

Texas Register

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Texas Register

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Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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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*;

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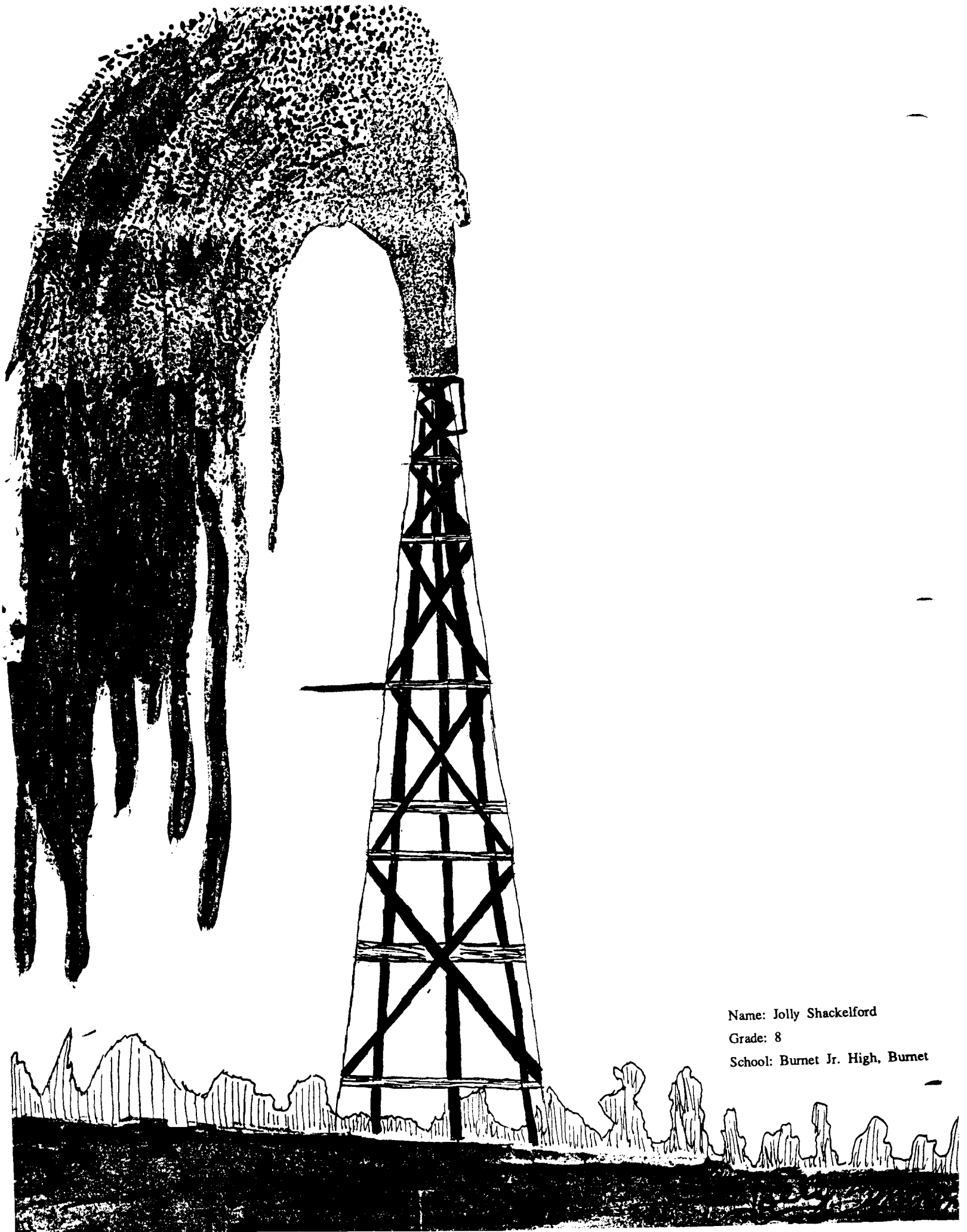
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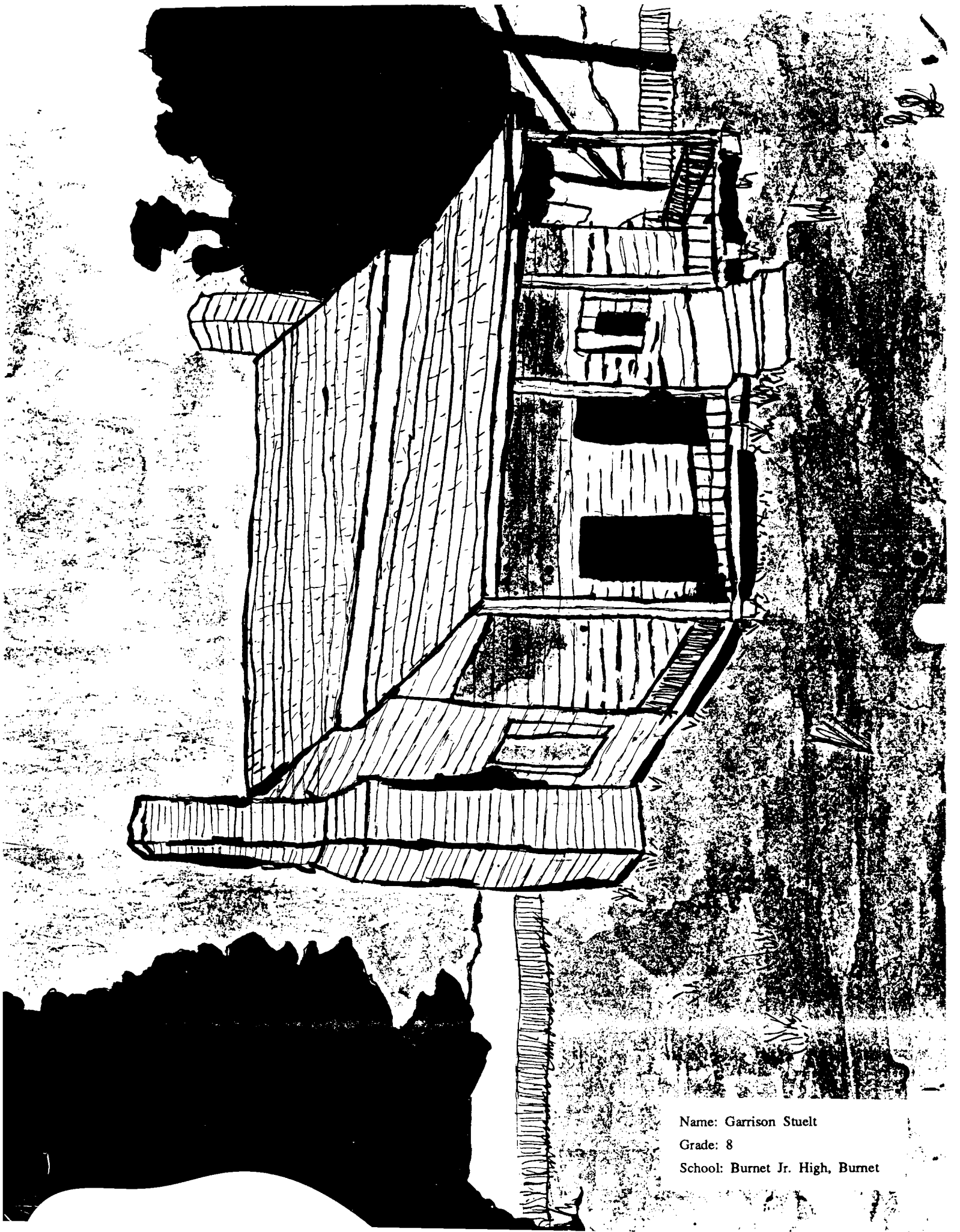
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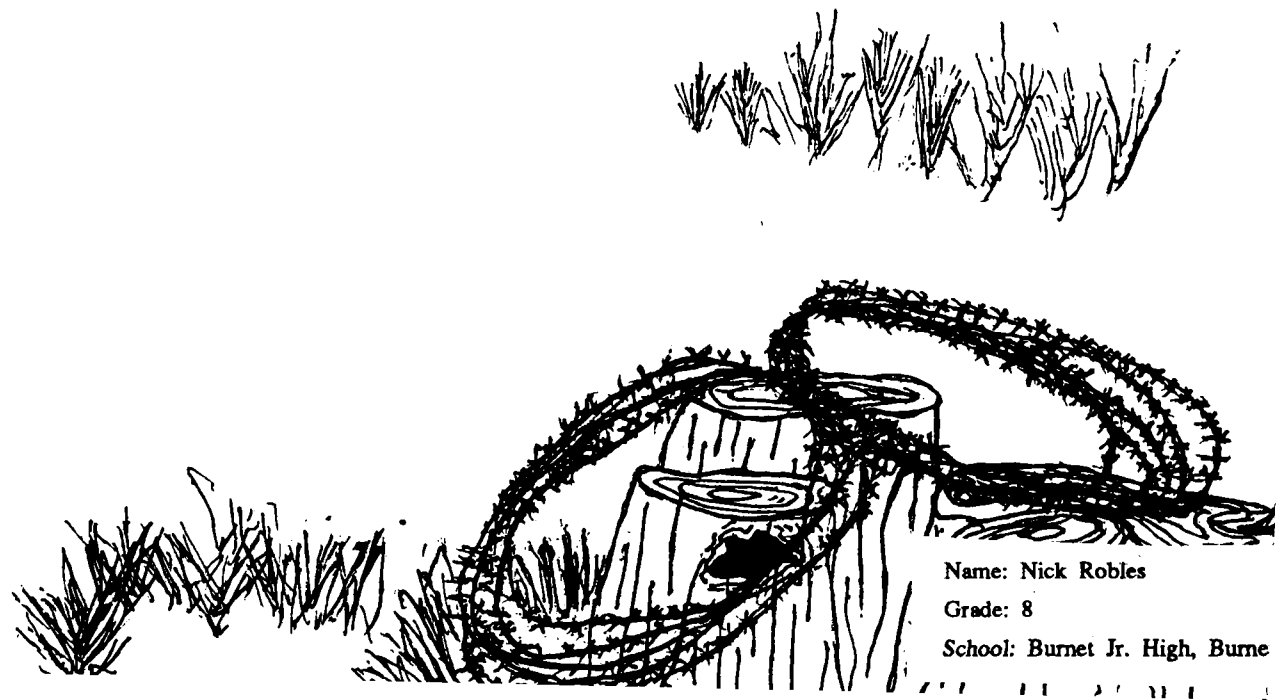
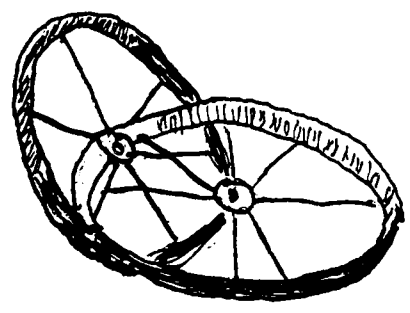
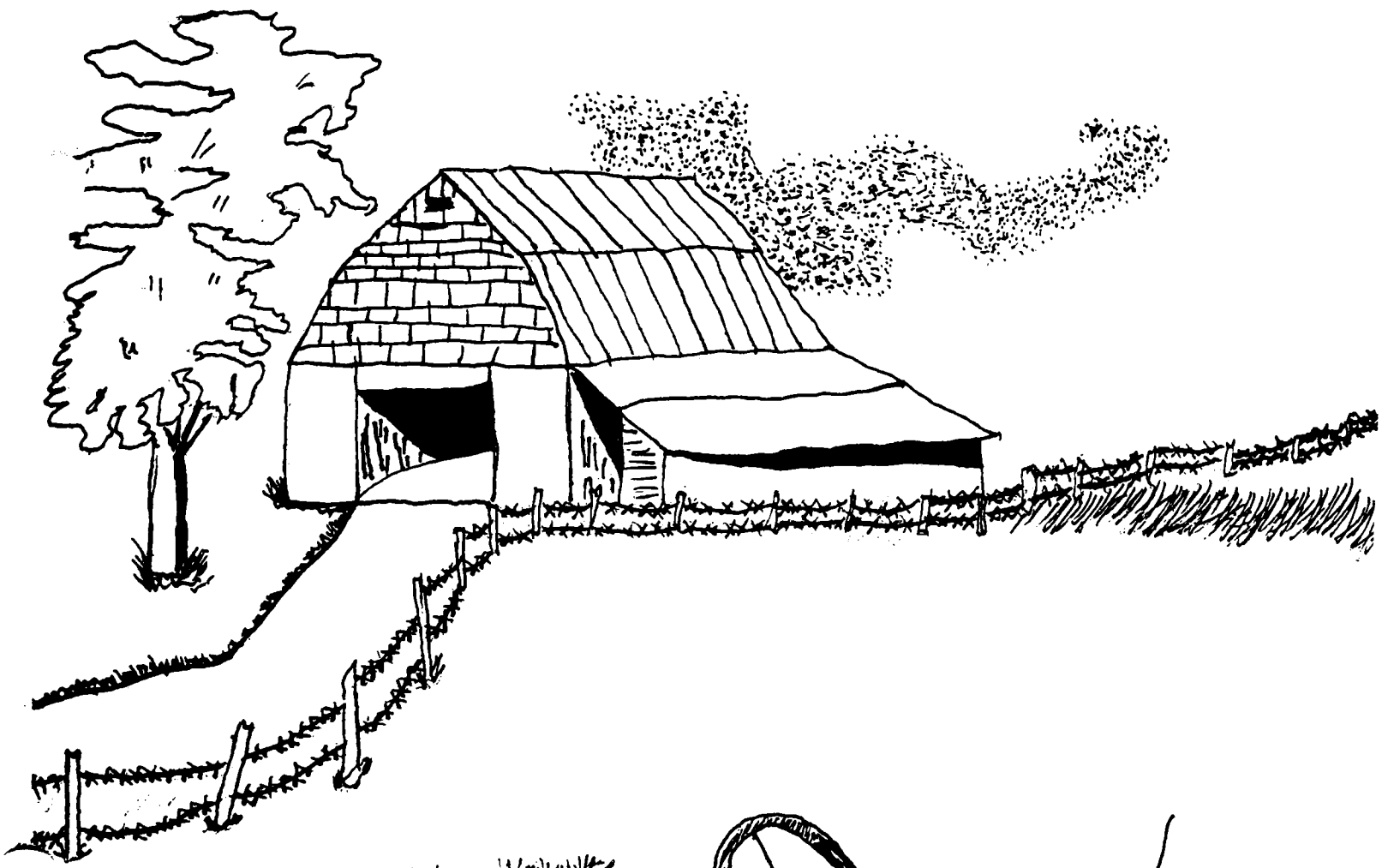
40 TAC §63.2—1589



