services for the Homeless** for a term at the pleasure of the Governor: Patrice Thomas, P.O. Box 13065, Austin, Texas 78711. Mrs. Thomas is being appointed to a new position pursuant to House Bill 2473, 71st Legislature, Regular Session.

To be **Judge of the 250th Judicial District Court, Travis County** until the next general election and until his successor shall be duly elected and qualified: Will R. Wilson, Jr., 1407 Ethridge Avenue, Austin, Texas 78703. Mr. Wilson will be replacing Judge Harley Clark, Jr., of Austin, who resigned.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1993, to be effective January 1, 1990: John Escobedo, P.O. Box 7257, Huntsville, Texas 77340. Mr. Escobedo is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1991 to be effective January 1, 1990: Gerald L. Garrett, 2716 Leroy, Pearland, Texas 77581. Mr. Garrett is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1995 to be effective January 1, 1990: Donn D. Woolery, 232 Normal Park, Huntsville, Texas 77340. Mr. Woolery is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1993 to be effective January 1, 1990: Frank Charles Eikenburg, 7109 Westlake Drive, Dallas, Texas 75214. Mr. Eikenburg is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1993, to be effective January 1, 1990: Ron D. Givens, 1701 East 26th Street, Lubbock, Texas 79404. Mr. Givens is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1993 to be effective January 1, 1990: Stennett D. Posey, 127 Spanish Oak Circle, Georgetown, Texas 78628. Mr. Posey is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1991 to be effective January 1, 1990: Esther Lee Yao, 15714 Sylvan Lake, Houston, Texas 77062. Dr. Yao is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1991 to be effective January 1, 1990:

Winona Wilson Miles, 7204 Marywood Circle, Austin, Texas 78723. Mrs. Miles is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1995 to be effective January 1, 1990: James H. Granberry, 4907 19th Street, Lubbock, Texas 79407. Dr. Granberry is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1995 to be effective January 1, 1990: Henry B. Keene, P.O. Box 13401, Austin, Texas 78711. Mr. Keene is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1995 to be effective January 1, 1990: Hubert E. Bechtol, P.O. Box 13401, Austin, Texas 78711. Mr. Bechtol is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

## Appointments Made December 28, 1989

To be **Chairman of the Board of Pardons and Paroles** for a term at the pleasure of the Governor: Dr. James H. Granberry. Dr. Granberry is being appointed pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1993 to be effective January 1, 1990: Bennie L. Elmore, P.O. Box 1344, Huntsville, Texas 77342. Mr. Elmore is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1995 to be effective January 1, 1990: Troy G. Fox, 1500 South IH 35, Suite 1103, Round Rock, Texas 78681. Mr. Fox is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1995 to be effective January 1, 1990: Daniel L. Downs, 9702 Kirkfalls, Houston, Texas 77089. Mr. Downs is being appointed to a new position pursuant to House

Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1991 to be effective January 1, 1990: Kenneth N. Coleman, 204 Pine Valley, Huntsville, Texas 77340. Mr. Coleman is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

To be a member of the **Board of Pardons and Paroles** for a term to expire February 1, 1993 to be effective January 1, 1990: Gloria Gibney, 4609 Greensboro Drive, Corpus Christi, Texas 78413. Mrs. Gibney is being appointed to a new position pursuant to House Bill 2335, 71st Legislature, Regular Session.

Issued in Austin, Texas, on December 29, 1989.

TRD-8912429



# 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 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 501. Professional Conduct

#### Other Responsibilities and Practices

##### • 22 TAC §501.45

The Texas State Board of Public Accountancy adopts on emergency basis the repeal of §501.45, concerning other responsibilities and practices. An emergency exists because the section as finally adopted in September, 1989, does not conform with recent amendments to the Act and therefore invites conduct in contravention of state law.

The repeal is adopted on an emergency basis 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 competitive practices of licensees.

##### *§501.45. Competitive Bidding.*

Issued in Austin, Texas, on January 2, 1990.

TRD-8912509

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: January 3, 1990

Expiration date: May 3, 1990

For further information, please call: (512)  
450-7066

The Texas State Board of Public Accountancy adopts on an emergency basis new §501.45, concerning other responsibilities and practices. An emergency exists because the section as finally adopted in September, 1989, does not conform with recent amendments to the Act and therefore invites conduct in contravention of state law.

The new section is adopted on an emergency basis 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 competitive practices of licensees.

##### *§501.45. Competitive Bidding.*

(a) Certificate or registration holders shall have the right to engage in com-

petitive bidding on contracts or engagements for professional services except as stated in subsection (c) of this section.

(b) Competitive bids shall contain all information required by a written invitation to bid, and in the absence of specific requirements, as a minimum the bid shall include:

(1) a clear and comprehensive description of all of the services to be performed;

(2) a clear and comprehensive description of the reports to be rendered and an affirmative undertaking to deliver such reports by a specified or clearly determinable date;

(3) a commitment as to the class and qualifications of the individuals who are proposed to perform the services; and

(4) a clear statement of the amount that is proposed to be charged for the proposed services, or, if the bid is not for a lump sum amount, a clear statement of how such amount will be determined including the per diem or hourly rates, by class, and the estimated number of days or hours, by class, required to perform the services.

(c) Contracts or engagements for professional services with any state agency, political subdivision, county, municipality, district, authority, or publicly-owned utility may not be competitively bid in violation of the Professional Services Procurement Act (Texas Civil Statutes, Article 664-4) or other applicable law. Contracts for consulting services may, however, be made pursuant to Texas Civil Statutes, Article 6252-11c.

(1) The fact that a certificate or registration holder is invited to make a proposal to an entity described in this subsection creates a presumption that similar proposals may be invited from other certificate or registration holders. This presumption may be overcome by direct inquiry of the prospective client as to whether proposals from other certificate or registration holders have been or will be invited.

(2) If it is determined that bids have been or will be invited from one or more other certificate or registration holders, a fee estimate, but not a competitive bid, may be submitted.

Issued in Austin, Texas, on January 2, 1990.

TRD-8912510

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: January 3, 1990

Expiration date: May 3, 1990

For further information, please call: (512)  
450-7066

## TITLE 28. INSURANCE Part I. State Board of Insurance

### Chapter 1. General Administration

#### Subchapter I. Disclosure of Guaranty Fund Nonparticipation

##### • 28 TAC §1.1001

The State Board of Insurance adopts on an emergency basis new §1.1001, concerning disclosure of guaranty fund nonparticipation. This new section is necessary to comply with the Insurance Code, Article 21.28-E, which requires disclosure of guaranty fund nonparticipation on each certificate or evidence of coverage and on each insurance policy, contract, or application that is delivered or issued for delivery in this state and that is not covered by an insurance guaranty fund or other solvency protection arrangement. Under Article 21.28-E, a disclosure statement in 10-point type must be affixed to the first page of such policy, contract, or application, or of such certificate or evidence of coverage not protected. With this adoption, the board acknowledges that the Health Maintenance Organization Solvency Surveillance Committee created by the Texas Health Maintenance Organization Act, §36, is a solvency protection arrangement authorized by the Insurance Code other than an insurance guaranty fund. An imminent peril to the public welfare requires that §1.1001 be adopted on an emergency basis in order to provide information which will enable regulated entities to comply with requirements of Senate Bill 255, adopted by the 71st Legislature. The new section specifies the language to be used to comply with the Insurance Code, Article 21.28-E.

The new section is adopted on an emergency basis under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine policy and rules in accordance with the laws of this state, and under the Insurance Code, Article 21.28-E (b), which authorizes and requires the State Board of Insurance to administer statutory provisions and to promulgate statements that must be

used by insurers to comply with Article 21.28-E, which requires disclosure of guaranty fund nonparticipation.

*§1.1001. Disclosure of Guaranty Fund Nonparticipation.*

(a) With the exceptions enumerated in this section, each certificate or evidence of coverage and each insurance policy or contract or application that is delivered or issued for delivery in this state on or after January 1, 1990, and that is not covered by

an insurance guaranty fund or other solvency protection arrangement authorized by the Insurance Code shall have the following notice affixed to the first page in no less than 10-point type:

DISCLOSURE OF GUARANTY FUND NONPARTICIPATION

In the event the insurer is unable to fulfill its contractual obligation under this policy or contract or application or certificate or evidence of coverage, the policyholder or certificateholder is not protected by an insurance guaranty fund or other solvency protection arrangement.

(b) Mortgage guaranty insurers are required to make the disclosure contained in subsection (a) of this section only on all master policies, but not on individual certificates, delivered or issued for delivery in this state on or after January 1, 1990.

(c) Each surplus lines contract certificate, binder, cover note, or other confirmation of surplus lines insurance, including any application used to bind coverage, shall have affixed to its first page the notice

prescribed by the Insurance Code, Article 1.14-2, §7(a), rather than the disclosure contained in subsection (a) of this section.

(d) Instead of the language contained in subsection (a) of this section, insurers issuing variable annuity contracts on or after January 1, 1990, may affix the following notice to the first page of such contracts in no less than 10-point type: "This contract is not covered by an insurance guaranty fund or other solvency protection arrangement because this contract is

a contract under which the risk is borne by the policyholder."

Issued in Austin, Texas, on December 28, 1989.

TRD-8912431

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: December 29, 1989

Expiration date: April 28, 1990

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

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# 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 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 511. Certification as CPA

##### Certification

###### • 22 TAC §511.161

*(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 Public Accountancy or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas State Board of Public Accountancy proposes the repeal of §511.161, concerning application. The section is being repealed in order to expand the qualifications candidates must meet prior to issuance of a CPA certificate. A new section is simultaneously being proposed for publication in the *Texas Register*.

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

Mr. Bradley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be conformity with recent amendments to the Act. There will be no effect on small businesses as a result of enforcing the repeal. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Cynthia Hairgrove, Attorney, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The repeal is proposed under Texas Civil Statutes, Article 41a-1, §6(a) which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to establish and maintain high standards of competency and integrity in the CPA profession.

###### §511.161. Application.

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 January 2, 1990.

TRD-8912506

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: February 9, 1990

For further information, please call: (512) 450-7066



The Texas State Board of Public Accountancy proposes new §511.161, concerning qualifications applicants must meet prior to issuance of a CPA certificate. This section sets out 12 requirements each applicant must meet to receive a certificate.

Bob E. Bradley, 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. Bradley 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 assurance that all applicants are properly qualified prior to certification. There will be no effect on small businesses as a result of enforcing the section. 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 Cynthia Hairgrove, Attorney, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a) which provide the Texas State Board of Public Accountancy with the authority to promulgate rules to establish and maintain high standards of competency and integrity in the CPA profession.

§511.161. *Qualifications for Issuance of a Certificate.* The certificate of a certified public accountant shall be granted by the board to any individual who qualifies under the current Act and has met the following qualifications:

- (1) must have successfully completed the Uniform CPA Examination;
- (2) must have met the education requirements;
- (3) must have attained the age of 18 years;
- (4) must meet the citizenship or legal resident requirements;

(5) must submit an application prescribed by the board;

(6) must submit the requisite fee for issuance of the certificate set by the board.

(7) must provide evidence of good moral character;

(8) must submit, on a form prescribed by the board, evidence of completion of the work experience requirements commensurate with the education requirements;

(9) must execute an oath of office stating support of the Constitution of the United States and of this state and the laws thereof, and will comply with the rules of professional conduct promulgated by the board;

(10) must successfully complete an examination on the rules of professional conduct promulgated by the board;

(11) must submit the FBI card properly completed; and

(12) must provide any other information requested by the board.

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 January 2, 1990.

TRD-8912505

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: February 9, 1990

For further information, please call: (512) 450-7066



## Chapter 523. Continuing Professional Education

### Mandatory Continuing Education (CE) Program

#### • 22 TAC §523.64

The Texas State Board of Public Accountancy proposes an amendment to §523.64, concerning disciplinary action for violations of continuing professional education requirements. The section permits the board to subject all licensees to disciplinary action for

failure to report or maintain required continuing education hours.

Bob E. Bradley, 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. Bradley 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 conformity with recent amendments to the Public Accountancy Act. 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 Cynthia Hairgrove, Attorney, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1 §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding formal continuing education disciplinary actions relating to CE.

*§523.64. Disciplinary Actions Relating to CE.*

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

(d) Evidence of falsification, fraud, or deceit in the CE information or documentation supplied may necessitate disciplinary action as authorized in the Public Accountancy Act of 1979, §21(b) [(1)], as amended, Texas Civil Statutes, Article 41a-1.

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 January 2, 1990.

TRD-8912508      Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Earliest possible date of adoption: February 9, 1990

For further information, please call: (512) 450-7066

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**TITLE 37. PUBLIC  
SAFETY AND  
CORRECTIONS**

**Part V. Board of Pardons  
and Paroles**

**Chapter 150. Board Policy  
Statements; Memoranda of  
Understanding**

**Board Policy Statements**

• **37 TAC §150.52**

The Board of Pardons and Paroles proposes the repeal of §150.52, concerning sexual harassment (Board Letter 88-2, June 7, 1988). The section is being repealed in statutory

compliance with the Texas Penal Code, §39.02.

Harry C. Green, general counsel, 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. Green 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 not be applicable, as the public is relatively unaffected by this particular proposed section. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Harry C. Green, 8610 Shoal Creek Boulevard, Austin, Texas 78758, P.O. Box 13401, Austin, Texas 78711.

The repeal is proposed under the Texas Code of Criminal Procedure, Article 42. 18, which provides the Board of Pardons and Paroles with the authority to promulgate rules pertaining to Board of Pardons and Paroles policies.

*§150.52. Sexual Harassment (Board Letter 88-2, June 7, 1988).*

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 December 29, 1989.

TRD-8912413      William H. Brooks  
Executive Director  
Board of Pardons and  
Paroles

Earliest possible date of adoption: February 9, 1990

For further information, please call: (512) 459-2708

The Board of Pardons and Paroles proposes new §150.52, concerning sexual harassment (Board Letter 88-2, June 7, 1988). This policy is promulgated in statutory compliance with the Texas Code of Criminal Procedure, Article 42.18.

Harry C. Green, general counsel, 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. Green 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 not be applicable, as the public is relatively unaffected by this particular proposed section. There will be no effect on small businesses as result of enforcing the section. 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 Harry C. Green, 8610 Shoal Creek Boulevard, Austin, Texas 78758, P.O. Box 13401, Austin, Texas 78711.

The new section is proposed under the Texas Code of Criminal Procedure, Article 42.18, which provides the Board of Pardons and Paroles with the authority to promulgate rules pertaining to Board of Pardons and Paroles policies.

*§150.52. Sexual Harassment (Board Letter 88-2, June 7, 1988).*

(a) Subject. Sexual harassment.

(b) Purpose. Board Letter 88-2 is a statement of policy on the above subject.

(c) Background. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, and the Board of Pardons and Paroles, as an employer, is held responsible for sexual harassment committed by its supervisory personnel, employees and agents, and may also be held responsible, under certain circumstances, for sexual harassment committed by non-employees. All employees will be made aware of this responsibility and understand that conduct of this nature is in violation of board policy.

(d) Definition. The United States Equal Employment Opportunity Commission's guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

(2) submission to or rejection of such conduct by an individual is used as a basis for employment decision affecting such individual; or

(3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(e) Criminal act. The Texas Penal Code, §39.02 makes it a criminal act, Class A misdemeanor (punishable by up to one year in jail and up to \$2,000 fine), for an employee to intentionally subject another to sexual harassment.

(f) Determination. In determining whether alleged conduct constitutes sexual harassment, the totality of circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred will be reviewed. Sexual harassment may justify any of the following personnel actions:

(1) discharge;

(2) official reprimand;

(3) return to probationary employee status;

(4) suspension with pay pending investigation;

(5) suspension without pay (not to exceed 15 days for each offense);

(6) transfer from one duty assignment to another at employee's expense, temporary or permanent;

(7) reduction in salary to a lower step in the employee's current salary group;

(8) demotion to a lower pay grade and classification within the same occupational group; and

(9) appropriate disciplinary action will be taken according to the specific facts in each case.

(g) Assistance. Any employee who believes that he or she has been discrimi-

nated against due to his or her sex should report such incident(s) to one of the following:

(1) his or her immediate supervisor;

(2) the agency's Personnel Office; or

(3) any member of management, to include the Deputy Executive Director, without fear of reprisal;

(4) sexual harassment allegations will be investigated pursuant to the agency's Internal Investigation Procedures, which are incorporated herein by reference. Supervisors will ensure that employees un-

der their supervision are familiar with these procedures.

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 December 29, 1989.