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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 16. ECONOMIC REGULATION Part VIII. Texas Racing Commission

Chapter 305. Licenses for Pari-Mutuel Racing

Subchapter C. Racetrack Licenses

General Provisions

•

16 TAC §305.71

The Texas Racing Commission adopts on an emergency basis new §305.71, concerning the renewal fees for pari-mutuel horse racetracks. The section sets the amounts and procedures for paying renewal fees for horse racetrack licensees.

The section is adopted on an emergency basis to ensure the rules for pari-mutuel racing are in place.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §5.01, which require the commission to prescribe annual license fees for each category to license issued under the Texas Racing Act, and §6.03, which authorize the commission to require a renewal fee for racetrack licensees.

§305.71. Horse Racetrack License Renewal Fees.

(a) The annual renewal fee for a horse racetrack license is composed of a fixed charge and a variable charge. The fixed charge is the amount set to cover the costs of administering and enforcing the licensing program of the commission. The variable charge is based on the costs assessed by the commission to cover the costs of compensating racetrack officials to serve at the association's race meetings. The commission will bill the association weekly for the variable charge, which is due not later than three business days after the billing is received by the association.

(b) The base rate portion of the fixed charge is due not later than 10 business days after the date the commission order renewing the racetrack's license is final and appealable. The base rate portion of the fixed charge is:

(1) for a Class 1 racetrack, \$15,000;

(2) for a Class 2 racetrack, \$10,000; and

(3) for a Class 3 racetrack, \$3,500.

(c) The balance of the fixed charge is a daily amount based on the daily handle of the association. The daily amount is due and payable to the commission not later than 10 a.m. on the day after each allocated race day. The daily amount is:

(1) \$275, on each race day that the total handle is less than \$225,000.

(2) \$650, on each race day that the total handle is at least \$225,000, but less than \$500,000;

(3) \$1,200, on each race day that the total handle is at least \$500,000, but less than \$800,000;

(4) \$1,750, on each race day that the total handle is at least \$800,000, but less than \$1 million; and

(5) \$2,750, on each race day that the total handle is \$1 million or more.

Issued in Austin, Texas, on March 7, 1990.

TRD-9002648

Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: March 12, 1990

Expiration date: July 10, 1990

For further information, please call: (512) 476-7223

Chapter 313. Officials and Rules of Horse Races

Subchapter B. Entries, Declara- tions, and Allowances

Entries

• 16 TAC §313.112

The Texas Racing Commission adopts on an emergency basis new §313.112, concerning official workouts. The section describes the procedures and requirements for having a race or workout, at a facility other than a licensed pari-mutuel racetrack, recognized as official for purposes of eligibility to enter a pari-mutuel horse race. The section adopted on an emergency basis is contemporaneously proposed for public comment in this issue of the *Texas Register*.

The section is adopted on an emergency basis to ensure the rules of pari-mutuel racing are in place.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules to administer the Texas Racing Act.

§313.112. Official Workouts.

(a) To be recognized as an official workout for purposes of §313.103(a) of this title (relating to Eligibility Requirements), a horse race or workout conducted at a facility other than a racetrack licensed by the commission must be conducted in accordance with this section.

(b) The dimensions of the racetrack at the facility at which the race or workout is conducted must be surveyed by a certified land surveyor, including the distances from each distance pole to the finish line. The results of the survey must be submitted in writing to the commission not later than 15 days before the first race or workout to be recognized as official. The owner or manager of the facility must submit annually to the commission a sworn affidavit stating that neither the track dimensions nor the distance poles have been altered since the date of the original survey. If the track dimensions or distance poles have been altered since the date of the original survey, the racetrack must be resurveyed and the results submitted in accordance with this subsection.

(c) The facility must submit to the commission a sworn affidavit by the operator of the photofinish and/or timing equipment that the equipment has been tested and is accurate to within .01 of a second. The affidavit must be received by the commission not later than 15 days before the first race or workout to be recognized as official. If a race or workout is conducted without electronic timing equipment, the race or workout must be timed on a stopwatch that is accurate to within .01 of a second, with the times for quarter horses rounded to tenths of one second and identified as "hand timed." Times for thoroughbred horses shall be rounded to within one-fifth of one second. A similar affidavit must be submitted to the commission annually.

(d) The facility must provide the following personnel, who must be licensed by the commission in the appropriate capacity:

(1) a timer/clocker;

(2) a horse identifier; and

(3) a starter or other personnel approved by the executive secretary, if a starting gate is used for the race or workout.

(e) The facility must transmit the results of all races and workouts conducted at the facility to the appropriate past performance publisher, each official breed registry, if applicable, and the commission not later than the 24 hours after the day of the race or workout.

(f) To ensure the proper horse receives credit for a race or workout, the original registration papers for each horse that is to race or workout, or a copy that satisfies the horse identifier, must be submitted to the horse identifier before the horse's initial race or workout at the facility to permit the identifier to record the horse's color, gender, markings, and tattoo number, if applicable.

(g) The distance of the race or workout must be at least:

(1) 220 yards for a quarter horse;

(2) two furlongs, for a two-year old thoroughbred; and

(3) three furlongs, for a thoroughbred three years of age or older.

(h) On request by the owner or manager of a facility, the commission may designate the facility as one at which the races or workouts satisfy the requirements of this section. The commission shall periodically send a list of facilities designated under this subsection to the appropriate past performance publisher, each official breed registry, if applicable, and each association.

(i) Notwithstanding this section, the starter at an association's race meeting may reject a gate approval obtained at a facility designated under subsection (h) of this section if:

(1) the starter has knowledge the gate approval does not ensure the safety of the horse or jockey; or

(2) based on the starter's knowledge, the starter believes the horse would not break from the gate in a manner that would safeguard the interests of the public.

(j) Notwithstanding this section, the officials at an association's race meeting may reject a race or workout conducted at a facility designated under subsection (h) of this section if the officials determine the time of the race or workout indicates the horse may not be fit to compete with the other horses entered in the race.

Issued in Austin, Texas, on March 7, 1990.

TRD-9002657 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: March 12, 1990

Expiration date: July 10, 1990

For further information, please call: (512) 476-7223

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Groundwater Protection Commission

Chapter 601. Groundwater Contamination Report

Subchapter A. General Provisions Relating to Public Files and Joint Report

• 31 TAC §§601.1-601.5

The Texas Groundwater Protection Committee (committee) adopts on an emergency basis new §§601.1-601.5, concerning the maintenance by certain state agencies of public files containing documented cases of groundwater contamination and the publication by the committee, in conjunction with the Texas Water Commission, of annual groundwater monitoring and contamination reports.

Specifically, the sections provide that the Texas Water Commission, the Texas Water Well Drillers Board, the Texas Department of Health, the Texas Department of Agriculture, the Texas Railroad Commission, and the Texas State Soil and Water Conservation Board shall each maintain a public file of all documented cases of groundwater contamination that are reasonably suspected of having been caused by unauthorized activities subject to that agency's jurisdiction. The sections also provide that, in conjunction with the Texas Water Commission, the committee must publish a joint groundwater monitoring and contamination report not later than April 1 of each year and describe the activities and findings of the committee made during the previous calendar year.

The new sections are in response to the requirements in House Bill 1458, 71st Legislature, 1989, which amended the Texas Water Code, Chapter 26, by adding new Subchapter J, §§26.401-26.407. Specifically, the Texas Water Code, §26.406(d), requires the committee to adopt rules defining the conditions that constitute groundwater contamination for purposes of inclusion in such cases in agency public files and the annual joint report.

New §601.1 sets forth the purpose and function of the rules.

New §601.2 lists the state agencies to which the rules apply.

New §601.3 provides the definitions of key words and phrases contained in the rules, including what constitutes groundwater contamination for purposes of inclusion in the agency files and annual report.

New §601.4 requires each applicable state agency to maintain a file containing all documented cases of groundwater contami-

nation which are subject to that agency's jurisdiction. Public inspection of agency information regarding such cases is limited by the Open Records Act, Texas Civil Statutes, Article 6252-17a.

New §601.5 provides that, in conjunction with the Texas Water Commission, the committee must publish a joint groundwater monitoring and contamination report not later than April 1 of each year and describe the activities and findings of the committee made during the previous calendar year. Content requirements for the report are also provided.

The new sections are adopted on an emergency basis under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §1.05, which authorizes the committee to adopt rules on an emergency basis. The new sections are also adopted on an emergency basis because the Texas Water Code, new §26.406, which requires the first annual joint report to be published not later than April 1, 1990, thus making their emergency adoption necessary to prevent an imminent peril to the public health, safety, and welfare.

§601.1. Purposes of Rules. The purpose of these sections is to implement duties and responsibilities assigned to the committee under the Texas Water Code, §26.406, relating to the maintenance by certain state agencies of public files containing documented cases of groundwater contamination and the publication by the committee, in conjunction with the Texas Water Commission, of annual groundwater monitoring and contamination reports and to establish general policies of the committee to guide such implementation.

§601.2. Applicability. These rules specifically apply to each state agency having responsibilities related to the protection of groundwater, and include the Texas Water Commission, the Texas Water Well Drillers Board, the Texas Department of Health, the Department of Agriculture, the Railroad Commission of Texas, and State Soil and Water Conservation Board.

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

Act—House Bill 1458 (71st Regular Session) codified as the Texas Water Code §§26.401-26.407.

Commission—Texas Water

Committee—Texas Groundwater Protection Committee.

Enforcement action—Any action of the agencies, identified in §601.2 of this title (relating to Applicability), which accomplishes or requires the identification, documentation, monitoring, assessing, or remediation of groundwater contamination.

Groundwater—Water below the land surface in a zone of saturation.

Groundwater contamination—The detrimental alteration of the naturally occur-

ring physical, thermal, chemical, or biological quality of groundwater. Furthermore, groundwater contamination, for purposes of inclusion of cases in the public files and the joint groundwater monitoring and contamination report, shall be limited to contamination reasonably suspected of having been caused by activities or by entities under the jurisdiction of the agencies identified in §602.2 of this title (relating to Applicability), except in the case of an underground source of drinking water granted an aquifer exemption by the commission with concurrence from the United States Environmental Protection Agency in accordance with 40 Code of Federal Regulations, Parts 144, 145, and 146 and 31 Texas Administrative Code (TAC) Chapter 331 of this title (relating to Underground Injection Control); and affecting groundwater which contains a concentration of:

(A) less than or equal to 10,000 milligrams per liter (mg/l) of dissolved solids; or

(B) greater than 10,000 mg/l if it is:

(i) currently extracted for beneficial use such as domestic, industrial, or agricultural purposes; or

(ii) hydrologically connected with, and with the potential for contaminant movement to, a surface water body or another zone of groundwater which has a concentration of less than or equal to 10,000 mg/l of dissolved solids.

§601.4. Public File.

(a) Subject to the limitations provided by the Texas Water Code, §§26.401-26.407 (the Act) and the Open Records Act, Texas Civil Statutes, Article 6252-17a, information collected, assembled, or maintained by the committee and the agencies subject to the Act is public record open to inspection and copying during regular business hours.

(b) Each agency shall maintain a public file of all documented cases of groundwater contamination that are reasonably suspected of having been caused by activities regulated by the agency.

§601.5. Joint Groundwater Monitoring and Contamination Report. In conjunction with the Texas Water Commission, the committee shall publish not later than April 1 of each year a joint groundwater monitoring and contamination report covering the activities and findings of the committee made during the previous calendar year. The report must:

(1) describe the current status of groundwater monitoring programs conducted by or required by each agency at regulated facilities or in connection with

regulated activities;

(2) contain a description of each case of groundwater contamination documented during the previous calendar year and of each case of groundwater contamination documented during previous years for which enforcement action was incomplete at the time of issuance of the preceding report; and

(3) indicate the status of enforcement action for each case of groundwater contamination that is included in the report.

Issued in Austin, Texas, on March 13, 1990.

TRD-9002720 Mark Jordan
Senior Attorney, Legal
Division
Texas Water Commission

Effective date: March 13, 1990

Expiration date: July 11, 1990

For further information, please call: (512) 371-6329

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 81. General Provisions

• **37 TAC §81.115**

The Texas Youth Commission (commission) adopts on an emergency basis an amendment to §81.115, concerning program completion and movement. The emergency amendment will allow for certain youth committed to the commission and placed in institutions to be moved to other placements of high or medium restriction to complete a required minimum length of stay in residential programs. The commission sets specific criteria and conditions which must be met by a youth in order to be considered for movement.

The emergency adoption is necessary in order to reduce population in institutions to budgeted capacity.

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

§81.115. Program Completion and Movement.

(a) Policy. The Texas Youth Commission (TYC) uses specific objective criteria to determine when a youth has completed a program and is eligible to be released home or to another program. Progress toward successful completion of criteria is evaluated at specific regular intervals. When criteria are substantially complete the youth attains parole status and is moved to his or her home. When specific

criteria are met but completion of required criteria is not possible or is not desirable in the current placement program, the youth is moved to a follow-up placement where completion is possible. Additional procedures and restrictions are applied prior to the release from TYC institutions for all sentenced offender youth. See General Operating Policy (GOP) 47.15, §81.118 of this title (relating to Sentenced Offender Disposition). Youth may be moved to a placement of equal or more restriction as a disciplinary consequence.

(b) Rules.

(1) Program completion criteria.

(A) (No change.)

(B) Youth in private residential contract programs become eligible for program release and parole status when the following criteria are met:

(i) completion of any TYC minimum length of stay;

(ii)(i) written program completion criteria required by the contract program;

(iii)(ii) completion of required ICP objectives; and

(iv)(iii) no major violations of rules of conduct within 30 days:

(I)-(II) (No change.)

(C) TYC program staff where the youth is assigned determine when [program completion] criteria have been met.

(D) (No change.)

(2)-(3) (No change.)

(4) Criteria incomplete—follow-up movement procedures.

(A) A youth may be moved to a follow-up placement when the program staff finds and documents that conditions in the appropriate set of criteria has been met. [:]

(i) Norm criteria:

(I) (i) the youth has met all program completion criteria except required ICP objectives; and

(II)(ii) a follow-up program is a more appropriate placement in which the youth can meet remaining objectives; or

(ii) Exception criteria. Type B violent and chronic serious offenders may be moved to a follow-up

placement that can meet their needs prior to completing their minimum length of stay if the following criteria are met:

(I) satisfactory adjustment at the current placement for a period of at least 120 consecutive days, i.e., no security admissions;

(II) substantial progress on their ICP objectives; and

(III) low run risk, i.e., no attempted or actual escape or runaway for the past 18 months.

(B)-(E) (No change.)

(5)-(9) (No change.)

Issued in Austin, Texas, on March 7, 1990.