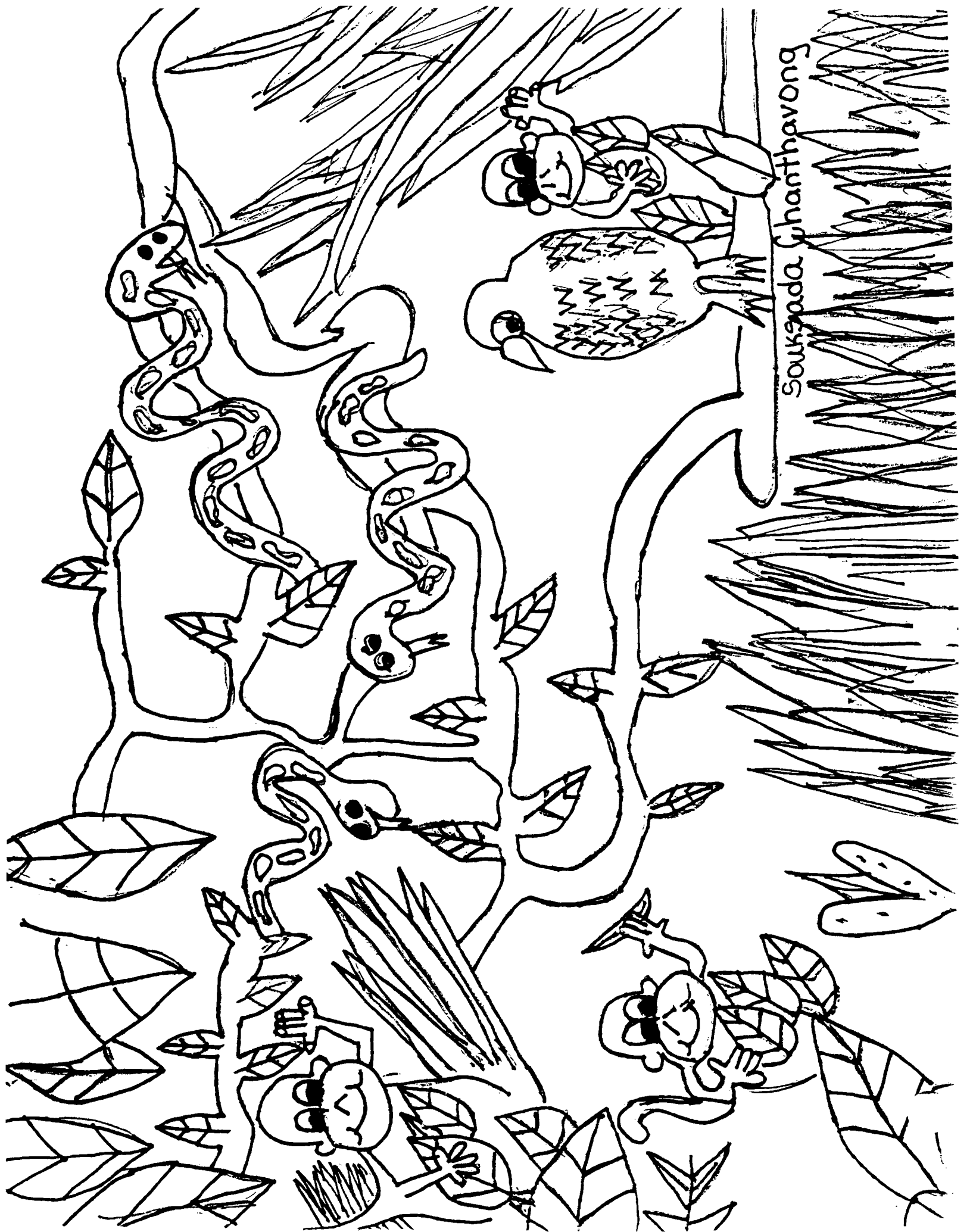
TRD-8912440

William H. Brooks  
Executive Director  
Board of Pardons and  
Paroles

Earliest possible date of adoption: February 9, 1990

For further information, please call: (512) 459-2708

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Soukprada Phanthavong

# 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 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 523. Continuing Professional Education

#### Mandatory Continuing Education (CE) Program

##### • 22 TAC §523.63

The Texas State Board of Public Accountancy has withdrawn from consideration for permanent adoption a proposed repeal §523.63 which appeared in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4067). The effective date of this withdrawal is January 3, 1990.

Issued in Austin, Texas, on January 3, 1990

TRD-8912503 Cynthia Hairgrove, Attorney  
Enforcement Coordinator  
Texas State Board of  
Public Accountancy

Effective date: January 3, 1990

For further information, please call: (512)  
450-7066



The Texas State Board of Public Accountancy has withdrawn from consideration for permanent adoption a proposed new §523.63 which appeared in the August 15, 1989, issue of the *Texas Register* (14 TexReg 4067). The effective date of this withdrawal is January 3, 1990.

Issued in Austin, Texas, on January 3, 1990

TRD-8912504 Cynthia Hairgrove, Attorney  
Enforcement Coordinator  
Texas State Board of  
Public Accountancy

Effective date: January 3, 1990

For further information, please call: (512)  
450-7066



## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

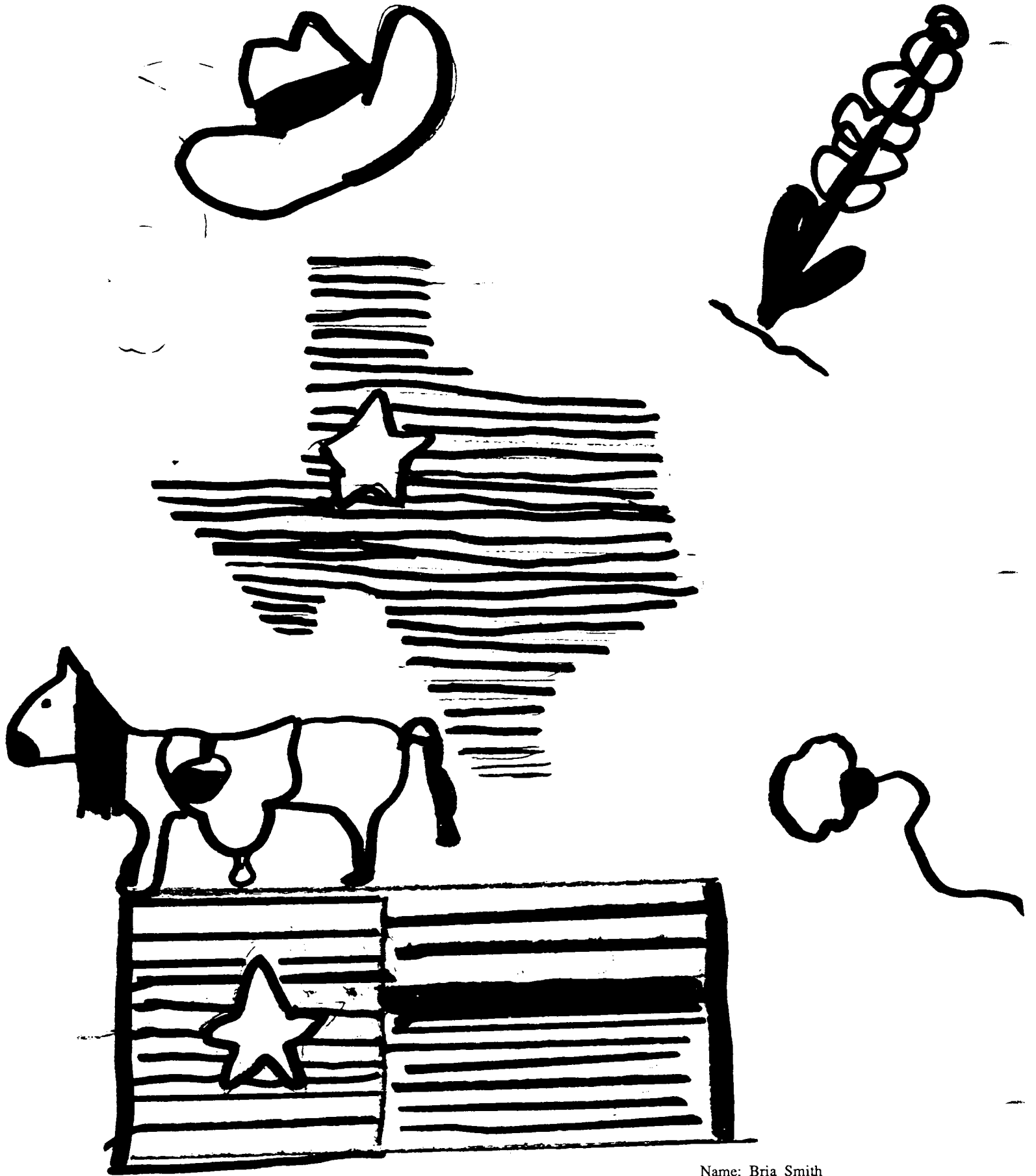
#### Subchapter Q. Franchise Tax

##### • 34 TAC §3.405

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §3.405, submitted by the Comptroller of Public Accounts has been automatically withdrawn, effective January 3, 1990. The amendment as proposed appeared in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3190).

TRD-8912502





Name: Bria Smith  
Grade: 4  
School: Stults Road Elementary, Richardson

# 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 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 511. Certification as CPA

##### Education Requirements

###### • 22 TAC §511.54

The Texas State Board of Public Accountancy adopts new §511.54, without changes to the proposed text as published in the October 6, 1989, issue of the *Texas Register* (14 TexReg 5342).

The adoption of the new section will address the requirements which apply to an individual who qualified under the 1945 Act.

The adoption of the new section will set out the qualifications to sit for the exam which apply to a candidate qualified under the 1945 Act.

No comments were received regarding adoption of the new section.

The new section 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 deemed necessary and advisable to effectuate the Public Accountancy Act of 1945.

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 January 2, 1990.

TRD-8912507

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: January 24, 1990

Proposal publication date: October 6, 1989

For further information, please call: (512) 450-7066



## TITLE 28. INSURANCE Part I. State Board of Insurance

### Chapter 9. Title Insurance

#### Subchapter C. Texas Title Insurance Statistical Plan

###### • 28 TAC §9.401

The State Board of Insurance adopts an amendment to §9.401, without changes to the proposed text as published in the June 30, 1989, issue of the *Texas Register* (14 TexReg 3189).

Section 9.401 concerns adoption by reference of the Texas Title Insurance Statistical Plan (the plan). This amendment is necessary to facilitate the collection of data relative to current Texas title insurance rate rules, which will assist the State Board of Insurance in the setting of accurate and appropriate rates for title insurance in the State of Texas.

The amendment to the section itself reflects amendments which the board has adopted to the plan, which the section adopts by reference. The amendments to the plan modify the plan to provide for revised statistical coding to facilitate collection of data relative to current Texas title insurance rate rules.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 9.21, which authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance.

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 December 29, 1989.

TRD-8912486

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: January 23, 1990

Proposal publication date: June 30, 1989

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



## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 3. Tax Administration

#### Subchapter Q. Franchise Tax

###### • 34 TAC §3.399

The Comptroller of Public Accounts adopts an amendment to §3.399, without changes to the proposed text as published in the July 11, 1989, issue of the *Texas Register* (14 TexReg 3342).

The amendment implements recent legislation exempting corporations engaged exclusively in the business of recycling sludge and corporations organized by farmers' cooperatives to finance the ordinary crop operations of producers of farm products.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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 January 3, 1990.

TRD-8912490

Bob Bullock  
Comptroller of Public  
Accounts

Effective date: January 23, 1990

Proposal publication date: July 11, 1989

For further information, please call: (512) 463-4004



###### • 34 TAC §3.416

The Comptroller of Public Accounts adopts new §3.416, without changes to the proposed text as published in the July 11, 1989, issue of the *Texas Register* (14 TexReg 3342).

The new section provides for a credit against franchise tax liability for domestic title insurance holding companies whose subsidiaries paid premium taxes in Texas. The new section implements recent legislation.

No comments were received regarding adoption of the new section.

The new section is adopted under the Tax Code, §111.002, which provides the Comp-

troller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

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 January 3, 1990.

TRD-8912489      Bob Bullock  
Comptroller of Public  
Accounts

Effective date: January 23, 1990

Proposal publication date: July 11, 1989

For further information, please call: (512) 463-4004

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part X. Texas Adult Probation Commission

#### Chapter 321. Standards

##### • 37 TAC §§321.1-321.6

The Texas Adult Probation Commission adopts amendments to §§321.1-321.6. Sections 321.1-321.5 are adopted with changes to the proposed text as published in the October 13, 1989, issue of the *Texas Register* (14 TexReg 5483.) Section 321.6 is adopted without changes and will not be published.

The amendments are necessary to establish minimum standards for and administration of caseloads, programs, facilities, and equipment for effective probation services.

The amendments will provide a more uniform enforcement of probation services.

There were numerous comments received expressing concern with several of the proposed standards for adoption.

Comments received were from individuals, therefore the names of the commenters will not be published.

General comments. Several individuals requested that references to the Texas Adult Probation Commission be uniformly cited as either the Community Justice Assistance Division or CJAD and that local probation departments be uniformly cited as either Community Supervision and Corrections Departments, (CSCDs) or departments.

In regards to §321.1(a), one individual suggested that the language to the standard be re-written for purposes of clarification. One member of the Texas House of Representatives suggested that the language regarding the public protection responsibility of community supervision and corrections should include the mention of punishment and sanctioning as legitimate goals of local departments. One individual wanted to modify the language referring to actions taken against probation violators.

In regards to §321.1(c), several individuals suggested that the language to the standard be re-written for purposes of clarification.

In regards to §321.1(f), one individual suggested that the language to the standard be re-written for purposes of clarification. One individual wanted the standard to designate one officer to monitor the skill levels and training needs for individual staff members.

In regards to §321.1(g), several individuals requested that the proposed standard providing that probation officers' salaries be no more than the salaries for parole officers be deleted.

In regards to §321.1(k), one individual wanted to provide for an audit by the county's outside audit in lieu of the division audit.

In regards to §321.1(n), one individual wanted the language to be modified to require adequate staff in order to prepare presentence investigation reports.

In regards to §321.2(b), several individuals expressed opposition to the proposed standard that probation officers be required to have 40 hours of professional training annually.

Several individuals were in favor of the proposal to increase the number of hours of professional training for probation officers.

In regards to §321.2(d), one individual expressed his opposition to allowing judicial district funds be used to pay for the cost of certification examinations.

In regards to §321.2(e), one individual recommended that employment with a local department should be a prerequisite for nomination to certification training. One individual wanted to delete the requirement that an employee be nominated and sponsored by the local adult probation department.

In regards to §321.2(h), one individual expressed his belief that the decision to revoke or suspend a probation officer's certification should be primarily a local one.

In regards to §321.2(k), one individual recommended that this proposed standard be reworded to read "all personnel of a CCF should be provided training applicable to their job duties."

In regards to §321.3(a), one individual requested that the word "should" be replaced with the word "shall". One individual requested that the standard require that the amount of restitution be included in a presentence investigation report. One individual wanted the standard to provide for a psychological evaluation of felony offenders when there was a reasonable indication of mental retardation, mental illness, or development disability.

In regards to §321.3(b), one individual requested a clarification in the standard concerning psychological records not obtained by court order.

In regards to §321.4(b) one individual wanted supervision to represent part of the continuum of sanctions.

In regards to §321.4(c), one individual suggested that the standard should be revised to take into account jurisdictions which lie on the border areas of Texas. One individual wanted the supervision plan to address factors identified as contributors to the offender's criminal behavior and to incorporate the learning of new law-abiding behavior into the supervision plan.

In regards to §321.4(d), one individual requested that workload distribution be applied to felony cases only.

In regards to §321.4(e), one individual stated that the phrase "workload limits" should be reworded to read "Felony Workload Limits", and that the phrase "in the administrative manual" should be deleted. One individual expressed his total opposition to this subsection being a standard. One individual requested that the words "should not" be deleted and the phrase "Probation Administrators are encouraged not to assign additional workloads..." be substituted. One individual suggested that guidelines needed to be issued to clarify the tier-system approach. One member of the Texas House of Representatives suggested that the idea of a fifth tier should be dropped and the categories of intensive and specialized caseloads should be combined into a new Level I, Intensive category. One individual wanted to limit the number of cases on an officer's workload.

In regards to §321.4(f), one individual stated his belief that this proposed standard contradicted the proposed standard of §321.4(e). Several individuals requested that there be two different classifications—one for felonies and one for misdemeanors. One individual recommended that a two-sided short form be used to validate case classifications.

In regards to §321.4(g), one individual suggested that the definition "Face-to-face" should indicate a contact in the officer's office. One individual requested that the phrase "historically sentenced to prison" be deleted. One individual requested that phrase "Departments will make... at a higher level, appropriate for its jurisdiction" be deleted. One individual wanted the tier levels to represent strategies for minimum supervision requirements.