TRD-9002718

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: March 13, 1990

Expiration date: July 11, 1990

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

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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 XV. State Board of Pharmacy

Chapter 291. Pharmacies

Community (Class A) Pharmacies

• 22 TAC §§291.31-291.36

The Texas State Board of Pharmacy proposes amendments to §§291.31, 291.32, 291.33, 291.34, 291.35, and 291.36 concerning definitions, personnel, operational standards, records, triplicate prescription records, and Class A pharmacies dispensing compounded sterile parenteral and/or enteral products. These amendments to existing rules, if adopted will: implement the recommendations of the board's Advisory Committee on Automated Technology concerning the use of data processing systems and automated drug dispensing systems; set out the requirements pharmacists must follow when dispensing a prescription which has been carried out by a registered nurse or physician assistant as allowed by House Bill 18 passed the 71st Legislature; add a requirement that pharmacy personnel wear name badges which identify them by name and title; correct rule references to articles which were placed in the Health and Safety Code by the 71st Legislature; delete rule language relating to a system for reporting and inquiring about stolen or lost triplicate prescriptions, since the system is not active; and clarify several sections of rule language through non-substantive changes.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary has determined that there will be fiscal implications as a result of enforcing or administering the section. There will be no effect on state or local government for the first five-year period the sections will be in effect. The cost of compliance with the sections for small business will be the cost of name tags or badges for pharmacist and supportive personnel if the pharmacy does not currently provide name tags for these personnel. The cost is estimated to be less than \$5.00 per employee. The cost per employee should be the same for small and large business.

Mr. Brinkley, Jr., R.Ph., also has determined that for each year of the first five years the sections will be in effect the public benefit anticipated as a result of enforcing the sections will be to establish minimum operational standards which must be met by Class A pharmacies including standards for a pharmacy's employees involved in the

dispensing of prescription drugs. There will be no economic cost to individuals who are required to comply with the sections.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §§, 17, 29, and 30, which provide the Texas State Board of Pharmacy with the authority to govern the practice of pharmacy and pharmacists and the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy must meet to qualify for licensing or relicensing as a pharmacy.

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

Automated drug dispensing system—An automated device that measures, counts and/or packages a specified quantity of dosage units for a designated drug product.

Carrying out a prescription drug order—To complete a prescription drug order prescribed by the delegating physician by providing the following information:

(A) patient's name and address;

(B) name, strength, and quantity of the drug to be dispensed;

(C) directions for use;

(D) the name, address, and telephone number of the physician;

(E) the name, address, telephone number, and identification number of the registered nurse or physician assistant completing the prescription drug order;

(F) the date; and

(G) the number of refills permitted.

Controlled substance—A drug, immediate precursor, or other substance

listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended [(Texas Civil Statutes, Article 4476-15)], or a drug, immediate precursor, or other substance included in Schedule I, II, III, IV, or V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

Medical Practice Act—The Texas Medical Practice Act, Texas Civil Statutes, Article 4495b, as amended.

Physician assistant—A physician assistant recognized by the Texas State Board of Medical Examiners as having the specialized education and training required under the Medical Practice Act, §3.06(d), and issued an identification number by the Texas State Board of Medical Examiners.

Prescription drug order—

(A) a written order from a practitioner or a verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed; or [.]

(B) a written order or a verbal order pursuant to the Medical Practice Act, §3.06(d)(5).

Registered Nurse—A registered nurse recognized by the Texas State Board of Nurse Examiners as having the specialized education and training necessary to carry out a prescription drug order and issued an identification number by the Texas State Board of Nurse Examiners.

Texas Controlled Substances Act—the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, as amended.

§291.32. Personnel.

(a) Pharmacist-in-charge.

(1) (No change.)

(2) Responsibilities. The pharmacist-in-charge shall have the responsibility for, at a minimum, the following:

(A)-(I) (No Change.)

(J) establishment and maintenance of effective controls against

the theft or diversion of prescription drugs, and records for such drugs; [and]

(K) maintenance of records in a data processing system such that the data processing system is in compliance with Class A (Community) Pharmacy computer requirements; and

(L)[K] legal operation of the pharmacy, including meeting all inspection and other requirements of all state and federal laws or sections governing the practice of pharmacy.

(b)-(c) (No change.)

(d) Identification of pharmacy personnel.

(1) Pharmacists. All pharmacists shall wear an identification tag or badge which bears the person's name and identifies him or her as a pharmacist.

(2) Supportive personnel. All supportive personnel shall wear an identification tag or badge which bears the person's name and identifies him or her as a supportive person.

(3) Pharmacist Interns. All pharmacist interns shall wear an identification tag or badge which bears the person's name and identifies him or her as a pharmacist intern.

§291.33. Operational Standards.

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

(c) Prescription dispensing and delivery.

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

(3) Labeling. At the time of delivery of the drug, the dispensing container shall bear a label with at least the following information:

(A)-(J) (No change.)

(K) if the pharmacist has selected a generically equivalent drug pursuant to the provisions of the Act, §40, the statement "Substituted for Brand Prescribed;" [and]

(L) the name of the registered nurse or physician assistant, if the prescription is carried out by a registered nurse or physician assistant in compliance with the Medical Practice Act, §3.06(d); and

(M)[L] the name and strength of the actual drug product dispensed, unless otherwise directed by the prescribing practitioner.

(d) -(f) (No Change.)

(g) Prepackaging of drugs and loading of automated drug dispensing systems.

(1) Prepackaging of drugs.

(A)[(1)] Drugs may be prepackaged in quantities suitable for internal distribution only by a pharmacist or by supportive personnel under the direction and direct supervision of a pharmacist.

(B)[(2)] The label of a prepackaged unit shall indicate:

(i)[(A)] brand name, strength and dosage form of the drug; or if no brand name, then the generic name, strength, dosage form, and name of the manufacturer or distributor;

(ii)[(B)] facility's lot number;

(iii)[(C)] expiration date; and

(iv)[(D)] quantity of the drug.

(C)[(3)] Records of prepackaging shall be maintained to show:

(i)[(A)] name of the drug, strength, and dosage form;

(ii)[(B)] facility's lot number;

(iii)[(C)] manufacturer or distributor;

(iv)[(D)] manufacturer's lot number;

(v)[(E)] expiration date;

(vi)[(F)] quantity per prepackaged unit;

(vii)[(G)] number of prepackaged units;

(viii)[(H)] date packaged;

(ix) [(I)] name or initials of the packager; and

(x)[(J)] signature of the responsible pharmacist.

(D)[(4)] Stock packages, re-packaged units, and control records shall be quarantined together until checked/released by the pharmacist.

(2) Loading automated drug dispensing systems.

(A) Automated drug dispensing systems may be loaded with drugs only by a pharmacist or by supportive personnel under the direction and direct supervision of a pharmacist.

(B) The label of an automated drug dispensing system container

shall indicate the brand name, strength, and dosage form of the drug; or if no brand name, then the generic name, strength, dosage form, and name of the manufacturer or distributor.

(C) Records of loading an automated drug dispensing system shall be maintained to show:

(i) name of the drug, strength, and dosage form;

(ii) manufacturer or distributor;

(iii) manufacturer's lot number;

(iv) expiration date;

(v) quantity added to the automated drug dispensing system;

(vi) date of loading;

(vii) name or initials of the person loading the automated drug dispensing system; and

(viii) signature of the responsible pharmacist.

(D) The automated drug dispensing system shall not be used until a pharmacist verifies that the system is properly loaded and affixes his or her signature to the record specified in Subparagraph (C) of this paragraph.

(h) (No change.)

§291.34. Records.

(a) Maintenance of records.

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

(4) Records, except when specifically required to be maintained in original or hard-copy form, may be maintained in an alternative data retention system, such as a data processing system or direct imaging system provided:

(A) the records maintained in the alternative system contains all of the information required on the manual record; and

(B) the data processing system is capable of producing a hard-copy of the record upon the request of the board, its representative or other authorized local, state, or federal law enforcement or regulatory agencies.

(b) Prescriptions.

(1) Written prescription drug orders.

(A)-(E) (No change.)

(F) Prescription drug orders carried out by a registered nurse or physician assistant.

(i) A pharmacist may dispense a prescription drug order for a dangerous drug which is carried out by a registered nurse or physician assistant provided:

(I) the prescription is for a dangerous drug and not for a controlled substance; and

(II) the registered nurse or physician assistant is practicing in accordance with the Medical Practice Act, §3.06(d).

(ii) Each practitioner shall designate in writing the name of each registered nurse or physician assistant authorized to carry out a prescription drug order pursuant to the Medical Practice Act, §3.06(d). A list of the registered nurses or physician assistants designated by the practitioner must be maintained in the practitioner's usual place of business. On request by a pharmacist, a practitioner shall furnish the pharmacist with a copy of the written authorization for a specific registered nurse or physician assistant.

(G)[F] Prescription drug orders for Schedule II controlled substances. No Schedule II controlled substance may be dispensed without a written prescription drug order of a practitioner on a triplicate prescription form as required by the Texas Controlled Substances Act 481.075, [3. 09 (Texas Civil Statutes, Article 4476-15)].

(2) Verbal [Oral] prescription drug orders.

(A)[(D)] A verbal [A telephonic] prescription drug order from a practitioner or a practitioner's designated agent may only be received by a pharmacist or a pharmacist-intern under the direct supervision of a pharmacist.

(B) A practitioner shall designate in writing the name of each agent authorized by the practitioner to communicate prescriptions verbally for the practitioner. The practitioner shall maintain at the practitioner's usual place of business a list of the designated agents. The practitioner shall provide a pharmacist with a copy of the practitioner's written authorization for a specific agent on the pharmacist's request.

(C) If a prescription drug order is transmitted to a pharmacist verbally, [orally,] the pharmacist shall note any substitution instructions by the practitioner

or practitioner's agent on the file copy of the prescription drug order. Such file copy may follow the two-line format indicated in paragraph (1)(B) of this subsection, or any other format that clearly indicates the substitution instructions.

(D) [(A)] A pharmacist may not dispense a verbal [an oral] prescription drug order for a Schedule III, IV, or V controlled substance issued by a practitioner licensed in another state unless the practitioner is also registered under the Texas Controlled Substances Act.