In regards to §321.4(h), several individuals expressed their opposition to a five tiered system and favored a four-tiered system instead. One individual expressed his concern that there were no minimum supervision contacts for high risk offenders. Another individual requested that a standard for minimum contacts be established for each tier level. Several individuals expressed their opposition to a standard requiring that a probationer be court-ordered into either intensive or maximum supervision. One individual expressed his opposition to dropping the requirement for a court order in order to place a probationer in Level I and Level II. One individual requested that the phrase "and/or individuals who regressed from a less restrictive level of supervision" be deleted. One individual wanted to re-define the tier levels based on risk assessment.

In regard to §321.4(i), one individual wanted supervision to represent part of the continuum of sanctions.

In regards to §321.5(a), one individual requested that the three categories of state aid include certain specific probationary programs.

The agency does not disagree with the comments received from the departments; but in order to comply with the mandates of House Bill 2335, the standards were revised or re-written and changes received from the department were incorporate.



The amendments are adopted under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

### §321.1. Administration.

(a) Public protection. Community Supervision and Corrections Departments (CSCD) should recognize their responsibility to the community by providing opportunities for rehabilitation of offenders, and by initiating appropriate action to impose more restrictive sanctions or to remove promptly from the community those offenders who through their behavior have demonstrated their failure to follow the rules imposed by the court.

(b) Community education. CSCD's should recognize their position as a public agency, always responsive to the needs of the community, making every reasonable effort to educate the community to the duties, responsibilities and accomplishments of the community corrections system.

(c) Professional competence. CSCD's should be impartial, non-political, and professionally competent.

(d) Administrative manual.

(1) CSCD's should develop an administrative manual defining general purposes and functional objectives, incorporating all written policies and procedures, assuring that they are distributed to all staff members. Departments should use the publication Guidelines for the Organization, Management, and Operation of Local Adult Probation Departments in Texas, as a guide in the development of its administrative, personnel, and operational policies and procedures should be reviewed annually and revised as necessary.

(2) The Community Justice Assistance Division (CJAD) is to be notified about the appointment of a CSCD chief/director and shall be responsible for providing the chief/director with copies of the standards, guidelines and other appropriate information within 30 days.

(e) Job description. CSCD's should have written job descriptions for all positions. Probation officers should be released from routine clerical and record-keeping responsibilities which may be performed by clerical personnel. Job descriptions should be reviewed and revised at least annually.

(f) Training officer. CSCD's should have a designated officer to monitor the skill levels and training needs of individual staff members and develop a plan for meeting those needs. To facilitate the training function, the officer may conduct internal audits of direct supervision cases to check for technical compliance, for utilization of case classification, and for supervision planning.

(g) Entry level salary. CSCD's should establish the entry level salary of probation officers based upon educational

requirements as provided by law, experience, levels of responsibility and the prevailing wage structure for comparable positions at the local level.

(h) Automobile allowance. CSCD's should establish an automobile allowance for the use of personal automobiles on official business by authorized individuals to be paid from judicial district funds. Personal automobile allowance should not be less than the state allowance per mile. Flat rate monthly payment based on approximate mileage computed at not less than the current state rate per mile is not prohibited. Departments paying flat rate monthly allowances should maintain written documentation within the probation department of business mileage. This documentation should include the officer's name, month, and officer's signature. The form should also contain the date, beginning odometer reading, ending odometer reading, total miles driven, and purpose of trips for each business day. These forms should be available for review by CJAD auditors.

(i) Per diem. CSCD's should establish per diem allowances for employee expenses at a rate not less than the rate allowed state employees.

(j) Records. (Texas Code of Criminal Procedure, Article 42.13, §3). CSCD's shall maintain and provide to CJAD fiscal records and statistical data consistent with the requirements of the statute.

(k) Audits. (Texas Code of Criminal Procedure, Article 42.13, §3 and §4). CSCD's shall conduct a fiscal audit of each CSCD at least once every two years. Outside audits are not required unless requested by CJAD.

(l) Budget. (Texas Code of Criminal Procedure, Article 42.13, §2 and §3). CSCD's shall prepare and operate from an annual budget developed in a form consistent with good accounting practices and approved by the judge(s) of their judicial district. A copy of the budget shall be provided to the CJAD and other entities as required by law.

(m) Annual report. (Texas Code of Criminal Procedure, Article 42.13, §3 and §5). CSCD's should publish and furnish an annual report and a financial report to the judge(s) of the judicial district covering its operations and the condition of community corrections services in its judicial district during the previous year, making whatever recommendations it considers necessary. A copy of these reports should be provided to CJAD and other entities as required by law.

(n) Presentence capability. CSCD's should have the necessary staff and resources to permit presentence investigations and written reports of the results.

(o) Equal employment opportunity. CSCD's shall comply with the Equal Employment Opportunity Act.

(p) Ethics. CSCD's should provide each probation officer with a copy of the Code of Ethics adopted by the CJAD and a copy of the procedure developed by the department to be used in investigating and reviewing any alleged violation. CSCD's shall see that probation officers comply with the Code of Ethics and take disciplinary action for non-compliance.

(q) Multi-department districts.

(1) Judicial districts composed of more than one county may apply to the CJAD for authorization to establish more than one CSCD within that judicial district. The application submitted by the judge(s) shall explain how the creation of more than one department will promote:

(A) administrative convenience;

(B) economy; or

(C) improved community supervision and corrections services, and other reasons if any.

(2) The application shall indicate the financial impact and the approval of the judges in the judicial district or districts hearing criminal cases affected by the change.

(r) Automobile liability insurance. CSCD's should require all individuals using their automobiles for department business to provide documentation of liability insurance coverage or fiscal responsibility as required by law for personal motor vehicles used in conduct of official business.

(s) Automobiles purchased or leased by judicial districts. CSCD's should ensure that economical use of judicial district funds is considered if the judicial district purchases automobiles to be used by CSCD personnel.

(t) Expenses for training. CSCD's may use judicial district funds to pay the expenses of training for employees. The training must be related to community supervision and corrections services or to the employee's particular function or professional advancement within the department. Departments may also use judicial district funds to pay the expenses of training for judges trying criminal cases. Training for judges must be related to community supervision and corrections or to the judge's function as an administrator of the department.

### §321.2. Probation Officers.

(a) Eligibility. (Texas Code of Criminal Procedure, Article 42.131, §5(b), (c)). All probation officers shall meet the statutory requirements. Judicial districts may apply to the Community Justice Assistance Division (CJAD) for exemption of the

one year of experience or one year of graduate study required in the Texas Code of Criminal Procedure, Article 42.131, §5(b). The application should document that reasonable efforts were made to employ a probation officer with one year experience and state why, in their opinion, the efforts were unsuccessful. Probation officers requiring a waiver under this rule should be hired at a salary lower than the entry level salary of probation officers with experience.

(b) Training. Probation officers should be provided not less than 40 documented hours of professional training annually. All of the hours are to be approved by the chief/director of the Community Supervision and Corrections Department (CSCD) and the CSCD training officer, with at least 20 of these hours to be approved by CJAD. Training hours in excess of 40 hours can be carried forward to the following year.

(c) Certification. A probation officer who is first employed by a CSCD in this state after September 1, 1987, is required to complete the certification coursework and obtain a passing grade on the certification examination within one year of the beginning date of employment as an adult probation officer. A probation officer who was employed by any probation department in this state on or at any time before September 1, 1987, is exempt from the requirements of the certification program. A probation officer who is subject to the certification requirement and who leaves the field of probation work for more than one year is required to be recertified within one year after resuming employment as an adult probation officer.

(d) Costs of certification. CSCD's may use judicial district funds to pay the costs of certification coursework and examination.

(e) Exempt non-officers certification. Effective September 1, 1989, individuals who are not employed by the CSCD may attend the CJAD certification coursework and take the examination if they meet the minimum statutory qualifications to be an adult probation officer, pay the certification training fees out of their own financial resources, and there is space available in a coursework session so as not to exclude any probation officer required to be certified.

(f) Exempt officers certification. Certification coursework and examination will be available to probation officers appointed prior to September 2, 1987. Such an officer who wishes to be certified will be given two opportunities to pass the certified examination in order to be certified. If the officer fails both attempts to pass the examination, the officer must complete the certification coursework before attempting to pass the examination again.

(g) Certification examination. If a new probation officer, hired on or after

September 2, 1987, completes the certification coursework but fails the examination, the officer will be allowed to attempt to pass the examination one more time. If the officer fails the examination a second time, the officer will be required to complete the certification coursework again before being allowed to attempt to pass the examination a third time.

(h) Revocation or suspension of certification. If the CJAD proposes to revoke or suspend a probation officer's certification, the officer is entitled to a hearing before the action is taken. The CJAD director may conduct the hearing or appoint an official to conduct the hearing and report the results to the director. The hearing shall be conducted in accordance with the Texas Code of Criminal Procedure, Article 42.13, §7(h); and Texas Civil Statutes, Article 6252-13a, (The Administrative Procedures and Texas Register Act).

(i) Recertification. Once an officer has been certified, the officer will be required to document attendance at and successful completion of 40 hours of approved skill-based training as required by subsection (b) of this section, per fiscal year directly related to adult probation work to maintain the officer's status of current certification. If the officer fails to maintain certification, recertification will be required by successful completion of the certification examination. If the officer fails the examination, the certification coursework and examination must be completed for recertification.

(j) Employment and certification. Each CSCD is to determine its own minimum requirements for hiring as long as one individual hired meets the minimum statutory requirements.

(k) Residential services training. All personnel of a Community Corrections Facility (CCF) should be provided training applicable to their job duties. The facility administrator will be responsible for arranging for one appropriate training and keeping documentation of one successful completion of training of staff and provide that documentation to the department chief/director upon request. CSCD's contracting for CCF services shall ensure that the services offered by one contractors include a case management system equivalent to one residential training modules offered by the CJAD Training Division.

(l) Residential officer certification. A residential probation officer, hired on or after September 2, 1989, shall satisfactorily complete the certification coursework and examination for residential officers offered by the CJAD not later than the first anniversary of the date on which the officer begins employment with the department. Provisions of subsections (f)-(i) of this section shall also apply to residential probation officers.

(m) Professional membership. CSCD's should encourage membership in

the appropriate professional organizations and maintain a current library of professional journals and publications available to all personnel. Departments may secure one organizational membership in professional organizations for use by the probation staff. Departments are not permitted to secure individual memberships for employees.

(n) Conference. CSCD's should encourage continual professional development and the exchange of information and concepts. Departments should encourage as many of their personnel as practically possible to attend regional, state and national training and professional conferences. These opportunities should be made available to all professional staff on an equitable basis.

### §321.3. Court Reports and Documentation.

(a) Presentence Investigation Reports (PSIR). The probation officer, at the direction of the court, shall prepare a PSIR on offenders prior to disposition. The PSIR should provide the court with the following accurate, objective, and relevant information concerning:

(1) the circumstances of the offense with which the offender is accused;

(2) offender's criminal and social history;

(3) a description of the impact of the crime on the victim as it relates to the circumstances of the offense, to restitution payments, and to any future programs and sanctions that the department might prescribe for the offender;

(4) the amount of restitution necessary to adequately compensate the victim of the offense;

(5) a proposed client supervision plan describing programs and sanctions that the CSCD would provide the defendant if the defendant were granted probation; and

(6) a psychological evaluation as required by law.

(b) Confidentiality of presentence investigation reports. In accordance with the Texas Code of Criminal Procedure, Article 41.12, §9(j), any presentence investigation reports prepared by a probation officer and all information obtained in connection with the presentence investigations are confidential and may be released only to those persons and under those circumstances as authorized under subsections (d)-(g) of Article 42.12, §(9), supra, and as directed by the court for the effective supervision of the defendant. Medical and psychiatric records obtained by court order shall be sealed within or kept separate from the offender's probation file and may be released only by order of the court.

(c) Initial interview. An initial supervisory interview with the offender should be conducted after the court has

placed the defendant under supervision. This interview with the offender should include a thorough discussion of the conditions of probation or terms of release. The probation officer should determine that the offender has received a copy of the conditions of probation or terms of release ordered by the court as provided by law.

(d) Case records. Community Supervision and Corrections Departments (CSCD) should develop written administrative policies and procedures regarding case record management, assuring that each case record should contain a chronological recording of all significant actions, decisions, services rendered, and periodic evaluations. The case record of each person placed under the supervision of the CSCD should contain a written criminal history record or summary issued by a law enforcement agency. If the offender has no previous record or if the record has not been received, the case record should contain a copy of the request showing the agency from which it was requested and the date of the request.

(e) Violations. CSCD's should develop policies setting forth the conditions upon which violations may be handled administratively. Policies should clearly state the conditions under which violation reports are to be submitted to the court. The availability of the continuum of sanctions or alternatives to incarceration should be considered by the probation officer and recommended to the court in eligible cases as determined by the appropriate jurisdiction.

(f) Incarceration reports. (Texas Code of Criminal Procedure, Article 42.09, §8(c)). Available presentence investigation reports together with a summary of rehabilitative efforts that appear successful and those that failed, projected efforts that were deemed appropriate but not reached, rehabilitative efforts interrupted by incarceration, and suggestions that might be helpful to a parole officer, shall be sent to the receiving institution on every offender incarcerated.

(g) Probation transfer. CSCD's should notify other jurisdictions when probationers will be working or residing in that jurisdiction temporarily. If the probationer will be in another jurisdiction more than thirty days, courtesy supervision should be requested.

(h) Courtesy supervision. CSCD's providing direct supervision to probationers transferred from other jurisdictions within Texas should monitor payments of court ordered fees, costs, and restitution, and cooperate with the department of original jurisdiction in enforcing all conditions of probation.

(i) Intrastate transfer. CSCD's should utilize uniform transfer procedures as provided by and approved by the CJAD.

(j) Extradition. Probation officers shall not transport prisoners except as provided by law.

#### §321.4. Supervision.

(a) Case. A case is defined as an adult assigned to a probation officer for supervision. Included are felony and misdemeanor offenders.

(b) Supervision. The supervision levels represent part of the continuum of sanctions in a community based corrections system. Its implementation will afford departments sufficient time to effectively and economically plan and manage resources. Use of the supervision levels as a case management strategy will allow probation officers to provide for public safety, assist offenders in developing law-abiding behavior, complying with conditions of probation or terms of release, and making restitution.

(c) Direct supervision. The direct supervision classification applies to those individuals receiving a minimum of one face-to-face contact with a probation officer every three months, and who work and/or reside in the jurisdiction. Local departments may maintain direct supervision of probationers living and/or working in adjoining jurisdictions if the department has documented approval from the adjoining jurisdictions. Quality direct supervision occurs when a probation officer performs the following:

(1) determines a level of supervision based on an offender's risks and needs;

(2) develops and/or re-evaluates a written individualized supervision plan addressing the factors which have been identified as contributors to the offender's criminal behavior and incorporating the learning of new law-abiding behavior;

(3) documents the offender's status, in the case file, regarding compliance with the conditions of probation, progress with the supervision plan, and response to intervention;

(4) makes contact with the offender, family, community, or other persons pursuant to and consistent with a supervision plan;

(5) requests specialized assessments for offenders when alcohol or drug abuse contributed to the offense and pursues specialized evaluations when they would significantly assist in the development of appropriate supervision plans for special need offenders; and

(6) conducts a Strategies for Case Supervision (SCS) interview on each offender classified at Level I or II and, if workload factors permit, at Level III.

(d) Case classification. The approved CJAD case classification system is defined as a method of evaluating the degree of supervision needed by each individual based on needs and/or risk. As ordered by the court, the Community Supervision

and Corrections Department, subsequent to evaluation of each case, should classify each case, and implement the CJAD case management system taking into consideration the needs of the individual and the protection of the community.

(e) Case supervision plan. Based on offender needs and risk factors, the probation officer should write an individualized case supervision plan designed to address problem areas needing resolution and the appropriate methods of achieving responsible behavior of the offender while under supervision.

(f) Re-evaluation of supervision plan. Supervision plans should be re-evaluated periodically. Any necessary modification of the supervision plan and level of supervision should be indicated in writing in the case file.

(g) Workload distribution. Department administrators should assign cases among their officers in such a manner as to promote public protection through offender supervision and the attainment of a 100 point workload. Departments shall utilize the Community Justice Assistance Division's (CJAD) case classification system to determine a level of supervision. If adequate funding does not exist, departments should make a good faith effort to limit Level I and II caseloads to 100 points. Caseloads with a mixture of levels should average 100 points. Departments shall use the following weights in computing workloads:

(1) Level I = 4;

(2) Level II = 2.5;

(3) Level III = 1.33; and

(4) Level IV = 1.

(h) Misdemeanor supervision. Departments should strive to provide misdemeanor offenders the same level of supervision extended felony offenders, including the use of CJAD's case classification system.

(i) Tier supervision levels. All probation officer contacts should occur pursuant to an assessment of risk/needs and because such contact supports the offender supervision plan. Departments will make a good faith effort to implement these supervision levels. Each department should establish its supervision contact and casework standards at a level appropriate for its jurisdiction.

(j) Levels of supervision.

(1) Level I. This classification extends the most restrictive non-residential supervision to offenders who:

(A) have a documented pattern of serious non-compliance while supervised at a less restrictive level;

(B) have a motion to revoke filed for a law violation; or

(C) match the jurisdiction's profile of offenders historically committed to prison/jail.

(2) Level II. This classification extends a maximum level of supervision to offenders who:

(A) are documentable diversions based on:

- (i) shock probation;
- (ii) in lieu of revocation;
- (iii) direct sentence; or

(B) have progressed from a more restrictive level of supervision, including residential supervision;

(C) have documented special needs; or

(D) have calculated maximum risk/needs scores through CJAD case classification instruments.

(e) Level III. This classification extends a moderate level of supervision to offenders who:

(A) regressed from less restrictive level of supervision;

(B) progressed from a more restrictive level of supervision, including residential supervision; or

(C) have calculated medium risk/needs scores through the CJAD case classification instruments.

(4) Level IV. This classification extends a minimum level of supervision to offenders who:

(A) progressed from a more restrictive level of supervision;

(B) have calculated minimum risk/needs scores through the CJAD case classification instruments; or

(C) are placed on probation but have not been classified.

(k) Contact definitions.

(1) Face-to-face. A probation officer visits and communicates in person with the offender.

(2) Collateral field visit. A probation officer visits outside the office with a family member, community resource or other relevant individual who provides information on the offender pursuant to a supervision plan.

(3) Collateral. A probation officer telephones or initiates an office visit with any person providing information on the offender.

(4) Telephone contact. A probation officer makes a telephone contact with the offender.

(5) Field visit. A probation officer visits the offender at his place of residence or at a location outside the probation office.

(l) Indirect supervision. Indirect supervision is defined as the maintenance of a file and/or record of an adult under supervision who is not being seen personally by the probation officer on a regularly scheduled basis. It includes but is not limited to the following:

(1) probationers who neither reside nor work within the jurisdiction of the CSCD and who receive the supervision in other jurisdictions;

(2) probationers who neither reside nor work within the jurisdiction but continue to submit written reports on a monthly basis because they are ineligible or unacceptable for supervision in other jurisdictions;

(3) probationers who have absconded or who have not contacted their probation officer in person within three months; and

(4) probationers who reside and/or work in the jurisdiction, but who, while being in compliance with the orders of the court, nevertheless do not meet the criteria for direct supervision.

#### §321.5. Programs.

(a) Case work orientation. Emphasis should be placed on the responsibilities of a probation officer to be a case work manager, utilizing all the available resources within the community.

(b) Community resources. Community Supervision and Corrections Departments (CSCD) should establish a close liaison with all city, county, state and federal agencies, and private organizations in order to utilize all available resources in the criminal justice and social services field.

(c) Referral procedures. Referral procedures should be clearly defined and, whenever possible, contracts which specify the responsibilities of both the providing and receiving agencies should be negotiated with cooperating agencies.

(d) Information for offenders. CSCD's should develop in written form information describing purposes, functions and services to be made available to offenders under supervision and to the public.

(e) Services for offenders. All programs should be designed for the benefit of the offenders under supervision and every

effort should be made to make these programs available and applicable to the needs of the offenders. Participation by the offenders may be ordered as a condition of probation or term of release; however, efforts should be made to present the services at a time, place and in a manner which assists successful adjustment.

(f) Cooperative efforts. CSCD's contracting together should provide programs to meet the needs of offenders not available from other sources including, but not limited to, employment placement, academic and vocational education, substance abuse treatment, and physical and mental health treatment and counseling.

(g) Local regional planning. CSCD's should participate in local and regional planning and cooperate in the providing of information and data to official agencies and universities doing research.

(h) Community involvement. CSCD's should encourage community education and involvement in the correctional process. CSCD's should seek opportunities to provide speakers to professional, civic, labor, and other public groups.

(i) Volunteers. CSCD's should establish volunteer programs and provide orientation and training for citizen volunteers.

(j) Victims. CSCD's should recognize the rights of the victims of crime and make every effort to collect restitution in all cases applicable.

(k) Community service restitution. CSCD's should make every effort to contract with governmental and/or non-profit agencies and organizations to assist offenders in complying with court-ordered community service restitution.

(l) Literacy. CSCD's shall establish policies to cooperate with schools and volunteer organizations to provide tutoring to teach reading to functionally illiterate probationers.

(m) Educational skill level. All persons placed on probation should be screened to determine if they:

(1) possess educational skills equal to or greater than the sixth grade level; and

(2) possess the intellectual capacity or learning ability to achieve the sixth grade skills level. Programs, which assist persons in attaining the educational skill level of sixth grade and above should be developed and/or made available to the courts for probationer referral.

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 December 29, 1989.

TRD-8912442

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General Counsel  
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Commission

Effective date: January 19, 1990

Proposal publication date: October 13, 1989

For further information, please call: (512) 834-8188

◆ ◆ ◆  
• 37 TAC §§321.11-321.16

The Texas Adult Probation Commission adopts new §§321.11-321.16, with changes to the proposed text as published in the October 10, 1989, issue of the *Texas Register* (14 TexReg 4906).

The new sections establish minimum standards for and administration of caseloads, programs, facilities and equipment for effective probation services.

The new sections will provide a more uniform enforcement of probation services.

There were numerous comments received expressing concern with several of the proposed standards.

Comments received were from individuals, therefore the names of the commenters will not be published.

In regards to §321.11(a), one individual wanted to delete language referring to jail/prison admissions as identified by a risk assessment instrument. One individual wanted to delete the language referring to offenders who require a greater level of supervision/services than for non-residential supervision.

In regards to §321.11(c), one individual wanted to delete the language that referred to a lower supervision level that would increase the likelihood of violating the conditions of probation.

In regards to §321.11(d), one individual requested that part (3) include the language "if appropriate" and that part (4) include the language "and approved by District Judges".

In regards to §321.11(e), one individual expressed his opposition to this being made a standard. One individual wanted to delete the sentence referring to an environment that promotes the reintegration of the offender back into the community.

In regards to §321.11(g), one individual recommended that the facility's operation manual be included as a portion of the departmental Personnel/Operating Manual. One individual suggested the phrase "other emergency plans" should be specified. One individual wanted to change the language in part (9) to refer to medical and psychiatric emergency services. One individual wanted to change the language in part (11) to refer to release procedures and continuity of services and supervision based on an exit plan. One individual wanted to change the language in part (12) to include developing and implementing supervision plans.

In regards to §321.11(h), several individuals commented that the language used to define maximum resident capacity was confusing and contradictory and should be re-defined.

In regards to §321.11(i), several individuals opposed the requirement of 100% capacity.

In regards to §321.11(j), one individual wanted to change the language to provide for

the return to the court of original jurisdiction of an offender who appeared to be an inappropriate placement.

In regards to §321.11(s), one organization opposed the proposal that restitution facilities be physically separated from "other correctional or treatment" facilities.

In regards to §321.11(v), one organization opposed any restrictions on the locations for restitution centers.

In regards to §321.12(a), one individual in part (1) wanted to provide for HIV educational training. In part (4) one individual wanted to delete reference to HIV education.

In regards to §321.13(b), one individual opposed the standard that an individual be placed on electronic monitoring only pursuant to a court order. One individual recommended that the last sentence in this subsection read "Documentation must be maintained to verify the appropriateness of EM". One individual wanted placement of an offender on EM only pursuant to a court order. One individual wanted to delete the indigency provision.

In regards to §321.13(c), one individual in part (3) wanted to modify the language referring to a community justice plan. One individual wanted to delete all of part (4).

In regards to §321.13(d), one individual opposed the requirement that a probation department write policies and procedures on constitutional issues. Several individuals expressed the desire that policies involving electronic monitoring contain guidelines for the protection of individual rights. One individual suggested certain grammatical changes in this subsection.

In regards to §321.13(e), one individual requested a clarification concerning who was expected to pay for the electronic monitoring of indigents. One individual suggested a way to cover expenses for providing electronic monitoring to indigents.

In reference to §321.14, one individual expressed his belief that the emphasis placed on community justice councils and community justice task forces should be significantly reduced. One individual requested a clarification in the role of a chief probation officer in a community justice council. One individual wanted to modify the language providing for a community justice task force.

In regards to §321.15(b), one individual requested that the work "chief" be replaced with the work "Director". One individual expressed his support for this proposed subsection.

In regards to §321.15(c), several individuals requested that the word "must" be replaced with the word "should". One individual expressed his belief that part (12) of this subsection was unnecessary. One individual requested clarification of a phrase "significant criminal justice leaders to achieve a targeted level of alternative sanctions" in part (14) of this subsection. One individual expressed his belief that part (15) of this subsection was totally superfluous. One individual expressed his opposition to requiring elements in the format that were not envisioned by the Legislature. One individual expressed his belief that part (14) of this subsection was too vague and should be combined with part (15) to read "Commitment by the community jus-

tice council, should one exist, and by the department to achieve a targeted level of alternative sanctions".

In regards to §321.15(d), one individual expressed his support of this proposed standard.

In regards to §321.15(g), one individual expressed his support of this proposed standard.

In regards to §321.16(c), one individual in part (2) wanted to change the language to include the approval of a community justice plan by the district judge and accepted by the division. One individual wanted all of part (3) deleted.

The agency does not agree with the comments received from the departments, but in order to comply with mandates of House Bill 2335, the standards were revised or rewritten and changes received from the departments were incorporated.

The new sections are adopted under the Texas Code of Criminal Procedure, Article 42.121, §3.01, which provides the Texas Adult Probation Commission with the authority to promulgate reasonable rules.

§321.11. Residential Services.

(a) Purpose. Residential facilities funded by the Community Justice Assistance Division (CJAD) shall provide the courts with a sentencing alternative designed to:

(1) reduce jail/prison overcrowding by impacting potential jail/prison admissions as identified by a risk assessment instrument approved by the CJAD;

(2) provide public protection by ensuring levels of security appropriate for the population served by the facility, including as a minimum a monitored and structured environment in which residents, interior and exterior movements and activities can be supervised by specific destination and time;

(3) provide an intermediate sanction for offenders who require a level of supervision/services greater than that of non-residential supervision to ensure compliance with the conditions of probation and law-abiding behavior; and

(4) provide services that target reintegration of the offender back into the community.

(b) Types of programs. Facilities funded by the CJAD and operated by departments, other governmental entities, or private contractors may include, but are not limited to.

(1) Community Corrections Facilities; including:

(A) restitution centers;

(B) court residential treatment centers;

(C) substance abuse treatment facilities;

(D) custody camps and boot camps;

(E) residential facilities for the mentally impaired;

(F) intermediate sanction facilities;

(G) halfway houses;

(H) pre-parole transfer facilities; and

(I) work facilities.

(2) County Correctional Centers (CCC).

(A) The commissioners court of a county may establish a CCC after receiving written consent of the sheriff.

(B) The sheriff of the county in which a CCC has been established is responsible for the operation of the CCC and must consult with the chief/director of the Community Supervision and Corrections Department serving the county about issues relating to probationers participating in the CCC programs.

(C) The sheriff through the CCC program may:

(i) house and provide work programs and counseling for eligible defendants; and

(ii) in cooperation with the community supervision and corrections department serving the county, operate work programs and counseling programs for probationers.

(c) Offender eligibility. Placement of offenders in residential facilities shall only be by an order of the court and shall meet the following criteria.

(1) Community Corrections Facilities:

(A) the defendant did not cause serious bodily injury or death of another as a result of the commission of the offense as determined by the trier of facts;

(B) the defendant did not use a deadly weapon during the commission of or flight from the offense as determined by the trier of the facts;

(C) the defendant matches the profile of offenders historically commit-

ted to county jail/prison from that jurisdiction; or the defendant has high risk/needs, who, if supervised at a lower supervision level would have increased the likelihood of violating the conditions of probation; and

(D) for restitution centers only:

(i) the defendant must have been convicted or pled guilty or nolo contendere to a felony offense other than those under Title 5 of the Texas Penal Code; and

(ii) the defendant must be employable.

(2) County Correctional Centers. The defendant is eligible for placement:

(A) in lieu of a sentence of confinement in county jail;

(B) in lieu of jail time as a condition of probation;

(C) in lieu of jail time as punishment for violation of conditions of probation; or

(D) if required as a condition of probation to participate in a work program or counseling program through a county correctional center.

(d) Funding eligibility. Upon application and approval, the CJAD will distribute funds to Community Supervision and Corrections Departments (CSCD), counties or municipalities which:

(1) are in compliance with CJAD standards; if application is made by a CSCD; or

(2) are in compliance with CJAD standards for residential services if application is made by a county or municipality;

(3) are served by a community justice council; and

(4) have had their community justice plan accepted by CJAD which identifies the need for the residential services.

(e) Target population. The community supervision and corrections departments, counties, or municipalities operating facilities, shall define a specific target population of offenders to be served and provide supervision/services that address the level of risk and needs of that target population.

(f) Term of participation. The term of participation in residential facilities shall be based on the following criteria:

(1) the offender has made sufficient progress towards meeting the objectives of the supervision plan;

(2) the offender has satisfied a sentence of confinement; or

(3) the offender has satisfied a period of detention as a condition of probation.

(g) Policies and procedures. Local jurisdictions shall provide supervision/services to offenders placed in residential facilities in accordance with policies and procedures as described in the facility's operations manual. The policies and procedures shall be approved by the division director of CJAD prior to accepting residents. These policies and procedures shall include, but are not limited to the following:

(1) using the CJAD case management system for residential services or an equivalent as approved by CJAD;

(2) providing food services;

(3) providing a level of security consistent with public protection;

(4) providing a resident discipline system;

(5) providing fiscal accountability;

(6) providing for property inventory and control;

(7) providing for fire and other emergency plans such as medical and natural disasters;

(8) providing for protection of residents, rights;

(9) ensuring ready access to medical and psychiatric emergency services 24 hours a day;

(10) providing the court with timely written resident evaluation reports;

(11) providing for release procedures and continuity of supervision services based on an exit plan predicated on existing resources, upon release from the facility;

(12) developing and implementing negotiated supervision plans;

(13) implementing sound personnel practices;

(14) orienting new residents;

and  
(15) providing a pass/furlough policy for residents. All policies and procedures are to be reviewed and updated as necessary and approved annually by the division director of CJAD as per minimum guidelines established by the CJAD.

(h) Maximum resident capacity. The maximum resident capacity should be defined as the total number of offenders who can be housed at the facility at any given time as determined by CSCD and approved by CJAD.

(i) Utilization. Agencies establishing facilities under this section shall ensure that the facility reaches 90% capacity

within the first six months of operation. Facilities should strive to have 100% capacity utilizing appropriate placements only and shall not fall below 90% capacity.

(j) Denying admission. An offender who appears to be an inappropriate placement shall be returned to the court of original jurisdiction by the facility director so placement into a more appropriate community corrections sanction may be determined. An offender may be placed on a waiting list or returned to the court for an alternative sanction if the facility has reached capacity.

(k) Public meeting. Agencies interested in the establishment of facilities should demonstrate sensitivity to the community and other issues considered important by the Community Justice Council by holding a public meeting on the proposed site. A minimum of 30 days prior to the meeting, the agency proposing to operate the facility shall:

(1) publish notice of the date, hour, place, and subject of the meeting describing the proposed location of the facility in three consecutive issues of a newspaper, or in newspapers that collectively have general circulation in the county in which the proposed facility is to be located; and

(2) mail a copy of the notice to each city council member, county commissioner, state representative, and state senator who represents the area in which the proposed facility is to be located, unless the proposed facility has been previously authorized to operate at a particular location by a Community Justice Council.

(l) Physical plant.

(1) Community corrections facilities. Agencies operating facilities under this section must provide annually to CJAD documentation, that the facility meets local and state safety, health and sanitation standards, codes, and ordinances. The agency must also ensure that the facility provides an environment that promotes reintegration of the offender into the community.

(2) County correctional centers. Agencies operating facilities under this section must follow the county correctional center standards and rules as adopted by the Texas Commission on Jail Standards pursuant to Texas Civil Statutes, Article 5115.1.

(m) Data. Agencies operating or utilizing facilities under this section shall submit, on a timely basis, data required by CJAD.

**§321.12. Human Immunodeficiency Virus (HIV).** The community supervision and corrections departments shall develop and implement policies in accordance with guidelines promulgated by the Texas Department of Health and adopted by the Community Justice Assistance Division.

These policies, to be incorporated in the departments, administrative manuals, shall include, but not be limited to, the following:

- (1) education/training;
- (2) confidentiality;
- (3) workplace guidelines; and
- (4) supervision of individuals with AIDS or HIV infection.