(E)[(B)] A pharmacist may not dispense a verbal [an oral] prescription drug order for a dangerous drug or a controlled substance issued by a practitioner licensed in the Dominion of Canada or the United Mexican States unless the practitioner is also licensed in Texas.

(3) (No change.)

(4) Original prescription drug order records.

(A) Original [Hard-copy] prescriptions" as used in this and any other subsections, are the original written or original verbal [oral] prescription drug orders reduced to writing either manually or electronically by the pharmacist.

(B) Original [Hard-copy] prescriptions shall be maintained by the pharmacy in numerical order for a period of two years from the date of filling or the date of the last refill dispensed.

(C) (No change.)

(D) Original [Hard-copy] prescriptions shall be maintained in three separate files as follows:

(i)-(iii) (No change.)

(E) Original prescription records other than triplicate prescriptions may be stored on microfilm, microfiche or other system which is capable of producing a direct image of the original prescription record, e.g., digitalized imaging system. If original prescription records are stored in a direct imaging system, the following is applicable:

(i) the record of refills recorded on the original prescription must also be stored in this system;

(ii) the original prescription records must be maintained in numerical order and separated in three files as specified in Subparagraph (D) of this paragraph; and

(iii) the pharmacy must provide immediate access to equipment necessary to render the records easily readable.

(5) Prescription drug order information.

(A) All original [hard-copy] prescriptions issued by practitioners shall bear:

(i)-(vii) (No change.)

(B) All original prescriptions for dangerous drugs carried out by a registered nurse or physician assistant in accordance with the Medical Practice Act, §3.06(d) shall bear:

(i) name and address of the patient;

(ii) name, address, telephone number, and original signature of the practitioner;

(iii) name, identification number, and original signature of the nurse practitioner or physician assistant;

(iv) address and telephone number of the clinic at which the prescription drug order was carried out;

(v) name, strength, and quantity of the dangerous drug;

(vi) directions for use;

(vii) date of issuance; and

(viii) number of refills authorized.

(C) At the time of dispensing, a pharmacist is responsible for the addition of the following information to the original prescription:

(i)-(v) (No change.)

(6) (No change.)

(c) Prescription drug order records maintained in a manual system.

(1) Original [Hard-copy] prescriptions shall be maintained in three files as specified in subsection (b)(4)(D) of this section.

(2)-(4) (No change.)

(d) [Prescription drug order] Records maintained in a data processing system.

(1) General requirements for records maintained in a data processing system.

(A) Compliance with data processing system requirements. If a Class A (Community) pharmacy's data

processing system is not in compliance with this subsection, the pharmacy must maintain a manual recordkeeping system as specified in subsection (c) of this section.

(B) Original [(1) Hard-copy] prescriptions. Original [Hard-copy] prescriptions shall be maintained in three files as specified in subsection (b)(4)(D) of this section.

(C) Requirements for back-up systems.

(i) The pharmacy shall maintain a back-up copy of information stored in the data processing system and up-date this back-up copy on a regular basis to assure that data is not lost due to system failure.

(ii) Data processing systems shall have a workable (electronic) data retention system which can produce an audit trail of drug usage for the preceding two years as specified in paragraph (2)(G) of this subsection.

(D) Change or discontinuance of a data processing system.

(i) Records of dispensing. A pharmacy that changes or discontinues use of a data processing system must:

(I) transfer the records of dispensing to the new data processing system; or

(II) purge the records of dispensing to a hard-copy printout which contains the same information required on the daily printout as specified in paragraph (2)(B) of this subsection. The information on this hard-copy printout shall be sorted and printed by drug name, patient name and date of dispensing.

(ii) Other records. A pharmacy that changes or discontinues use of a data processing system must:

(I) transfer the records to the new data processing system; or

(II) purge the records to a hard-copy printout which contains all of the information required on the original document.

(iii) Maintenance of purged records. Information purged from a data processing system must be maintained by the pharmacy for two years from the date of initial entry into the data processing system.

(E) Loss of data. The pharmacist-in-charge shall report to the board any significant loss of information from the data processing system within 10 days of discovery of the loss.

(2) Records of dispensing.

(A)-(F) (No change.)

(G) The data processing system shall be capable of producing a hard-copy printout of an audit trail for all dispensings (original and refill) of any specified strength and dosage form of a drug (by either brand or generic name or both) during a specified time period.

(i) Such audit trail [hard-copy printout] shall contain all of the information required on the daily hard-copy printout as set out in paragraph (2) (B) of this subsection.

(ii) The audit trail [hard-copy printout] required in this subparagraph shall be supplied by the pharmacy within 48 hours, if requested by an authorized agent of the Texas State Board of Pharmacy, Department of Public Safety, or Drug Enforcement Administration.

(H)-(J) (No change.)

(3)-(5) (No change.)

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

(g) Other records. Other records to be maintained by a pharmacy:

(1)-(2) (No Change.)

(3) a hard-copy [copy] of the power of attorney to sign DEA 222C order forms (if applicable);

(4) suppliers' invoices of dangerous drugs and controlled substances; pharmacists or other responsible individuals shall verify that the controlled drugs listed on the invoices were actually received by [upon which is] clearly recording [recorded] their initials and the actual date of receipt of the [dangerous drugs] controlled substances [and the initials of the pharmacist or other responsible individual who verified that the drugs listed on the invoices were actually received;]

(5) (No change.)

(6) a hard-copy of controlled substances inventories required by §291.17 of this title (relating to the Controlled Substances Inventory Requirements);

(7) hard-copy reports of surrender or destruction of controlled substances and/or dangerous drugs to an appropriate state or federal agency;

(8) a hard-copy of the Schedule V non-prescription register book;

(9) (No change.)

(10) a hard-copy [copy] of any notification required by the Texas Pharmacy Act or these sections, including, but not limited to, the following:

(A)-(C) (No change.)

(h)-(j) (No change.)

§291.35. Triplicate Prescription Records.

(a)-(b) (No Change.)

(c) Purpose of issuing triplicate prescriptions.

(1) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription not issued in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of the Texas Controlled Substances Act, §481.074, [§3.08] and the person knowingly filling such a purported prescription, as well as the person issuing it, may be subject to the penalties provided for violation of the provisions of law or rules relating to controlled substances.

(2) (No change.)

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

(f) Pharmacist responsibilities.

(1)-(5) (No change.)

[(6) Pharmacists receiving triplicate prescriptions that create questions or doubts should communicate with the practitioner (when practical) prior or in addition to utilizing the Texas Crime Information Center (TCIC). Stolen or lost triplicate prescriptions control numbers will be entered into the stolen or wanted file. This control number is the printed number appearing on the lower right hand corner of the triplicate prescription; do not confuse with the red number in the upper right hand corner.

[(A) Should a question arise in regard to the authenticity of a triplicate prescription, a pharmacist should contact the local police department, sheriff's department, or Department of Public Safety office with communication facilities.

[(B) The pharmacist should state, "I need to have a check made of the stolen or wanted file on a triplicate prescription number" (giving the control number on the prescription).

[(C) If the number has been reported stolen or lost, the pharmacist may assume it is a forged prescription and should coordinate with the law enforcement agency as to what course of action to follow.]

§291.36. Class A Pharmacies Dispensing Compounded Sterile Parenteral and/or Enteral Products.

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

(e) Library. In addition to the library requirements outlined in §291.33(e) [§291.33(d)] of this title (relating to Operational Standards), the library of Class A Pharmacies dispensing compounded sterile parenteral and/or enteral products shall include a current or updated reference on injectable drug products, such as the *Handbook of Injectable Drugs*.

(f)-(h) (No change.)

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

Issued in Austin, Texas, on March 9, 1990.

TRD-9002605

Fred S. Brinkley
Executive director
Texas State Board of
Pharmacy

Earliest possible date of adoption: April 16, 1990

For further information, please call: (512) 832-0661

◆ ◆ ◆
Institutional (Class C) Pharmacies

• **22 TAC §§291.71-291.76**

The Texas State Board of Pharmacy (board) proposes amendments to §§291.71-291.76, concerning purpose, definitions, personnel, operational standards, records, and Class C pharmacies located in a free standing ambulatory surgical center. These amendments to existing sections, if adopted will: implement the recommendations of the board's Advisory Committee on Automated Technology concerning the use of data processing systems and automated drug dispensing systems; set out the requirements pharmacists must follow when dispensing a prescription which has been carried out by a registered nurse or physician assistant as allowed by House Bill 18 passed by the 71st Legislature; add a requirement that pharmacy personnel wear name badges which identify them by name and title; correct rule references to articles which were placed in the Health and Safety Code by the 71st Legislature; clarify several sections of rule language through non-substantive changes.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Brinkley also has determined that for

each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to establish minimum operational standards which must be met by Class C pharmacies, including standards for a pharmacy's employees involved in the dispensing of prescription drugs. The effect on small businesses as a result of enforcing the sections will be the cost of name tags or badges for pharmacists and supportive personnel if the pharmacy does not already provide name tags for these personnel. The cost is estimated to be less than \$5.00 per employee. The cost per employee should be the same for small and large businesses. There will be no economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §§5, 17, 29, and 30, which provide the Texas State Board of Pharmacy with the authority to govern the practice of pharmacy and pharmacists and the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy must meet to qualify for licensing or relicensing as a pharmacy.

§291.71. Purpose. The purpose of these sections is to provide standards in the conduct, practice activities, and operation of a pharmacy located in a hospital or other in-patient facility that is licensed under the Texas Hospital Licensing Law, the Health and Safety Code, Chapter 241, [Texas Civil Statutes, Article 4437f] or the Texas Mental Health Code, Chapter 6, Texas Civil Statutes, Article 5547-1 et seq., or a pharmacy located in a hospital maintained or operated by the state.

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

Automated drug dispensing system—An automated device that measures, counts, and/or packages a specified quantity of dosage units for a designated drug product.

Controlled substance—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended [(Texas Civil Statutes, Article 4476-15)], or a drug, immediate precursor, or other substance included in Schedule I-V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

Direct copy—Electronic copy or carbonized copy of an inpatient medication order including a facsimile (FAX), teleautograph, or a copy transmitted between computers.