**§321.13. Electronic Monitoring.**

(a) Purpose. Electronic Monitoring (EM) should provide the judiciary with the most restrictive non-custodial sanction available for ensuring public safety and the social control of offenders.

(b) Offender eligibility. Placement of offenders on EM shall be only after an order of the court. Placement may occur as a result of any of the following circumstances:

- (1) personal bond;
- (2) pretrial release/supervision;
- (3) regular supervision services for high risk offenders;
- (4) in lieu of a sentence of confinement to jail;
- (5) in lieu of jail as a condition of probation;
- (6) in lieu of payment of a fine/costs if not indigent;
- (7) as a condition of an appeal bond; or
- (8) as a condition for criminal non-support.

(c) Funding eligibility. The Community Justice Assistance Division (CJAD) will distribute funds and/or EM equipment to community supervision and corrections departments (CSCD), counties, or municipalities which:

- (1) are in compliance with CJAD standards (CSCD); or
- (2) are in compliance with CJAD EM standards (counties or municipalities); and
- (3) have had their community justice plan accepted by CJAD; and
- (4) have had a community justice plan accepted by CJAD which identifies the use of EM in the supervision of offenders.

(d) Policies and procedures. Local jurisdictions shall supervise offenders on EM in accordance with policies and procedures as described in the department's operations manual and defined in the community justice plan. The policies and procedures shall be approved by the division director of CJAD. These policies and procedures shall include, but not be limited to, the following:

- (1) search and seizure, right to privacy, equal protection;
  - (2) equipment installation and verification of proper functioning;
  - (3) continuum of intervention strategies in response to violations;
  - (4) violation verification procedures;
  - (5) furloughs from curfew;
  - (6) frequency of face-to-face verification contacts;
  - (7) alternate supervision strategies if EM is not feasible (if applicable);
  - (8) offender/family orientation on the use of EM;
  - (9) term of participation;
  - (10) training requirements for staff.
- (e) Fees. The EM supervision strategy shall not be denied to any eligible offender based on indigency.

**§321.14. Community Justice Councils.**

(a) Establishment. In accordance with the Texas Code of Criminal Procedure, Article 42.131, as a prerequisite to establishing a community corrections facility or a county correctional center, a community justice council must be established by the district judge or judges, unless a board or council exists in the community on or before September 1, 1989, that performs duties substantially similar to those imposed on a community justice council. The community justice council shall provide continuing policy guidance and direction for the development of community justice plans and community corrections facilities and programs. The council membership should consist of the following persons or their designees:

- (1) a sheriff of a county to be served by the facility, chosen by the sheriffs of the counties to be served by the facility;
- (2) a county commissioner or a county judge from a county to be served by the facility, chosen by the county commissioners and county judges of the counties to be served by the facility;
- (3) a city council member of the most populous municipality in a county to be served by the facility, chosen by the members of the city councils of cities to be served by the facility;
- (4) not more than two state legislators elected from a county to be served by the facility, chosen by the state legislators elected from the counties to be served by the facility;
- (5) the presiding judge from a judicial district to be served by the facility, chosen by the district judges from the judicial districts to be served by the facility;

(6) a judge of a statutory county court exercising criminal jurisdiction in a county to be served by the facility, to be chosen by the judges of statutory county courts with criminal jurisdiction in counties to be served by the facility;

(7) a county attorney with criminal jurisdiction from a county to be served by the facility, chosen by the county attorneys with criminal jurisdiction from the counties to be served by the facility;

(8) a district attorney or criminal district attorney from a judicial district to be served by the facility, chosen by the district attorneys or criminal district attorneys from the judicial districts to be served by the facility;

(9) an elected member of the board of trustees of an independent school district in a county to be served by the facility, chosen by the members of the boards of trustees of independent school districts located in counties to be served by the facility; and

(10) members of the general public and representatives of any non-profit organizations which play a significant role in the corrections system of the community.

(b) Recognition. In order for a group to be recognized as a designated community justice council under the provisions of the Texas Code of Criminal Procedure, Article 42.13, §6 and Article 42.131, §3, the judge(s) responsible for establishing the CJC shall forward to CJAD the following items:

(1) a list of names and titles of the individual members of the community justice council or group functioning as a community justice council;

(2) documentation as to the date of formation of the community justice council or group; and

(3) written documentation indicating the charge, responsibilities, and/or duties of the community justice council or group. The CJAD, after a review of the materials submitted by the jurisdiction, will issue a letter of confirmation.

(c) Continuing recognition. In order for a community justice council to maintain its recognition status the judge(s) responsible for establishing the CJC shall file with the CJAD by September 1 each year a list of active members of the council. It is the intent for establishing jurisdictions to replace members of the councils as vacancies occur.

(d) Community justice task force. The community justice council may appoint a community justice task force to provide support staff for the development of a community justice plan. The task force may consist of any number of members, but should include:

(1) the county or regional director of the Texas Department of Human ser-

vices with responsibility for the area to be served by the facility;

(2) the chief of police of the most populous municipality to be served by the facility;

(3) the chief juvenile probation officer of the juvenile probation office serving the most populous area to be served by the facility;

(4) the superintendent of the most populous school district to be served by the facility;

(5) the supervisor of the Department of Public Safety region closest to the facility, or the supervisor's designee;

(6) the county or regional director of the Texas Department of Mental Health and Mental Retardation with responsibility for the area to be served by the facility;

(7) a substance abuse treatment professional appointed by the Council of Governments serving the area to be served by the facility;

(8) the department chief/director of the Community Supervision and Corrections Department to be served by the facility;

(9) the local or regional representative of the Board of Pardons and Paroles Division with responsibility for the area to be served by the facility;

(10) the representative of the Texas Employment Commission with responsibility for the area to be served by the facility;

(11) the representative of the Texas Rehabilitation Commission with responsibility for the area to be served by the facility;

(12) a licensed attorney who practices in the area to be served by the facility and whose practice consists primarily of criminal law; and

(13) a court administrator, if one serves the area to be served by the facility. As with the membership of the community justice council, it is encouraged that the membership of the community justice task force be expanded to include members of the general public and representatives of any nonprofit organizations which play a significant role in the corrections system of the community.

#### §321.15. Community Justice Plan.

(a) Purpose. In accordance with the Texas Code of Criminal Procedure, Article 42.13, §6 and Article 42.131, §3, beginning September 1, 1990, in order for a jurisdiction to receive any state aid, a plan must be submitted to, and determined acceptable by, the Community Justice Assistance Division. The plan should include:

(1) a description as to how the current and proposed community based correctional programs will achieve a targeted level of alternative sanctions; and

(2) a comprehensive description as to how CJAD resources for community corrections programs, including revenues of CSCD, will be effectively used.

(b) Development. All community justice plans must be approved by the district judges who manage the department. Unless otherwise specified by the judge(s), CSCD chief/director or designee has the responsibility to serve as the primary manager of the planning process, coordinating council activities, data collection, plan composition, program prioritization and plan drafting and submission. If a community justice council serves the department, the council shall provide direction for the development of the community justice plan. The council, after judicial approval, shall submit the plan to CJAD.

(c) Format. The community justice plan must include all items required by law and guidelines published by CJAD. The plan should demonstrate an effective planning process which results in strategies to achieve the targeted level of alternative sanctions other than jail and prison. A format outline is provided by the division.

(d) Policies and procedures. Each department or council shall develop and implement policies and procedures for the review of proposals submitted to the department/council in response to the priority programs identified in the plan and based upon the target population. Procedures should also outline how action will be taken and what recommendations will be made for funding these proposals. The recommendations of the local department/council, with approval of the district judge(s), will then be submitted to CJAD for review when applications are submitted.

(e) Annual submission. After the district judges managing the department have approved the plan, the department/council shall submit a plan to the division each year with appropriate revisions. The plan for each fiscal year is to be submitted by March 1, of the preceding fiscal year.

(f) Review. Each plan will be reviewed by the division to determine if it presents a comprehensive description of how each jurisdiction will achieve the intent of Chapter 785, §3.01 and §3.02, 1989 Texas General Laws 3478-3486 in the local jurisdiction.

(g) Regional planning process. Planning on a regional basis is encouraged. Programs and facilities which serve offenders from several local jurisdictions are cost-effective alternatives. The community justice plan from each jurisdiction should clearly identify the target population and priority need for the services offered by the





The State Board of Insurance in open meeting on December 20, 1989, adopted a mandatory assigned risk rating program for workers' compensation insurance to be applied to assigned risks with audited annual standard premium equal to or greater than \$25,000 and an experience rating modification not applicable as of the effective date of the policy. The maximum retro factor is 1.50.

The board adopted the Assigned Risk Rating Program and amended rules and regulations under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68-1, 5.76, 5.77, 5.78, and 5.96 and on an emergency basis as provided in Article 5.96, section (i). The action taken under this Order replaces and supersedes Board Order 55469 dated November 30, 1989.

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.

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 December 29, 1989.

TRD-8912436 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: January 1, 1990

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



The State Board of Insurance in an open meeting on December 20, 1989, adopted a mandatory tabular surcharge plan for all risks written in the Texas Workers' Compensation Assigned Risk Pool (Pool) having an experience modifier in excess of 1.00. The board also adopted amendments to the Rules and Regulations Governing Pool and Servicing Companies of Assigned Risks. The board also adopted an Assigned Risk Pool rate level differential factor of 15%.

The amended rules require the Pool to apply the mandatory tabular surcharge plan to all risks having an experience modification in excess of 1.00 and not subject to the Assigned Risk Rating Program. The maximum surcharge will be 1.00. The amended rules

also require that the Assigned Risk Pool mandatory rate level differential factor be applied to the manual premium prior to the application of the experience modification, the mandatory tabular surcharge plan and the Assigned Risk Rating Program.

The amended rules, the mandatory tabular surcharge plan, and the Assigned Risk Pool mandatory rate level differential factor shall apply to all policies written on or after 12:01 a.m. January 1, 1990. The action taken on December 20, 1989, replaces and supersedes Board Order 55470 dated November 30, 1989.

The board adopted the mandatory tabular surcharge plan, the amended rules, and the Assigned Risk Pool mandatory rate level differential factor under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68, 5.76, 5.77, 5.78, and 5.96 and on an emergency basis as provided in Article 5.96, Section (i).

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.

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 December 28, 1989.

TRD-8912435 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: January 1, 1990

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



The State Board of Insurance in an open meeting on December 20, 1989, adopted an amendment to Rule III of the Rules and Regulations Governing Pool and Servicing Companies as related to verification of rejections of workers' compensation insurance coverage adopted under Board Order 55471 dated November 30, 1989. The amended rule restores Rule III to the language in effect prior to the changes adopted under Board Order 55471.

The amended rule applies to all policies written on or after 12:01 a.m. January 1, 1990.

The board adopted the amended rule under the authority and jurisdiction of the Insurance

Code, Articles 5.55-5.68-1, 5.76, and 5.96 and on an emergency as provided in Article 5.96, section (i).

This notification is made pursuant to the Texas Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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 December 28, 1989.

TRD-8912434 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: January 1, 1990

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



The State Board of Insurance in open meeting on December 12, 1989, considered amendment of the Rules and Regulations Governing the Texas Workers' Compensation Assigned Risk Pool and Servicing Companies of Assigned Risks. The amendment concerns the servicing company fees and the portion of these fees to be used to affect delivery of accident prevention services.

The amended rule will reduce the servicing carrier fees by 10% to be effective April 1, 1990. The rule to allocate a minimum of two points of that fee to accident prevention services will be effective April 1, 1990.

The board adopted the amended rule under the authority and jurisdiction of the Texas Insurance Code, Articles 5.76 and 5.96(i).

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.

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 December 28, 1989.

TRD-8912433 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: April 1, 1990

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



# 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 Commission for the Blind

**Friday-Saturday, January 12-13, 1990, 8:30 a.m.** The Consumer Advisory Committee of the Texas Commission for the Blind will meet at 4800 North Lamar Boulevard, CCRC (on the 12th) and Double-Tree Hotel, 6505 IH-35 (on the 13th), Austin. According to the agenda, the committee will discuss a report from CAC Chairman; review and approval of minutes; subcommittee discussions and reports; report from executive director; January 13, 1990, regional issues; subcommittee discussions and reports; and report to executive director.

**Contact:** Cecilia Berrios, 4800 North Lamar, Suite 320, Austin, Texas 78756, (512) 459-2611.

**Filed:** January 2, 1990, 1:42 p.m.

TRD-8912465

## Texas Bond Review Board

**Friday, January 12, 1990, 10 a.m.** The Staff Planning Committee of the Texas Bond Review Board will meet at the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the committee will approve minutes; other business: staff discussion of proposed operating rules for the public school facilities funding program.

**Contact:** Tom K. Pollard, Room 506, San Houston Building, Austin, Texas 78711, (512) 463-1741.

**Filed:** January 3, 1990, 4:34 p.m.

TRD-9000020

## Texas Board of Criminal Justice

**Wednesday, January 3, 1990, 3 p.m.** The Sub-Committee on Mental Health of the Texas Board of Criminal Justice had an emergency meeting at the John H. Reagan Building, Room 106, 105 West 15th Street,

Austin. According to the agenda, the subcommittee discussed new psychiatric facilities. The emergency status was necessary to meet construction deadlines.

**Contact:** James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77342-0099, (409) 294-2101.

**Filed:** January 2, 1990, 1:15 p.m.

TRD-8912467

**Tuesday, January 9, 1990, 9 a.m.** The Board of the Texas Department of Criminal Justice will meet at the John H. Reagan Building, Room 101, 105 West 15th Street, Austin. According to the agenda, the board will conduct executive session to discuss Ruiz litigation, real estate purchase or exchange, personnel matters and internal affairs matters; convene Windham School Board; convene regular session of board, discuss subcommittee reports, issuance of bonds, and consent items.

**Contact:** James A. Lynaugh, P.O. Box 99, Huntsville, Texas 77342, (409) 295-6371, ext. 2101.

**Filed:** January 2, 1990, 1:56 p.m.

TRD-8912514

## Texas Diabetes Council

**Tuesday, January 16, 1990, 10 a.m.** The Texas Diabetes Council will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the council will adopt minutes of previous meeting; introduce new council member appointees; hear report on high risk pool insurance board and its new member (James Howard); report on diabetic eye disease initiative; review Texas and National year 2000 health objectives for diabetes; proposed legislation; appropriations requests; Texas Department of Health budgets; hear report on diabetes control projects in Laredo and Houston; consider outpatient education proposal; hear report on conference concerning diabetes and Mexican Americans in the southwest; report on fourth annual diabetes translation conference; presentations by grant recipients from

La Fe Clinic, El Paso City/County Health Department, and Gonzales Community Health Center.

**Contact:** Charlene Laramey, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

**Filed:** January 3, 1990, 3:58 p.m.

TRD-9000052

## Interagency Council on Early Childhood Intervention

**Tuesday, January 16, 1990, 9 a.m.** The Interagency Council on Early Childhood Intervention will meet in Room M-652, 1100 West 49th Street, Austin. According to the agenda, the council will hear public comments; discuss and approve minutes of previous meeting; proposed rule to ensure compliance with PL 99-457; advisory committee report to council; draft of public service announcement concept and outline for annual ECI report; budget revisions for local contractors up to 10% of the total budget without prior approval; contracts for technical assistance provision; fiscal year 1990 performance standards for administrator (executive session).

**Contact:** Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

**Filed:** January 3, 1990, 4:03 p.m.

TRD-9000015

## Texas Education Agency

**Thursday, January 11, 1990, 1:30 p.m.** The State Board of Education (SBOE) Committee of the Whole of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will discuss proposed amendments to SBOE operating rules concerning public testimony; Appointment of a SBOE representative to the Council on Disabilities; Appointment of a trustee to the Board of Trustees of the Teacher Retire-

ment System; National Association of State Boards of Education video teleconference; SBOE school finance plan; and Presentation by the Texas Association of School Boards.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** January 3, 1990, 4:27 p.m.

TRD-9000033

**Friday, January 12, 1990, 8:30 a.m.** The State Board of Education (SBOE) Committee on Long-Range Planning of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will have an expert session on the Long-Range Plan for Public Education; Approval of technology demonstration programs which waive state law or SBOE rule; Overview of program evaluation study of at-risk student issues; Recommendations and concerns of the Commissioner's Advisory Committee on the Long-Range Plan for Public Education regarding goals 5-9; Revised calendar for development of the Long-Range Plan for Public Education, 1990-1994.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** January 4, 1990, 9:12 a.m.