Downtime—Period of time during which a data processing system is not operable.

Electronic signature—A unique security code or other identifier which specifically identifies the person entering information into a data processing system. A facility which utilizes electronic signatures must:

(A) maintain a permanent list of the unique security codes assigned to persons authorized to use the data processing system; and

(B) have an ongoing security program which is capable of identifying misuse and/or unauthorized use of electronic signatures.

Facility—Hospital or other in-patient facility that is licensed under the Texas Hospital Licensing Law, the Health and Safety Code, Chapter 241 [Texas Civil Statutes, Article 4427f] or the Texas Mental Health Code, Chapter 6, Texas Civil Statutes, Article 5547-1, et seq., or that is maintained or operated by the state.

Hard-copy—A physical document that is readable without the use of a special device (i.e., cathode ray tube (CRT), microfiche reader, etc).

Perpetual inventory—An inventory which documents all receipts and distributions of a drug product, such that an accurate, current balance of the amount of the drug product present in the pharmacy is indicated.

Prescription drug order—

(A) A written order from a practitioner or a verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed; or [.]

(B) A written order or a verbal order pursuant to of the Medical Practice Act, §3.06(d)(5), (Texas Civil Statutes, Article 4495b).

Texas Controlled Substances Act—The Texas Controlled Substances Act, the Health and Safety Code, Chapter 481, as amended.

§291.73. Personnel.

(a) (No change.)

(b) Pharmacist-in-charge.

(1) (No change.)

(2) Responsibilities. The pharmacist-in-charge shall have the responsibility for, at a minimum, the following:

(A)-(M) (No change.)

(N) labeling, storage, and distribution of investigational new drugs, including maintenance of information in the pharmacy and nursing station where such drugs are being administered, concerning

the dosage form, route of administration, strength, actions, uses, side effects, adverse effects, interactions, and symptoms of toxicity of investigational new drugs; [and]

(O) maintenance of records in a data processing system such that the data processing system is in compliance with Class C (institutional) pharmacy computer requirements; and

(P) meeting all inspection and other requirements of the Texas Pharmacy Act and these sections.

(c)-(d) (No Change.)

(e) Supportive Personnel.

(1) (No change.)

(2) Duties. Duties may include, but need not be limited to, the following functions under the direct supervision of and responsible to a pharmacist:

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

(E) distributing routine orders for stock supplies to patient care areas; [and]

(F) entering prescription or medication order information into a data processing system, provided judgemental decisions are not required and a pharmacist checks the accuracy of the information entered into the system prior to releasing the order; and [.]

(G) loading drugs into an automated drug dispensing system provided a pharmacist supervises, verifies that the system was properly loaded prior to use, and affixes his or her initials to the appropriate quality control records.

(3)-(4) (No change.)

(f) Identification of pharmacy personnel.

(1) Pharmacists. All pharmacists shall wear an identification tag or badge which bears the person's name and identifies him or her as a pharmacist.

(2) Supportive personnel. All supportive personnel shall wear an identification tag or badge which bears the person's name and identifies him or her as a supportive person.

(3) Pharmacist interns. All pharmacist interns shall wear an identification tag or badge which bears the person's name and identifies him or her as a pharmacist intern.

§291.74. Operational Standards.

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

(f) Drugs.

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

(3) Prepackaging of drugs and loading of automated drug dispensing systems.

(A) Prepackaging of drugs.

(i)[(A)] Drugs may be repackaged in quantities suitable for internal distribution only by a [registered] pharmacist or by supportive personnel under the direction and direct supervision of a [registered] pharmacist.

(ii)[(B)] The label of a prepackaged unit shall indicate:

(I)[(i)] brand name, strength, and dosage form of the drug; or if no brand name, then the generic name, strength, dosage form, and name of the manufacturer or distributor;

(II)[(ii)] facility's lot number;

(III)[(iii)] expiration date; and

(IV) [(iv)] quantity of the drug.

(iii)[(C)] Records of prepackaging shall be maintained to show:

(I) [(i)] [the] name of the drug, strength, and dosage form;

(II)[(ii)] [the] facility's lot number;

(III) [(iii)] manufacturer or distributor;

(IV) [(iv)] manufacturer's lot number;

(V)[(v)]] expiration date;

(VI)[(vi)] quantity per prepackaged unit [package];

(VII)[(vii)] number of prepackaged units [packages];

(VIII)[(viii)] date packaged;

(IX) [(ix)] name or initials of the packer; and

(X)[(x)] signature of the responsible [registered] pharmacist.

(iv)[(D)] Stock packages, repackaged units, and control records shall be quarantined together until checked/released by the pharmacist.

(B) Loading automated drug dispensing systems.

(i) Automated drug dispensing systems may be loaded with drugs only by a pharmacist or by supportive personnel under the direction and direct supervision of a pharmacist.

(ii) The label of an automated drug dispensing system container shall indicate the brand name, strength and dosage form of the drug; or if no brand name, then the generic name, strength, dosage form, and name of the manufacturer or distributor.

(iii) Records of loading an automated drug dispensing system shall be maintained to show:

(I) name of the drug, strength, and dosage form;

(II) manufacturer or distributor;

(III) manufacturer's lot number;

(IV) expiration date;

(V) quantity added to the automated drug dispensing system;

(VI) date of loading;

(VII) name or initials of the person loading the automated drug dispensing system; and

(VIII) signature of the responsible pharmacist.

(iv) The automated drug dispensing system shall not be used until a pharmacist verifies that the system is properly loaded and affixes his or her signature to the record specified in subparagraph (C) of this paragraph.

(4) (No change.)

(5) Distribution.

(A) Medication orders.

(i)-(v) (No change.)

(B) Procedures.

(i) (No change.)

(ii) The written policies and procedures for the drug distribution system shall include, but not be limited to, procedures regarding the following:

(I)-(XIX) (No change.)

(XX) preparation and distribution of IV admixtures; [and]

(XXI) handling of medication orders when a pharmacist is not on duty ; [.]

(XXII) use of automated drug dispensing systems; and

(XXIII) use of data processing and direct imaging systems.

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

§291.75. Records.

(a) Maintenance of records.

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

(4) Records, except when specifically required to be maintained in original or hard-copy form, may be maintained in an alternative data retention system, such as a data processing or direct imaging system, e.g., microfilm or microfiche, provided:

(A) the records in the alternative data retention system contain all of the information required on the manual record; and

(B) the alternative data retention system is capable of producing a hard-copy of the record upon the request of the board, its representative, or other authorized local, state, or federal law enforcement or regulatory agencies.

(b) Outpatient records.

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

(3) Controlled substances listed in Schedule II must be written on a triplicate prescription form in accordance with the Texas Controlled Substances Act, §481.075 [§3.09] and rules promulgated pursuant to the Texas Controlled Substances Act, unless exempted by the Texas Controlled Substances Regulations §13.47 (Texas Administrative Code, Title 37, Chapter 13) [Act], entitled "Exceptions to Use of Triplicate Prescription Forms." Outpatient prescriptions for Schedule II controlled substances that are exempted from the triplicate prescription requirement must be manually signed by the practitioner.

(c) Inpatient records.

(1) Each original medication order shall bear the following information:

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

(E) signature or electronic [practitioner's] signature of the practitioner or that of his or her authorized agent . [; any order signed by an authorized agent shall be co-signed within 72 hours.]

(2)-(5) (No change.)

(6) General requirements for records maintained in a data processing system.

(A) Effective date for compliance with data processing requirements.

(i) Data processing systems installed before September 1, 1990, shall comply with these regulations governing data processing systems in Class C (institutional) pharmacies by September 1, 1991.

(ii) Data processing systems installed after September 1, 1990, shall comply with these regulations governing data processing systems in Class C (institutional) pharmacies upon installation.

(B) If a hospital pharmacy's data processing system is not in compliance with the board's requirements, the pharmacy must maintain a manual recordkeeping system.

(C) Requirements for back-up systems.

(i) The pharmacy shall maintain a back-up copy of information stored in the data processing system and update this back-up copy on a regular basis to assure that data is not lost due to system failure.

(ii) Data processing systems shall have a workable (electronic) data retention system which can produce an audit trail of drug usage for the preceding two years as specified in paragraph (7)(F) of this subsection.

(D) Change or discontinuance of a data processing system.

(i) Records of drug usage. A pharmacy that changes or discontinues use of a data processing system must:

(I) transfer the records of drug usage to the new data processing system; or

(II) purge the records of drug usage to a hard-copy printout which contains the same information as required on the daily printout as specified in paragraph (7) (B) of this subsection. The information on this hard-copy printout shall be sorted and printed by drug name, patient name, and date of drug usage.

(ii) Other records. A pharmacy that changes or discontinues use of a data processing system must:

(I) transfer the records to the new data processing system; or

(II) purge the records to a hard-copy printout which contains all of the information required on the original document.

(iii) Maintenance of purged records. Information purged from a data processing system must be maintained by the pharmacy for two years from the date of initial entry into the data processing system.

(E) Loss of data. The pharmacist-in-charge shall report to the board any significant loss of information from the data processing system within 10 days of discovery of the loss.

(7) Records of drug usage maintained in a data processing system.

(A) Each time a medication order is filled or refilled, a record of such distribution shall be entered into the data processing system.

(B) The data processing system shall have the capacity to produce a daily hard-copy printout of all prescription drugs administered or wasted. This printout shall contain the following information:

(i) patient's name;

(ii) prescribing practitioner's name;

(iii) name, strength, and dosage form of the drug product actually distributed, and if a generic name, the brand name or manufacturer of drug distributed;

(iv) quantity distributed from the pharmacy;

(v) initials or identification code of the pharmacist approving the distribution or licensed nurse or practitioner removing the drug from the pharmacy in the absence of a pharmacist;

(vi) time and date of administration to the patient;

(vii) quantity administered to the patient;
(viii) wastage;
(ix) total quantity administered and wasted;
(x) returns to the pharmacy; and

(xi) If not immediately retrievable via CRT display, the following shall also be included on the printout:

(I) patient's address;

(II) prescribing practitioner's address; and

(III) practitioner's Drug Enforcement Administration (DEA) registration number, if the medication order is for a controlled substance.