TRD-9000047

**Friday, January 12, 1990, 8:30 a.m.** The State Board of Education (SBOE) Committee on the Permanent School Fund (PSF) of the Texas Education Agency will meet in Room 1-109, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will review PSF securities transactions and the investment portfolio; discuss recommended PSF investment program for January and the funds available for the program; Discussion of the development of a securities lending program using the assets of the PSF; Review of the Public School Facilities Act and the use of the PSF to guarantee state bonds.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** January 4, 1990, 9:13 a.m.

TRD-9000046

**Friday, January 12, 1990, 11 a.m.** The State Board of Education (SBOE) Committee on School Finance of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will discuss a proposed list of priority occupations; Proclamation 67 of the SBOE advertising for bids on textbooks; Consideration and adoption of textbooks by the SBOE; Advisory committee for budgeting, accounting, and auditing; Report to the SBOE on publishers'

back-ordered textbooks; SBOE school finance plan; Realignment of TEA operating budgets; Revised per capita for 1989-1990; Public education information management system; Collection and maintenance of school district boundary information; Discussion of proposed state plan for federal vocational education funding, 1991-92; Status report on proprietary school; Annual report of division of audits; Quarterly reports of internal audit function.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** January 4, 1990, 9:13 a.m.

TRD-9000045

**Friday, January 12, 1990, 11 a.m.** The State Board of Education (SBOE) Committee on Personnel of the Texas Education Agency will meet in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will discuss accreditation of school districts; general requirements for inservice education; teacher appraisal procedures and teacher appraisal instrument, scoring procedures and forms; issuance of certificates based on examination; requirements for assignment of school personnel; record of certificates; requirements for issuance of Texas certificates based on certificates and college credentials from other states; commission on standards for the teaching profession; alternative teacher certification program including initial approval of a generic special education pilot; alternative teacher certification; Texas teacher appraisal system and study of options for career ladder funding; master teacher concept; 1989-90 updating of the examination for the certification of educators in Texas; alternative certification of administrators; alternative certification of teachers.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** January 4, 1990, 9:13 a.m.

TRD-9000038

**Friday, January 12, 1990, 11 a.m.** The Committee on Students of the Texas Education Agency will meet in Room 1-100, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will discuss proposed list of priority occupations; proclamation 67 of the SBOE advertising for bids on textbooks; student assessment; identification and remediation of students with dyslexia and related disorders; eligibility for a Texas certificate of high school equivalency; migrant education program; grading and reporting requirements, promotion and course credit, and grade level advancement and course credit; discussion item relating to physical education and state graduation requirements; proposed revision of the Texas State Plan and Guidelines for the Education of the Gifted/Talented; and edu-

cational programs for gifted and talented students; discussion of proposed amendments to University Interscholastic League 1989-90 constitution and contest rules.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** January 4, 1990, 9:13 a.m.

TRD-9000039

**Saturday, January 13, 1990, 8:30 a.m.** The State Board of Education (SBOE) of the Texas Education Agency will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the board will discuss SBOE resolutions; advisory committees; SBOE operating rules; council on disabilities; Teacher Retirement System trustee; National Association of State Boards of Education tele-conference; SBOE school finance plan; Permanent School Fund investment program; technology programs; priority occupations; textbooks; budgeting, accounting, and auditing; back-ordered textbooks; TEA operating budgets; revised per capita apportionment; assessment; dyslexia and related disorders; certificate of high school equivalency; migrant education; grading and reporting, promotion and course credit, grade level advancement and course credit; inservice education; teacher appraisal; certificates based on examination; assignment of school personnel; record of certificates; Texas certificates based on certificates and credentials from other states; standards for the teaching profession; alternative teacher certification program; SBOE meetings for 1990; information material on agency administration.

**Contact:** W. N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

**Filed:** January 4, 1990, 9:14 a.m.

TRD-9000037

**Tuesday, January 23, 1990, 1:30 p.m., and Wednesday, January 24, 1990, 8:30 a.m.** The Continuing Advisory Committee for Special Education of the Texas Education Agency will meet at the Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda, the committee will discuss approval of minutes; hearing officer decisions; state plan for 1991-1993; continuing committee goals for state plan; local committee survey, classroom size; alternative certification for psychologists; educational diagnostician certification; public comment; sub-committee work and reports; shortage of related services personnel; parent services and relationship between parents/state department; joint task force on emotional disturbance; memorandum of understanding.

**Contact:** Dr. Joye A. Scheffler, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-9414.

**Filed:** January 2, 1990, 4:27 p.m.

TRD-8912515

## Advisory Commission on State Emergency Communications

**Wednesday, January 10, 1990, 9 a.m.** The Regional Plan Committee of the Advisory Commission on State Emergency Communications will conduct an emergency meeting at the John H. Reagan Building, Room 104, 15th Street and Congress Avenue, Austin. According to the agenda, the committee will review executive summaries of 9-1-1 regional plans to be presented to commission for approval: Central Texas Council of Governments; Concho Valley Council of Governments; East Texas Council of Governments; Golden Crescent Regional Planning Commission; Lower Rio Grande Valley Development Council; Middle Rio Grande Development Council; Nortex Regional Planning Commission; Permian Basin Regional Planning Commission; South Texas Development Council; Coastal Bend Council of Governments; 9-1-1 Regional Planning Status Report; consider any new business; and hear public comment.

**Contact:** Joe Kirk, 1101 Capital of Texas Highway, South B-100, Austin, Texas 78746, (512) 327-1911.

**Filed:** January 2, 1990, 4:20 p.m.

TRD-8912493

**Wednesday, January 10, 1990, 9 a.m.** The Finance Committee of the Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, Room 109, 15th Street and Congress Avenue, Austin. According to the agenda, the committee will hear the following: revenue report: collection for month; delinquent accounts; update on GTE-Southwest's proposed 9-1-1 tariff. Consider any new business and hear public comment.

**Contact:** Joe Kirk, 1101 Capital of Texas Highway, South B-100, Austin, Texas 78746, (512) 327-1911.

**Filed:** January 2, 1990, 4:20 p.m.

TRD-8912494

**Wednesday, January 10, 1990, 9:30 a.m.** The Administration Committee of the Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the committee will consider the financial report: expenses; delinquent surcharge accounts; discussion and authorization for interagency cooperation contract between the attorney general's office and ACSEC; discussion of 1990 implementation funds contract. Update on addressing project requests: Meadows Foundation; United States Census Bureau. Update on auditing of ACSEC; consideration of proposed 1990 ACSEC meeting calendar; any new business; and hear public comment.

**Contact:** Joe Kirk, 1101 Capital of Texas Highway, South, Suite B-100, Austin, Texas 78746, (512) 327-1911.

**Filed:** January 2, 1990, 4:20 p.m.

TRD-8912495

**Wednesday, January 10, 1990, 11 a.m.** The Advisory Commission on State Emergency Communications will meet at the John H. Reagan Building, Room 104, 15th Street and Congress Avenue, Austin. According to the agenda, the commission will hear committee reports; discuss and consider action items; hear public comment; consider any new business; and consider approval of previous commission meeting minutes.

**Contact:** Joe Kirk, 1101 Capital of Texas Highway, South B-100, Austin, Texas 78746, (512) 327-1911.

**Filed:** January 2, 1990, 4:20 p.m.

TRD-8912496

## Texas State Board of Examiners of Professional Counselors

**Friday, January 12, 1990, 1 p.m.** The Rules, Supervisors, Specialties, and Reciprocity Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda, the committee will prepare a report on consideration of action on specialty designations.

**Contact:** Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** January 3, 1990, 4:03 p.m.

TRD-9000018

**Friday, January 12, 1990, 1 p.m.** The Fees and Budget Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda, the committee will prepare a financial report through November 30, 1989 and a report on consideration of action regarding expenditures.

**Contact:** Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** January 3, 1990, 4:03 p.m.

TRD-9000017

**Friday, January 12, 1990, 1 p.m.** The Testing, Licensing, Continuing Education and Renewals Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda, the committee will prepare reports on consideration of action regarding continuing education waiver request; meeting

of ad hoc testing committee; plans for next examination; status or renewals.

**Contact:** Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** January 3, 1990, 4:03 p.m.

TRD-9000016

**Friday, January 12, 1990, 1 p.m.** The Public Relations Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda, the committee will prepare report on consideration of action regarding next newsletter and report on news columns and other public relations projects.

**Contact:** Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** January 3, 1990, 4:01 p.m.

TRD-9000034

**Friday, January 12, 1990, 1 p.m.** The Complaint Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda, the committee will prepare reports on complaints processing and pending hearings.

**Contact:** Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** January 3, 1990, 4 p.m.

TRD-9000035

**Friday, January 12, 1990, 1 p.m.** The Applications, Ethics, Suspensions and Revocations Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda, the committee will prepare a report on consideration of action regarding applications of individuals and action regarding appeals.

**Contact:** Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** January 3, 1990, 4 p.m.

TRD-9000036

**Saturday, January 13, 1990, 9 a.m.** The Texas State Board of Examiners of Professional Counselors will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda, the board will approve minutes of previous meeting; consider acting on renewal or reapplication of an individual and referral of this case to district attorney; administrative report; presentation on liability of state officials; committee reports (testing by LPCs; fee splitting; supervision of LPCs by licensed psychologists; financial report; expenditures; continuing education waiver request; ad hoc testing committee meeting; plans for

next examination; status of renewals; applications of individuals; appeals; complaints processing; pending hearings; next newsletter; news columns and other public relations projects; specialty designations); and other matters not involving board action.

**Contact:** Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

**Filed:** January 3, 1990, 4 p.m.

TRD-9000048

### Texas State Board of Examiners of Dietitians

**Thursday, January 11, 1990, 2 p.m.** The Program Approval Committee of the Texas State Board of Examiners of Dietitians will meet at the Texas Department of Health, Room T-709, 1100 West 49th Street, Austin, Texas. According to the agenda, the committee will review applications for professional experience programs and set the next meeting date.

**Contact:** Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

**Filed:** January 3, 1990, 3:58 p.m.

TRD-9000050

**Friday, January 12, 1990, 8:30 a.m.** The Complaint Committee of the Texas State Board of Examiners of Dietitians will meet at the Texas Department of Health, Room G-107, 1100 West 49th Street, Austin, Texas. According to the agenda, the committee will review applications recommended for denial and set the next meeting date.

**Contact:** Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

**Filed:** January 3, 1990, 3:58 p.m.

TRD-9000051

**Friday, January 12, 1990, 10 a.m.** The Texas State Board of Examiners of Dietitians will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the board will approve agenda and minutes of previous meeting; hear reports (chairman, vice-chairman, standing committees); consider ratification of applications approved by the executive secretary; review and act on applications for licensure, provisional licensure, and examination eligibility; consider appeal of individual concerning academic requirements for examination (22 Tac §711.4); discuss and act on license of individual; present certificates; set next meeting date.

**Contact:** Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

**Filed:** January 3, 1990, 4:01 p.m.

TRD-9000019

### Texas State Board of Examiners of Psychologists

**Tuesday-Saturday, January 9-12, 1990, 8:30 a.m. daily** The Texas State Board of Examiners of Psychologists will hold an emergency meeting at 5660 North IH-35, Ramada Inn Airport, Austin. According to the agenda, the board will meet to consider complaints, proposed rules, budget, legislative matters, applications, minutes, opinion letters, interviews, exam issues, reports, and planning issues and an executive session to discuss personnel matters and legal matters. The emergency status was necessary because legal matters have been scheduled for court which require board action. The board was able to contact witnesses needed for a hearing before the board to consider a complaint that has been in the investigation process for over one year. They are available on January 12, 1990.

**Contact:** Patricia S. Bizzell, 9101 Burnet Road, Suite 212, Austin, Texas 78758.

**Filed:** January 3, 1990, 4:47 p.m.

TRD-9000021

### Commission on Fire Protection Personnel Standards and Education

**Thursday, January 11, 1990, 10 a.m.** The Instructor Committee of the Commission on Fire Protection Personnel Standards and Education will meet at the Howard Johnson Hotel, IH 35 South, Austin. According to the agenda, the committee will meet to discuss issues related to individuals that may be qualified to teach "Methods of Teaching" courses recognized by the Texas Education Agency.

**Contact:** Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

**Filed:** January 3, 1990, 4:47 p.m.

TRD-9000026

**Thursday, January 11, 1990, 1:30 p.m.** The Assessment Development Committee of the Commission on Fire Protection Personnel Standards and Education will meet at the Howard Johnson Hotel, IH 35 South, Austin. According to the agenda, the committee will conduct a public hearing for input related to changes needed on training hours counted to obtain intermediate and advanced certification by fire protection personnel.

**Contact:** Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

**Filed:** January 3, 1990, 4:47 p.m.

TRD-9000027

**Thursday, January 11, 1990, 3:30 p.m.** The Fire Protection Committee of the Commission on Fire Protection Personnel Standards and Education will meet at the Howard Johnson Hotel, IH 35 South, Austin. According to the agenda, the committee will conduct a public hearing for input related to receive input regarding request to develop fire marshall standards.

**Contact:** Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

**Filed:** January 3, 1990, 4:46 p.m.

TRD-9000025

**Friday, January 12, 1990, 9:30 a.m.** The Board of the Commission on Fire Protection Personnel Standards and Education will meet at the Howard Johnson Hotel, IH 35 South, Austin. According to the agenda, the committee will hear committee reports, consider board orders, review the Sunset Advisory Commission report and report on agency activities.

**Contact:** Ray L. Goad, 510 South Congress Avenue, Suite 406, Austin, Texas 78704, (512) 474-8066.

**Filed:** January 3, 1990, 4:46 p.m.

TRD-9000024

### Office of the Governor

**Tuesday, January 30, 1990, 8:30 a.m.** The Task Force on Public Education of the Office of the Governor will meet in the John H. Reagan Building, Room 106, 105 West 15th Street, Austin. According to the agenda, the task force will consider suggestions, proposals, and recommendations for public education.

**Contact:** Shannon L. Smith, 714 Sam Houston Building, Austin, Texas 78711, (512) 463-1900.

**Filed:** January 4, 1990, 9:18 a.m.

TRD-9000040

**Tuesday, February 13, 1990, 8:30 a.m.** The Task Force on Public Education of the Office of the Governor will meet in the John H. Reagan Building, Room 106, 105 West 15th Street, Austin. According to the agenda, the task force will consider suggestions, proposals, and recommendations for public education.

**Contact:** Shannon L. Smith, 714 Sam Houston Building, Austin, Texas 78711, (512) 463-1900.

**Filed:** January 4, 1990, 9:19 a.m.

TRD-9000042

**Tuesday, February 27, 1990, 9:30 a.m.** The Task Force on Public Education of the Office of the Governor will meet in the Old

Supreme Court Room in the Capitol, Austin. According to the agenda, the task force will present recommendations on public education to the governor.

Contact: Shannon L. Smith, 714 Sam Houston Building, Austin, Texas 78711, (512) 463-1900.

Filed: January 4, 1990, 9:19 a.m.

TRD-9000041

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**Texas Department of Health**

**Friday, January 12, 1990, 1:30 p.m.** The On-site Wastewater Treatment Research Council of the Texas Department of Health will meet at the Center for Environmental Research, Hornsby Bend Wastewater and Treatment Facility, 2210 South F.M. 973, Austin. According to the agenda, the council will welcome new members and discuss council meeting quorums; approve minutes of previous meeting; consider Texas department of Health staff reports; council members expenses; final proposal to Texas Water Development Board for demonstration project in South Texas; final task outline for on-site wastewater treatment research; budgetary and operating procedures for the council, Texas Department of Health, and Center for environmental Research; University of Texas at El Paso proposal.

Contact: Stephen J. Tencza, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7293.

Filed: January 3, 1990, 3:59 p.m.

TRD-9000049

**Wednesday, January 17, 1990, 10:30 a.m.** The Advisory Committee on Mental Retardation Facilities of the Texas Department of Health will meet at 1100 West 49th Street, Room T-607, Texas Department of Health, Austin. According to the agenda, the committee will hear updates (Intermediate Care Facilities-Related Conditions; personal care homes; provider training); subcommittee report on architectural regulations for facilities serving the mentally retarded; consider information on required fire drills in facilities for the mentally retarded; set next meeting.

Contact: Richard Butler, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: January 3, 1990, 3:58 p.m.

TRD-9000053

**Thursday, January 18, 1990, 10 a.m.** The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet at 1100 West 49th Street, Room T-607, Texas Department of Health, Austin. According to the agenda, the committee will approve minutes of previous meeting; consider emergency and proposed rule for nurse aide training; subcommittee reports (social services, paperwork reduction, reha-

bilitation services, betterment of nursing home care, swing bed program physiological mental illness); final rule on administrative penalty for employing a person with a criminal conviction; new federal requirements; proposed rules on universal precautions and Senate Bill 487 changes; proposed legislation for long term care; medication aide rules; next scheduled meeting and agenda times.

Contact: Richard Butler, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: January 3, 3:58 p.m.