(C) The daily hard-copy printout shall be produced within 72 hours of the date on which the prescription drug was administered and shall be maintained in a separate file at the facility. Records of controlled substances shall be readily retrievable from records of non-controlled substances.

(D) Each individual pharmacist who approved or verified a distribution from the pharmacy shall verify that the data indicated on the daily printout concerning the distribution from the pharmacy is correct, by dating and signing such document in the same manner as signing a check or legal document (e. g., J.H. Smith, or John H. Smith) within seven days from the date of distribution.

(E) In lieu of the hard copy printout described in paragraph (7)(B) of this subsection the pharmacy shall comply with the following.

(i) The pharmacy shall maintain a log book in which each individual pharmacist who approved or verified a distribution from the pharmacy shall sign a statement attesting to the fact that the information entered into the data processing system concerning the distribution from the pharmacy has been reviewed by him or her and is correct as entered. Pharmacists shall sign the log book according to the following schedule.

(I) In facilities with a full-time pharmacist, the log book shall be signed as soon as practical, but in no event more than three days from the date of distribution from the pharmacy.

(II) In facilities with a part-time or consultant pharmacist, the log book shall be signed after a reasonable interval, but in no event more than seven days from the date of distribution from the pharmacy.

(ii) Such log book shall be maintained at the pharmacy employing such a system for a period of two years after the date of distribution from the pharmacy; provided, however, that the data processing system can produce a hard-copy printout on demand by an authorized agent of the Texas State Board of Pharmacy, the Texas Department of Public Safety, or DEA. If the printout cannot be printed immediately, a hard-copy printout shall be available within 48 hours with a certification by the individual providing the printout, which states that the printout is true and correct as of the date of entry and such information has not been altered, amended, or modified.

(F) The data processing system shall be capable of producing a hard-copy printout of an audit trail of drug usage and wastage for any specified strength and dosage form of a drug (by either brand or generic name or both) during a specified time period.

(i) Such audit trail shall contain all of the information required on the daily printout as set out in paragraph (7) (B) of this subsection.

(ii) The audit trail required in this subparagraph shall be supplied by the pharmacy within 48 hours, if requested by an authorized agent of the Texas State Board of Pharmacy, Department of Public Safety, or DEA.

(8) Failure to maintain records. Failure to provide records set out in this subsection, either on site or within 48 hours for whatever reason, constitutes prima facie evidence of failure to keep and maintain records.

(9) Data processing system downtime. In the event that a hospital pharmacy which uses a data processing system experiences system downtime, the pharmacy must have an auxiliary procedure which will ensure that all of the drug distribution and administration data is retained for on-line data entry as soon as the system is available for use again.

(10) Limitation to one type of record keeping system. Records of distribution shall be maintained either in a manual record keeping system or a data processing record keeping system.

(11) (No change.)

(12) Other records. Other records to be maintained by a pharmacy:

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

(3) a hard-copy [copy] of the power of attorney to sign DEA 222C order forms (if applicable);

(4) suppliers' invoices of dangerous drugs and controlled substances; pharmacists or other responsible individuals shall verify that the controlled drugs listed on the invoices were actually received by [upon which is] clearly recording [recorded] their initials and the actual date of receipt of the [dangerous drugs or] controlled substances; [and the initials of the pharmacist or other responsible individual who verified that the drugs listed on the invoices were actually received;]

(5) (No change.)

(6) a hard-copy of controlled substances inventories required by §291.17 of this title (relating to the Controlled Substances Inventory Requirements) except that a perpetual inventory of controlled substances listed in Schedule II may be kept in a data processing system if the data processing system is capable of producing a hard-copy of the perpetual inventory on-site;

(7) hard-copy reports of surrender or destruction of controlled substances and/or dangerous drugs to an appropriate state or federal agency;

(8) a hard-copy Schedule V non-prescription register book;

(9) (No Change.)

(10) a hard-copy [copy] of any notification required by the Texas Pharmacy Act or these sections including, but not limited to, the following:

(A)-(C) (No change.)

(f)-(g) (No Change.)

§291.76. Class C Pharmacies Located in a Free Standing Ambulatory Surgical Center.

(a) (No change.)

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

(1) (2) (No change.)

(3) Automated drug dispensing system-An automated device that measures, counts, and/or packages a specified quantity of dosage units for a designated drug product.

(4)[(3)] Board-The Texas State Board of Pharmacy.

(5)[(4)] Consultant pharmacist-A pharmacist retained by a facility on a routine basis to consult with the ASC in areas that pertain to the practice of pharmacy.

(6) **Controlled substance**—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended, or a drug immediate precursor, or other substance included in Schedules I-V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

(7)(5) **Direct copy**—Electronic copy or carbonized copy of an inpatient medication order including a facsimile (FAX), tele-autograph, or a copy transmitted between computers.

(8)(6) **Dispense**—Preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

(9)(7) **Distribute**—The delivery of a prescription drug or device other than by administering or dispensing.

(10) **Downtime**—Period of time during which a data processing system is not operable.

(11) **Electronic signature**—a unique security code or other identifier which specifically identifies the person entering information into a data processing system. A facility which utilizes electronic signatures must:

(A) maintain a permanent list of the unique security codes assigned to persons authorized to use the data processing system; and

(B) have an ongoing security program which is capable of identifying misuse and/or unauthorized use of electronic signatures.

(12)(8) **Floor stock**—Prescription drugs or devices not labeled for a specific patient and maintained at a nursing station or other ASC department (excluding the pharmacy) for the purpose of administration to a patient of the ASC.

(13)(9) **Formulary**—List of drugs approved for use in the ASC by an appropriate committee of the ambulatory surgical center.

(14) **Hard-copy**—A physical document that is readable without the use of a special device (i.e., cathode ray tube (CRT), microfiche reader, etc).

(15)(10) **Investigational new drug**—New drug intended for investigational use by experts qualified to evaluate the safety and effectiveness of the drug as authorized by the Federal Food and Drug Administration.

(16)(11) **Medication order**—A written order from a practitioner or a verbal order from a practitioner or his authorized agent for administration of a drug or device.

(17)(12) **Pharmacist-in-charge**—Pharmacist designated on a pharmacy license as the pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

(18)(13) **Pharmacy**—Area or areas in a facility, separate from patient care areas, where drugs are stored, bulk compounded, delivered, compounded, dispensed, and/or distributed to other areas or departments of the ASC, or dispensed to an ultimate user or his or her agent.

(19) **Prescription drug**—

(A) A substance for which federal or state law requires a prescription before it may be legally dispensed to the public.

(B) A drug or device the under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements.

(i) "Caution: federal law prohibits dispensing without prescription."

(ii) "Caution: federal law restricts this drug to use by or on order of a licensed veterinarian."

(C) A drug or device that is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by a practitioner only.

(20)(14) **Prescription drug order**—

(A) A written order from a practitioner or verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed.

(B) A written order or a verbal order pursuant to the Medical Practice Act, §3.06(d)(5), Texas Civil Statutes, Article 4495b.

(21)(15) **Supportive personnel**—Those individuals utilized in ASC pharmacies whose responsibility it shall be to provide nonjudgemental technical services concerned with the preparation and distribution of drugs under the direct supervision of and responsible to a pharmacist.

(22)(16) **Full-time pharmacist**—A pharmacist who works in a pharmacy from 30 to 40 hours per week or

if the pharmacy is open less than 60 hours per week, one-half of the time the pharmacy is open.

(23)(17) **Part-time pharmacist**—A pharmacist who works less than full-time.

(24) **Texas Controlled Substances Act**—The Texas Controlled Substances Act, the Health and Safety Code, Chapter 481, as amended.

(c) **Personnel.**

(1) **Pharmacist-in-charge.**

(A) (No change.)

(B) **Responsibilities.** The pharmacist-in-charge shall have the responsibility for, at a minimum, the following:

(i)-(xiii) (No change.)

(xiv) labeling, storage, and distribution of investigational new drugs, including maintenance of information in the pharmacy and nursing station where such drugs are being administered, concerning the dosage form, route of administration, strength, actions, uses, side effects, adverse effects, interactions, and symptoms of toxicity of investigational new drugs; [and]

(xv) meeting all inspection and other requirements of the Texas Pharmacy Act and this subsection; and [.]

(xvi) maintenance of records in a data processing system such that the data processing system is in compliance with the computer requirements for a Class C (institutional) pharmacy located in a free standing ASC.

(2)-(3) (No change.)

(4) **Supportive personnel.**

(A) (No change.)

(B) **Duties.** Duties may include, but need not be limited to, the following functions, under the direct supervision of a pharmacist:

(i)-(iv) (No change.)

(v) distributing routine orders for stock supplies to patient care areas;

(vi) entering prescription or medication order information into a data processing system, provided judgemental decisions are not required and a pharmacist checks the accuracy of the information entered into the system prior to releasing the order;

(vii) maintaining inventories of drug supplies; [and]

(viii) maintaining pharmacy records ; and [.]

(ix) loading drugs into an automated drug dispensing system provided a pharmacist supervises, verifies that the system was properly underlined prior to use, and affixes his or her initials to the appropriate quality control records.

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

(5) Identification of pharmacy personnel.

(A) Pharmacists. All pharmacists shall wear an identification tag or badge which bears the person's name and identifies him or her as a pharmacist.

(B) Supportive personnel. All supportive personnel shall wear an identification tag or badge which bears the person's name and identifies him or her as a supportive person.

(C) Pharmacist interns. All pharmacist interns shall wear an identification tag or badge which bears the person's name and identifies him or her as a pharmacist intern.

(d) Operational standards.

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

(5) Drugs.

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

(C) Prepackaging of drugs and loading of automated drug dispensing systems.