TRD-9000054

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**Texas Health and Human Services Coordinating Council**

**Wednesday, January 17, 1990, 7:30 a.m.** The Human Services Interagency Committee of the Texas Health and Human Services Coordinating Council will meet at 4900 North Lamar Boulevard, Conference Room 5501-5502, Austin. According to the agenda, the committee will discuss the minutes; welfare reform executive committee update; state agency census planning committee; medical assistance payments (MAPS) workgroup report; transitional planning memorandum of understanding update; regional interagency committee proposal; and other items for consideration and discussion.

Contact: Carol Price, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: January 3, 1990, 2:11 p.m.

TRD-9012531

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**Texas Department of Human Services**

**Wednesday, January 10, 1990, 10 a.m.** The Aged and Disabled Services Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the agenda, the committee will discuss commissioner's comments; comments from deputy commissioner for contracted client services and protective services; approval of minutes; policy development process; annual report on facility investigations; major health and human services legislation; adoption of diagnosis, screening and rehabilitation services as a medicaid covered benefit; reimbursement rate for optional targeted case management services; statewide expansion of the in-home and family support program; PASARR rules; OBRA '87 residents' rights rules; monthly allowance for medical/personal expenses of residential care clients;

spousal impoverishment; revisions to burial fund policy; reservation of space in residential care facility; unit rate ceiling on meals program; day activity and health services grandfather clause; video presentation on "Golden Years"; open discussion by members.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3053.

Filed: January 2, 1990, 4:15 p.m.

TRD-8912491

**Friday, January 12, 1990, 9 a.m.** The EPSDT Dental Professional Advisory Subcommittee Meeting of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, West Tower, Conference Room 1-W, Austin. According to the agenda, the committee will discuss approval of August 18, 1989 minutes; new membership appointment; congressional assessment/Medicaid dental services; fiscal year 1990 EPSDT program operational budget; orthodontic program update; on-site dental utilization review report from November 28 and 29, 1989 reviews; NHIC provider relations activity report; sealant coverage cost projections; private insurance rates report; targeted dental services; update on dental services for ICF-MR recipients; maxillo facial surgical procedures; legislative update; and executive session.

Contact: Bridget Cook, P.O. Box 149030, Austin, Texas 78714-9030, (512) 338-6933.

Filed: January 2, 1990, 4:14 p.m.

TRD-8912492

**State Board of Insurance**

**Wednesday, January 10, 1990, 2 p.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto, Austin. According to the agenda, the board will conduct a public hearing to consider appeal and motion for stay of revocation of licenses pending appeal by William Morris Risby of commissioner's order 89-1291.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: January 2, 1990, 1:11 p.m.

TRD-8912460

**Thursday, January 11, 1990, 10 a.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a prehearing conference for the general liability rate hearing scheduled for February 6, 1990.

Contact: Pat Wagner, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 463-6328.

Filed: January 2, 1990, 1:11 p.m.

TRD-8912461

**Wednesday, January 17, 1990, 9 a.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a public hearing to consider a request by the staff of the commissioner for determination by the board of appropriate rates for previously approved rate filing plans by Forum Insurance Company, docket number 1707.

**Contact:** Pat Wagner, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** January 2, 1990, 1:12 p.m.

TRD-8912463

**Wednesday, January 17, 1990, 9 a.m.** The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin.

According to the agenda, the board will conduct a public hearing to consider a request by the staff of the commissioner for determination by the board of appropriate rates for previously approved rate filing plans by Montgomery Ward Insurance Company; docket number 1706.

**Contact:** Pat Wagner, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** January 2, 1990, 1:11 p.m.

TRD-8912462

**Tuesday, February 6, 1990, 10 a.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board will conduct a public hearing to consider possible approval of general liability insurance rate revisions proposed in two filings submitted by Insurance Service Office, Inc.

**Contact:** Pat Wagner, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 463-6328.

**Filed:** January 2, 1990, 1:12 p.m.

TRD-8912464

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**Texas Department of Mental Health Mental Retardation**

**Monday, January 15, 1990, 9:30 a.m.** The Board Planning and Policy Development of the Texas Department of Mental Health Mental Retardation will meet at the Central Office, Auditorium, 909 West 45th Street, Austin. According to the agenda, the board will conduct a joint discussion of the six-year strategic plan with members of CPAC. If deaf interpreters required, notify TDMHMR (512) 465-4585, Ernest Fuentes, 72 hours prior to the meeting.

**Contact:** Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756

**Filed:** January 3, 1990, 1:59 p.m.

TRD-9012529

**Texas Motor Vehicle Commission**

**Wednesday, January 10, 1990, 1:30 p.m.** The Texas Motor Vehicle Commission will meet at 815 Brazos Street, Suite 302 (Brazos Building), Austin. According to the agenda, the commission will conduct a public hearing to accept comments from all interested parties on proposed lemon law rules amendments. The proposed amendment to 15 TAC §107.8(4) is regarding a reasonable allowance for the owner's use of a vehicle when the commission has entered a repurchase order; and the proposed amendments to 16 TAC §107.2 and §107.8(5) concern the adoption of a formula for determining a proper and equitable repurchase amount in cases involving leased vehicles. Deadline for receipt of written comments submitted to the commission was Monday, December 11, 1989. Deadline for notification by any person desiring to appear and present oral comments on the proposed rules was Wednesday, January 3, 1990. All comments, whether oral or written, will be fully considered by the commission prior to the final adoption of the rules. Discussion. Action on proposed rules. Review and discussion of Sunset Advisory Commission staff report (time permitting).

**Contact:** Russell Harding, 815 Brazos Street, Suite 300, Austin, Texas 78701, (512) 476-3587.

**Filed:** January 2, 1990, 3:20 p.m.

TRD-8912483

**Thursday, January 11, 1990, 9 a.m.** The Texas Motor Vehicle Commission will meet at 815 Brazos Street, Suite 302 (Brazos Building), Austin. According to the agenda, the commission will consider adoption of minutes of meeting of November 11, 1990. Proposals for decision: licensing and enforcement; lemon law cases set for oral argument; lemon law cases with exceptions only; lemon law cases - no arguments or exceptions. Agreed orders: enforcement. Settlement orders: consumer complaints. Other: review of Sunset Advisory Commission staff report; review of agency budget and financial status; pending litigation status report; "Lemon Law Consumer Complaint Recap Report;" and review of proposed lemon law rules.

**Contact:** Russell Harding, 815 Brazos Street, Suite 300, Austin, Texas 78701, (512) 476-3587.

**Filed:** January 2, 1990, 3:20 p.m.

TRD-8912484

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**Board of Pardons and Paroles**

**Wednesday, January 3, 1990, 9:30 a.m.** The Board of Pardons and Paroles held an emergency meeting at 8610 Shoal Creek

Boulevard, Austin. According to the agenda, the board held an open meeting to discuss and act on the following: overview of new structure; announcement of geographical area designations and board member assignments; adoption of parole voting panels; caseload dynamics; adoption of parliamentary procedure/Robert's Rules of Order; adoption of policy to allow chairman to vote on each and every issue; adoption of administrative review policy; adoption of policy for issuance/withdrawal of warrants and revocations; adoption of policy to delegate to executive committee authority to establish policy for decisionmakers, as needed; report by chairman; personnel matters; (executive session pursuant to §2(g), Article 6252-17, Texas Civil Statutes.) The emergency status was necessary because board members could not adjust their schedules to meet at any other reasonable time.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

**Filed:** January 2, 1990, 4:28 p.m.

TRD-8912498

**Wednesday, January 3, 1990, 1:30 p.m.** The Board of Pardons and Paroles held an emergency meeting at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered executive clemency recommendations and related actions, including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; other reprieves, remissions and executive clemency actions. The emergency status was necessary because the board members could not adjust their schedules to meet at any other reasonable time.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-7249.

**Filed:** January 2, 1990, 4:28 p.m.

TRD-8912499

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**State Property Tax Board**

**Wednesday, January 10, 1990, 10 a.m.** The State Property Tax Board will meet at 4301 Westbank Drive, Suite 100, Building B, Austin. According to the agenda, the board will consider approval of minutes of December 13, 1989; action items: board consideration of proposed rule and form 155.60; resolution establishing a technical advisory committee; membership of technical advisory committee; election of vice-chairman and secretary. Discussion items: staff report of property value study policy manual. Executive session: discussion of candidates for appointment of executive director and interview candidates pursuant to Article 6252.17, §2(g), Texas Revised Civil Statutes. Reconvene in open session to act or vote on matters considered in executive session.



Contact: Ron Patterson, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746, (512) 834-4901.

Filed: January 2, 1990, 2:27 p.m.

TRD-8912466

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**Public Utility Commission of Texas**

Friday, January 12, 1990, 2 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 agenda, the hearings division will conduct a prehearing conference in Docket Number 8640; complaint of Compaq Computer Corporation against Southwestern Bell Telephone Company.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 3, 1990, 4:09 p.m.

TRD-9000013

Monday, January 15, 1990, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the hearings division will conduct a prehearing conference in Docket Number 9197; application of Southwestern Bell Telephone Company for new three-year contract with United States District Court to provide Plexar Custom Service.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 3, 1990, 4:09 p.m.

TRD-9000012

Monday, January 15, 1990, 11 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the hearings division will conduct a prehearing conference in Docket Number 9196; application of Southwestern Bell Telephone Company for approval of C.O. Lan Service to Weatherford I.S.D. and the City of Tyler.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 3, 1990, 4:08 p.m.

TRD-9000014

Friday, February 16, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the hearings division will conduct a rescheduled hearing on Docket Number 9048; application of Cap Rock Electric Cooperative, Inc. for approval of a new rate classification.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 2, 1990, 3:58 p.m.

TRD-8912488

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**Railroad Commission of Texas**

Monday, January 8, 1990, 9 a.m. The Railroad Commission of Texas held an emergency meeting at the William B. Travis Building, 1701 North Congress Avenue, Room 12-126, Austin. According to the emergency revised agenda, the commission considered Gas Utilities Docket Number 7558: application of Valero Transmission, L.P. and Valero Transmission Company for commission action to require Palm Beach County Utilities Corporation to assure adequate service for certain areas within the State of Texas. The emergency status was necessary because this matter must be considered on less than 7 days notice, as a matter of urgent public necessity, for continued adequate service of natural gas is necessary to ensure the public health, safety, and welfare.

Contact: Meredith Kawaguchi, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-7009.

Filed: January 3, 1990, 3:36 p.m.

TRD-9000011

◆ ◆ ◆  
**Texas Real Estate Commission**

Friday, January 12, 1990, 9:30 a.m. The Texas Real Estate Commission will meet in the Conference Room, 1101 Camino La Costa, Austin. According to the agenda, the commission will discuss the minutes of December 4, 1989; staff reports for month of November, 1989; purchase of FAX machine; discussion and possible action to approve recommendation of Texas Real Estate Appraiser Certification Committee concerning operating guidelines; education matters; discussion and possible action to adopt proposed new 22 TAC §535.71-535.73 and amendments to 22 TAC §535.91, §535.92, and 535.122, concerning MCE, renewals and licensing, and return to active status; discussion and possible action to adopt new 22 TAC §531.19 concerning prohibition discriminatory inquiries or disclosures by real estate licensees; discussion and possible action to approve for publication a proposed amendment to 22 TAC §537.11 concerning use of contract forms; discussion and possible action to adopt proposed amendments to 22 TAC §539.137 and §539.91 concerning reports by residential service companies and to 22 TAC §543.4 concerning application forms for timeshare registration; authorization of investigation

and possible disciplinary action on complaint information concerning Blanche Rodriguez and concerning Richard Leal; executive session to discuss pending litigation; authorization for payment of claims against Real Estate Recovery Fund; consideration of motions for rehearing and/or probation; entry of orders in contested cases.

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: January 3, 1990, 2:01 p.m.

TRD-9012530

◆ ◆ ◆  
**The Texas A&M University System**

Friday, January 5, 1990, 11:30 a.m. The Board of Regents of the Texas A&M University System held an emergency meeting at the Board of Regents Meeting Room, College Station. According to the agenda, the board considered bids on lighting the baseball field at Tarleton State University. The emergency status was necessary because it was unforeseeable that the bid would come in at over \$100,000 and needed to be discussed.

Contact: Vickie Running, TAMUS Board of Regents, College Station, Texas 77843, (409) 845-9603.

Filed: January 2, 1990, 4:30 p.m.

TRD-8912500

◆ ◆ ◆  
**University of Houston System**

Wednesday, January 10, 1990, 8 a.m. The Board of Regents of the University of Houston System will meet at the South Ballroom, Conrad Hilton College Hotel, University of Houston, Houston. According to the agenda, the board will discuss and/or act upon the following: minutes, various reports, appreciation resolutions, board policy, cooperative doctoral program in education, resolution updating security clearance, dual employment, personnel recommendations, art acquisition, KUHT-TV equipment purchase, consulting contract, resolution for securities and similar investments, resolution for gift securities, various banking resolutions, sale of property, agreement between R.F. Dini and Associates and UH System, policy on the coordination of major donor activity, gift acceptance report and consent docket.

Contact: Peggy Cervenka, 1600 Smith, 34th Floor, Houston, Texas 77002, (713) 754-7440.

Filed: January 4, 1990, 8:41 a.m.

TRD-9000029

## University of Texas System

**Monday, January 8, 1990, 8:30 a.m.** The Executive, Personnel and Audit and Land and Investment Committees of the Board of Regents of the University of Texas System met in the Regent's Meeting Room, Ashbel Smith Hall, 9th Floor, 201 West 7th Street, Austin. According to the agenda, the committees jointly convened in open session and immediately recessed to convene in executive session in accordance with the Texas Civil Statutes, Article 6252-17, §§2(f) and 2(g) to consider real estate and personnel matters associated with the operations and administration of the West Texas Lands.

Contact: Arthur H. Dilly, P.O. Box N, U.T. Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: January 3, 1990, 11:31 a.m.

TRD-8912519

## Texas Water Commission

**Wednesday, January 17, 1990, 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, the commission will consider various matters within the regulatory 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 actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: January 3, 1990, 3:31 p.m.

TRD-9000055

**Wednesday, January 17, 1990, 2 p.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda, the commission will consider various matters within the regulatory 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 actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: January 3, 1990, 3:26 p.m.

TRD-9000010

**Monday, January 22, 1990, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1028, Austin. According to the agenda, the commission will conduct a hearing on rate increase of Michael J. Wood, receiver doing business as Standley Utility Service Corporation, Docket Number 8324-G.

Contact: Chris Gee, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 3, 1990, 3:32 p.m.

TRD-9000009

**Friday, January 26, 1990, 8:30 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 214, Austin. According to the agenda, the commission will conduct a hearing on an appeal protesting Miller Grove Water Supply Corporation's charges for new connection fees, Docket Number 8183-X.

Contact: Mary Sahs, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 3, 1990, 3:34 p.m.

TRD-9000007

**Friday, January 26, 1990, 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, the commission will conduct a hearing on rate increase of Woodlands Water System, Docket Number 8187-G.

Contact: Clay Harris, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 3, 1990, 3:32 p.m.

TRD-9000008

**Monday, January 29, 1990, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 543, Austin. According to the agenda, the commission will conduct a hearing on application for transfer of a water certificate of convenience and necessity by Harward Computer Systems, Inc. doing business as Lake Road Water Company, Docket Number 8184-S.

Contact: Alex Schmandt, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 3, 1990, 3:35 p.m.

TRD-9000006

## Texas Youth Commission

**Wednesday, January 10, 1990, 1:30 p.m.** The Board Work Session of the Texas Youth Commission will meet at 4900 North Lamar Boulevard, Suite 2301, Austin. According to the agenda, the board will conduct a briefing on drug problems in minority communities.

Contact: Ron Jackson, 4900 North Lamar, Austin, Texas 78756, (512) 458-7236.

Filed: January 2, 1990, 3:56 p.m.

TRD-8912487

**Thursday, January 11, 1990, 9:30 a.m.** The Board of the Texas Youth Commission will meet at 4900 North Lamar Boulevard, Suite 2405, Austin. According to the agenda, the board will discuss documents relating to the issuance of bonds by the Texas Public Finance Authority on behalf of TYC; report on suspected mistreatment investigations; executive session; statistical summary/report on student population; and continuation of presentation of the strategic plan.

Contact: Ron Jackson, 4900 North Lamar Boulevard, Austin, Texas 78756, (512) 458-7236.

Filed: January 3, 1990, 2:21 p.m.

TRD-9012533

## Regional Meetings Meetings Filed January 2, 1990

**The Denton Central Appraisal District Appraisal Review Board** will meet at 3911 Morse Street, Denton, January 15, 1990, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

**The Denton Central Appraisal District Board of Directors** will meet at 3911 Morse Street, Denton, January 18, 1990, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

**The High Plains Underground Water Conservation District Number 1 Board of Directors** will meet in the Conference Room, 2930 Avenue Q, Lubbock, January 9, 1990, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

TRD-8912451

## Meetings Filed January 3, 1990

**The Austin Transportation Study Policy Advisory Committee** will meet at the Joe C. Thompson Conference Center, Room 2.122, 26th and Red River Streets, Austin, January 9, 1990, at 6 p.m. Information may be obtained from Joseph P. Gieselmann, 811 Barton Springs Road, Suite 700, Austin, Texas 78714, (512) 472-7483.

**The Bexar-Medina-Atascosa Counties Water Control 7 Board of Directors** met at 226 Highway 81, Natalia, January 8, 1990, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

**The Blanco County Appraisal District Board of Directors** will meet at the Blanco County Courthouse Annex, Johnson City, January 9, 1990, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 138, Johnson City, Texas 78636, (512) 868-4624.

**The Brazos River Authority Administrative Policy Committee** met at 4400 Cobbs Drive, Waco, January 8, 1990, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

**The Brazos River Authority Water Utilization Committee** will meet at the Holiday Inn DFW Airport South, 4440 West Airport Freeway (Highway 183), Irving, January 11, 1990, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

**The Brazos River Authority Lake Management Committee** will meet at the Holiday Inn DFW South, 4440 West Airport Freeway (Highway 183), Irving, January 11, 1990, at 1 p.m. Information may be obtained from Mike Bukala, P.O. Box

7555, Waco, Texas 76714-7555, (817) 776-1441.

**The Brazos Valley Development Council Executive Committee Meeting** will be at the Council Office, 3006 East 29th Street, Bryan, January 11, 1990, 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.

**The Canadian River Municipal Water Authority Board of Directors** will meet at the Plainview Country Club, 2902 West Fourth, Plainview, January 10, 1990, at 10:30 a.m. Information may be obtained from John C. Williams, Box 99, Sanford, Texas 79078, (806) 865-3325.

**The Kendall County Appraisal District Board of Directors** will meet at Saliano's Restaurant, Reconvene, 207 East San Antonio Street, Boerne, January 10, 1990, 6 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas, (512) 249-8012.

**The Nolan County Central Appraisal District Board of Directors** will meet at the Nolan County Courthouse, Sweetwater,

January 9, 1990, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

TRD-8912501

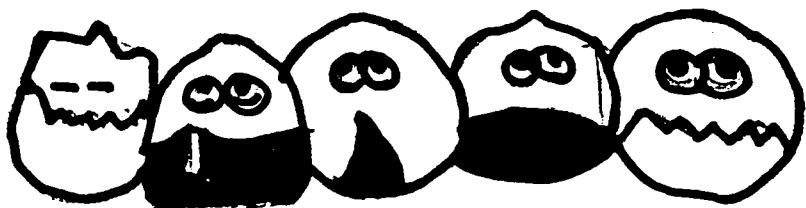
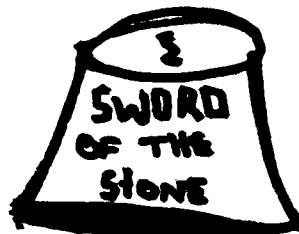
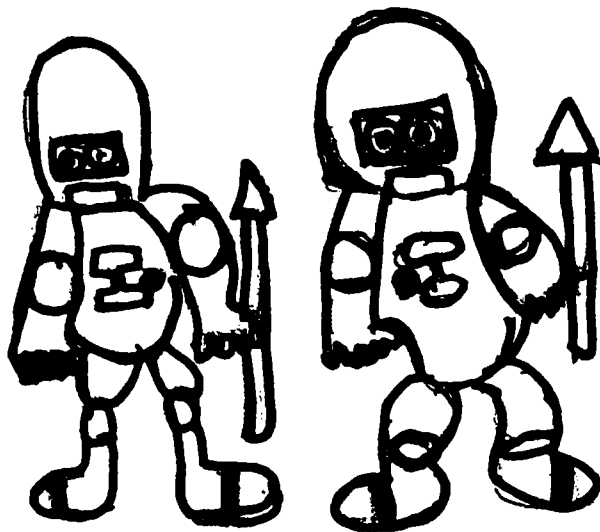
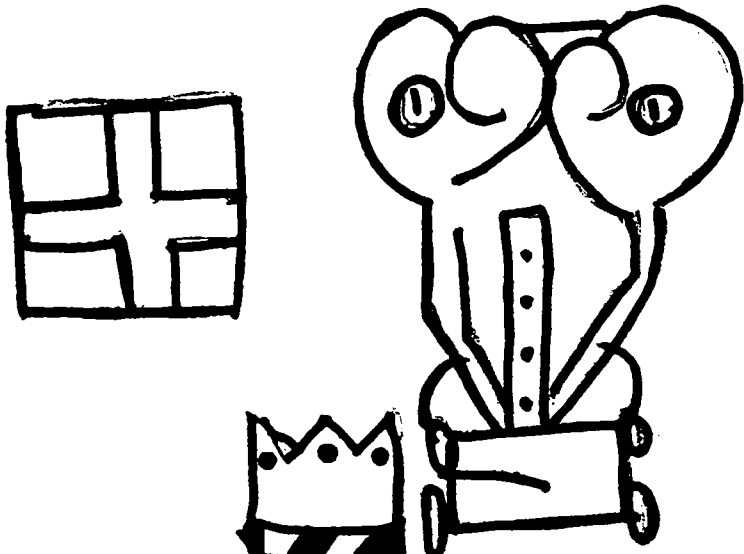
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**Meetings Filed January 4,  
1990**

**The Tarrant Appraisal District Review Board** will meet at 2309 Gravel Road, Fort Worth, January 10, 1990, at 8:30 a.m. Information may be obtained from Vernon Evans, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

**The West Central Texas Council of Governments Private Industry Council** will meet at 1025 E.N. 10th Street, Abilene, January 9, 1990, at 11 a.m. Information may be obtained from Tom K. Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-9000028

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Name: Dustin Hunt

Grade: 5

School: Coppell Intermediate School, Coppell

# In Addition

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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.

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## State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on February 8, 1990, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Southwest Guaranty Trust Company, Houston.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on December 28, 1989.

TRD-8912430 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: December 29, 1989

For further information, please call: (512) 479-1200

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## Texas Department of Commerce Notice of State Ceiling for Private Activity Bonds for Calendar Year 1990

The state ceiling for the State of Texas for calendar year 1990, as imposed by the Tax Reform Act of 1986 is \$841,850,000. The State ceiling is allocated to issuers of private activity bonds and other obligations containing a private use portion requiring an allocation. In accordance with Texas Civil Statutes, Article 5190.9a (the "Act"), prior to September 1, 1990, the state ceiling is available exclusively for reservations by issuers in the following sub-ceilings:

1.	Qualified Mortgage Bonds	\$ 277,810,500
	a. Local Issuers	\$185,210,500
	b. Texas Housing Agency	92,600,000
2.	State Voted Issues	\$ 126,277,500
3.	Qualified Small Issue Bonds	\$ 84,185,000
4.	All Other Issues Requiring an Allocation	\$ 353,577,000

Generally, the Texas Department of Commerce will grant reservations for qualified applications received for various sub-ceilings January 2-January 10, 1990, in the order established by a lottery. Any unallocated amounts remaining in the sub-ceilings after August 31, 1990, and any amount resulting from cancellations of reservations after that date, will be restored to a single volume ceiling and be made available, first, according to the order established by the lottery referred to above and then on a first-come first-serve basis for qualified applications received after January 10, 1990.

The amount of the state ceiling that has not been reserved prior to December 15, 1990 and any amount previously reserved that becomes available on or after that date because of a cancellation of a reservation will be designated by the department, as carryforward for specific projects according to the system of priority classifications specified in the Act.

Issued in Austin, Texas, on January 2, 1990.

TRD-8912513 William D. Taylor  
Executive Director  
Texas Department of Commerce

Filed: January 3, 1990

For further information, please call: (512) 472-5059

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## Texas Education Agency Request for Contractor Services to Develop and/or Validate Tests of Oral Language Proficiency in Spanish and French

This notice of request for contractor services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c. The Texas Education Agency is requesting proposals (RFP number 701-90-034) for services to develop and/or validate tests of oral language proficiency in Span-

Revisions: Vol. 14 TexReg page 6585, Schedule 9, Investment Summary - Employees Retirement Fund

<u>Type of Investment/Item Changed</u>	<u>As Revised</u>		
	<u>August 31, 1989 Market Value</u>	<u>% Total Market</u>	<u>Yield at Market</u>
	\$	%	%
<b>Fixed Income:</b>			
U.S. Government Bonds	3,380,910,922	56.50	8.93
Corporate Bonds	<u>819,167,496</u>	<u>13.69</u>	9.20
<b>Total Fixed Income</b>	<u><b>4,200,078,418</b></u>	<u><b>70.19</b></u>	<b>8.98</b>
<b>Common Stock:</b>			
Passive		8.40	
Active		<u>19.11</u>	
<b>Total Common Stock</b>		<u><b>27.51</b></u>	<b>3.30</b>
<b>Total Investments</b>	<u><u><b>5,983,605,509</b></u></u>	<u><u></u></u>	

<u>Portfolio Rate of Return</u>	<u>As Revised</u>	
	<u>Year Ended</u>	<u>August 31, 1989</u>
		%
Corporate Bonds		9.53
U. S. Government Securities		10.28
Composite Rate of Return		9.49

**Revisions: Vol. 14 TexReg page 6586, Schedule 10, Investment Summary - Law Enforcement and Custodial Officer Supplemental Retirement Fund**

<u>Type of Investment/Item Changed</u>	<u>As Revised</u>		
	<u>August 31, 1989 Market Value</u>	<u>% Total Market</u>	<u>Yield at Market</u>
<b>Fixed Income:</b>	<b>\$</b>	<b>%</b>	<b>%</b>
U.S. Government Bonds	183,953,895		8.97
<b>Total Investments</b>	<b>184,623,895</b>		<b>8.97</b>

<u>Portfolio Rate of Return</u>	<u>As Revised Year Ended August 31, 1989</u>
	<b>%</b>
U. S. Government Securities	9.89
Composite Rate of Return	9.90

**Revisions: Vol. 14 TexReg page 6586, Schedule 10, Investment Summary - Law Enforcement and Custodial Officer Supplemental Retirement Fund**

<u>Type of Investment/Item Changed</u>	<u>As Revised</u>		
	<u>August 31, 1989</u> <u>Market Value</u>	<u>% Total</u> <u>Market</u>	<u>Yield at</u> <u>Market</u>
	\$	%	%
<b>Fixed Income:</b>			
U.S. Government Bonds	183,953,895		8.97
<b>Total Investments</b>	<b>184,623,895</b>		<b>8.97</b>

<u>Portfolio Rate of Return</u>	<u>As Revised</u> <u>Year Ended</u> <u>August 31, 1989</u>
	%
U. S. Government Securities	9.89
Composite Rate of Return	9.90



<u>Type of Investment/Item Changed</u>	<u>As Revised</u>		
	<u>August 31, 1989</u> <u>Market Value</u> \$	<u>% Total</u> <u>Market</u> %	<u>Yield at</u> <u>Market</u> %
<b>Fixed Income:</b>			
U.S. Government Bonds	3,564,864,817	57.77	8.93
Corporate Bonds	819,167,496	13.28	9.20
<b>Total Fixed Income</b>	<b>4,384,032,313</b>	<b>71.05</b>	<b>8.98</b>
<b>Common Stock:</b>			
Passive		8.15	
Active		18.53	
<b>Total Common Stock</b>		<b>26.68</b>	<b>3.30</b>
<b>Short Term Investments:</b>			
Commercial Paper			9.12
U.S. Treasury Bills			8.08
<b>Total Short Term Investments</b>			<b>9.12</b>
<b>Total Investments</b>	<b>6,170,320,254</b>		<b>7.47</b>

<u>Portfolio Rate of Return</u>	<u>As Revised</u> <u>Year Ended</u> <u>August 31, 1989</u> %
Corporate Bonds	9.53
U. S. Government Securities	10.26
Common Stock	7.24
<b>Composite Rate of Return</b>	<b>9.50</b>

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**Texas Higher Education Coordinating Board**  
Correction of Error

The Texas Higher Education Coordinating Board submitted adopted sections which contained an error as submitted by the agency in the November 21, 1989, issue of the *Texas Register* (14 TexReg 6128).

Section 21.262 was adopted without changes to the text as proposed. Paragraph (2)(D) should read as follows. "(D) has fulfilled paragraph (2)(C) of this section or participated as a provider in the Texas Maternal and Infant Health Improvement Program in counties served under provisions of the Texas Maternal and Infant Health Improvement Act."

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**Texas Department of Human Services**  
Notice of Public Hearing

The Texas Department of Human Services (TDHS) will conduct a public hearing to receive comments on the department's proposed reimbursement rates for case management services for persons with mental retardation and related conditions. The hearing is in compliance with the provisions of Senate Bill 487, which requires a public hearing on proposed reimbursement rates for public assistance programs. The public hearing will be held on January 12, 1990, at 9 a.m. in the department's public hearing room at 701 West 51st Street, Austin, First Floor, East Tower. For more information, please contact Carolyn A. Pratt, P.O. Box 149030, MC 442-E, Austin, Texas 78714-9030, (512) 450-4057.

Issued in Austin, Texas on January 2, 1990.

TRD-8912450 Cathy Rossberg  
Agency Liaison, Policy Communication  
Services  
Texas Department of Human Services

Filed: January 2, 1990

For Further information, please call: (512) 450-3765

◆ ◆ ◆  
**State Board of Insurance**  
**Notice of Public Hearing**

The State Board of Insurance will hold a public hearing under Docket 1712 at 10 a.m. on Tuesday, February 6, 1990. The purpose of the hearing is to consider possible approval of general liability insurance rate revisions proposed in two filings submitted by Insurance Services Office, Inc. Petitions by the Insurance Service Office request revision of basis limit rates for premises/operations (Subline 334) manufacturers and contractors and mercantile, miscellaneous and building/premises classifications and revision of basis limit and increased limit rates for products/completed operations (Subline 336) classifications for Division Six of the Commercial Lines Manual of the Texas State Board of Insurance. The location of the hearing will be in Room 101 of the John H. Reagan Building, 105 West 15th Street in Austin.

A prehearing conference will be held before the General Counsel, Assistant General Counsel, or Chief Clerk of the State Board of Insurance at 10 a.m. on Thursday, January 11, 1990, in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin. The prehearing conference will be held for the following purposes: considering the formulation and simplification of issues; identifying expert witnesses and stipulations as to their respective qualifications; considering and possibly agreeing to the possibility of making admissions of certain averments of fact or stipulations concerning the use by parties of matters of public record; considering the procedure at the hearing; agreeing to limit where possible, the number of witnesses; and agreeing to such other matters as may aid in the simplification of the proceedings.

The petitions filed by the Insurance Services Offices are available for public inspection at the office of the Chief Clerk of the State Board of Insurance in the State Insurance Building, Room 406, 1110 San Jacinto Boulevard, Austin.

The procedure that will be used in consideration of these filings will be in accordance with the contested case provisions of the rules of practice and procedure before the State Board of Insurance (Texas Administrative Code,

Title 28, Chapter 1, Subchapter A) and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) as revised by the Insurance Code, Article 5.97.

The proposed rate revisions are considered under the jurisdiction and legal authority of the Insurance Code, Articles 1.04, 5.13, 5.14, 5.15, 5.15B 5.19, 5. 21, 5.23, 5.24, and 5.97, and this hearing will concern those articles as well as other articles of the Insurance Code and the rules adopted under the authority of those articles which are published in Title 28 Texas Administrative Code, §§5.1001, 5.1002, 5.1101, 5.1102, 5.1103, 5.1201, 5.8001, 5.8002, 5.8003, and 5.8004.

Please direct any inquiries to Gaylon Daniel, Chief Property and Casualty Actuary, State Board of Insurance, Mail Code 000-2, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 475-3017.

Issued in Austin, Texas, on December 29, 1989.

TRD-8912444 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: December 29, 1989

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

◆ ◆ ◆  
**Correction of Error**

The Public Utility Commission of Texas submitted an emergency section which contained errors as published in the December 22, 1989, issue of the *Texas Register* (14 TexReg) 6703.

In §23.55(b), the word "no" was omitted.

Paragraph (8) should read as follows. (8) "0-" call—A call made by the caller dialing the digit "0" and no other digits within five seconds. A "0-" call may be made after a digit to access the network is dialed.

In Subsection (f) the "0-" was omitted twice, in (f) and (f)(2).

In Subsection (h)(3)(A)(i), the 0 was omitted. It should read as follows. "(i) Access to interexchange carriers by "10XXX+0" dialing may be blocked if the end office serving the originating line does not have originating line screening capability."

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