(i) Prepackaging of drugs.

(I) Drugs may be prepackaged in quantities suitable for internal distribution only by a [registered] pharmacist or by supportive personnel under the direction and direct supervision of a [registered] pharmacist.

(II)[(ii)] The label of a prepackaged unit shall indicate:

(-a-)[(I)] brand name, strength, and dosage form of the drug; or if no brand name, then the generic name, strength, dosage form, and name of the manufacturer or distributor;

(-b-)[(II)] facility's lot number;

(-c-)[(III)] expiration date; and

(-d-)[(IV)] quantity of the drug.

(III)[(iii)] Records of prepackaging shall be maintained to show:

(-a-)[(I)] the name of the drug, strength, and dosage form;

(-b-)[(II)] facility's lot number;

(-c-)[(III)] manufacturer or distributor;

(-d-)[(IV)] manufacturer's lot number;

(-e-)[(V)] expiration date;

(-f-)[(VI)] quantity per prepackaged unit [package];

(-g-)[(VII)] number of prepackaged units [packages];

(-h-)[(VIII)] date packaged;

(-i-)[(IX)] name or initials of the preparer; and

(-j-)[(X)] signature of the responsible [registered] pharmacist.

(IV)[(iv)] Stock packages, repackaged units, and control records shall be quarantined together until checked/released by the pharmacist.

(ii) Loading automated drug dispensing systems.

(I) Automated drug dispensing systems may be loaded with drugs only by a pharmacist or by supportive personnel under the direction and direct supervision of a pharmacist.

(II) The label of an automated drug dispensing system container shall indicate the brand name, strength, and dosage form of the drug; or if no brand name, then the generic name, strength, dosage form, and name of the manufacturer or distributor.

(III) Records of loading an automated drug dispensing system shall be maintained to show:

(-a-) name of the drug, strength, and dosage form;

(-b-) manufacturer or distributor;

(-c-) manufacturer's lot number;

(-d-) expiration date;

(-e-) quantity added to the automated drug dispensing system;

(-f-) date of loading;

(-g-) name or initials of the person loading the automated drug dispensing system; and

(-h-) signature of the responsible pharmacist.

(IV) The automated drug dispensing system shall not be used until a pharmacist verifies that the system is properly loaded and affixes his or her initials to the record specified in subparagraph (C) of this paragraph.

(D) (No change.)

(6)-(7) (No change.)

(8) Policies and procedures. Written policies and procedures for a drug distribution system, appropriate for the ambulatory surgical center, shall be developed and implemented by the pharmacist-in-charge with the advice of the appropriate committee. The written policies and procedures for the drug distribution system shall include, but not be limited to, procedures regarding the following:

(A)-(P) (No change.)

(Q) preparation and distribution of IV admixtures; [and]

(R) procedures for supplying drugs for post-operative use, if applicable ; and [.]

(S) use of automated drug dispensing systems; and

(T) use of data processing systems.

(9) (No change.)

(e) Records.

(1) Maintenance of records.

(A)-(C) (No change.)

(D) Records, except when specifically required to be maintained in original or hard-copy form, may be maintained in an alternative data retention system, such as a data processing or direct imaging system, e.g., microfilm or microfiche, provided:

(i) the records in the alternative data retention system contain all of the information required on the manual record; and

(ii) the alternative data retention system is capable of producing a hard-copy of the record upon the request of the board, its representative, or other authorized local, state, or federal law enforcement or regu-

latory agencies.

(2) Outpatient records.

(A)-(C) (No change.)

(D) Controlled substances listed in Schedule II must be written on a triplicate prescription form in accordance with the Texas Controlled Substances Act, §481.075 [§3.09], and rules promulgated pursuant to the Texas Controlled Substances Act, unless exempted by the Texas Controlled Substances Rules, §13.47, entitled "Exceptions to Use of Triplicate Prescription Forms." Outpatient prescriptions for Schedule II controlled substances that are exempted from the triplicate prescription requirement must be manually signed by the practitioner.

(3) Inpatient records.

(A) Each original medication order shall bear the following information:

(i)-(iv) (No change.)

(v) signature or electronic [practitioner's] signature of the practitioner or that of his or her authorized agent, defined as a licensed nurse employee or consultant/full- or part-time pharmacist of the ASC [Any order signed by an authorized agent shall be co-signed within 30 days by the practitioner].

(B)-(E) (No change.)

(F) General requirements for records maintained in a data processing system are as follows.

(i) Effective date for compliance with data processing requirements.

(I) Data processing systems installed before September 1, 1990, shall comply with these regulations governing data processing systems in Class C (institutional) pharmacies located in a free standing ASC by September 1, 1991.

(II) Data processing systems installed after September 1, 1990, shall comply with these regulations governing data processing systems in Class C (institutional) pharmacies located in a free standing ASC upon installation.

(ii) If an ASC pharmacy's data processing system is not in compliance with the board's requirements, the pharmacy must maintain a manual recordkeeping system.

(iii) Requirements for back-up systems.

(I) The pharmacy shall maintain a back-up copy of information stored in the data processing system and up-date this back-up copy on a regular basis to assure that data is not lost due to system failure.

(II) Data processing systems shall have a workable (electronic) data retention system which can produce an audit trail of drug usage for the preceding two years as specified in subparagraph (G)(ii) of this paragraph.

(iv) Change or discontinuance of a data processing system.

(I) Records of drug usage. A pharmacy that changes or discontinues use of a data processing system must:

(-a-) transfer the records of drug usage to the new data processing system; or

(-b-) purge the records of drug usage to a hard-copy printout which contains the same information as required on the daily printout as specified in subparagraph (G)(ii) of this paragraph. The information on this hard-copy printout shall be sorted and printed by drug name, patient name, and date of drug usage.

(II) Other records. A pharmacy that changes or discontinues use of a data processing system must:

(-a-) transfer the records to the new data processing system; or

(-b-) purge the records to a hard-copy printout which contains all of the information required on the original document.

(III) Maintenance of purged records. Information purged from a data processing system must be maintained by the pharmacy for two years from the date of initial entry into the data processing system.

(v) Loss of data. The pharmacist-in-charge shall report to the board any significant loss of information from the data processing system within 10 days of discovery of the loss.

(G) Records of drug usage maintained in a data processing system shall be maintained as follows.

(i) Each time a medication order is filled or refilled, a record of such distribution shall be entered into the data processing system.

(ii) The data processing system shall have the capacity to produce a daily hard-copy printout of all prescription drugs administered or wasted. This printout shall contain the following information:

(I) patient's name;

(II) prescribing practitioner's name;

(III) name, strength, and dosage form of the drug product actually distributed, and if a generic name, the brand name or manufacturer of drug distributed;

(IV) quantity distributed from the pharmacy;

(V) initials or identification code of the pharmacist approving the distribution or licensed nurse or practitioner removing the drug from the pharmacy in the absence of a pharmacist;

(VI) time and date of administration to the patient;

(VII) quantity administered to the patient;

(VIII) wastage;

(IX) total quantity administered and wasted;

(X) returns to the pharmacy; and

(XI) If not immediately retrievable via CRT display, the following shall also be included on the printout:

(-a-) patient's address;

(-b-) prescribing practitioner's address; and

(-c-) practitioner's DEA registration number, if the medication order is for a controlled substance.

(iii) The daily hard-copy printout shall be produced within 72 hours of the date on which the prescription drug was administered and shall be maintained in a separate file at the facility. Records of controlled substances shall be readily retrievable from records of non-controlled substances.

(iv) Each individual pharmacist who approved or verified a distribution from the pharmacy shall verify that the data indicated on the daily printout concerning the distribution from the pharmacy is correct, by dating and signing such document in the same manner as signing a check or legal document (e.g., J.H. Smith, or John H. Smith) within seven days from the date of distribution.

(v) in lieu of the hard-copy printout described in subparagraph (G)(II) of this paragraph the pharmacy shall comply with the following.

(I) The pharmacy shall maintain a log book in which each individual pharmacist who approved or verified a distribution from the pharmacy shall sign a statement attesting to the fact that the information entered into the data processing system concerning the distribution from the pharmacy has been reviewed by him or her and is correct as entered. Pharmacists shall sign the log book according to the following schedule.

(-a-) In facilities with a full-time pharmacist, the log book shall be signed as soon as practical, but in no event more than three days from the date of distribution from the pharmacy.

(-b-) In facilities with a part-time or consultant pharmacist, the log book shall be signed after a reasonable interval, but in no event more than seven days from the date of distribution from the pharmacy.

(II) Such log book shall be maintained at the pharmacy employing such a system for a period of two years after the date of distribution from the pharmacy; provided, however, that the data processing system can produce a hard-copy printout on demand by an authorized agent of the Texas State Board of Pharmacy, the Texas Department of Public Safety, or DEA. If the printout cannot be printed immediately, a hard-copy printout shall be available within 48 hours with a certification by the individual providing the printout, which states that the printout is true and correct as of the date of entry and such information has not been altered, amended, or modified.

(vi) The data processing system shall be capable of producing a hard-copy printout of an audit trail of drug usage and wastage for any specified strength and dosage form of a drug (by either brand or generic name or both) during a specified time period.

(I) Such audit trail shall contain all of the information

required on the daily printout as set out in subparagraph (G)(II) of this paragraph.

(II) The audit trail required in this subparagraph shall be supplied by the pharmacy within 48 hours, if requested by an authorized agent of the Texas State Board of Pharmacy, Department of Public Safety, or DEA.

(H) Failure to maintain records. Failure to provide records set out in this subsection, either on site or within 48 hours for whatever reason, constitutes prima facie evidence of failure to keep and maintain records.

(I) Data processing system downtime. In the event that a hospital pharmacy which uses a data processing system experiences system downtime, the pharmacy must have an auxiliary procedure which will ensure that all of the drug distribution and administration data is retained for on-line data entry as soon as the system is available for use again.

(J) Limitation to one type of record keeping system. Records of drug usage shall be maintained either in a manual record keeping system or a data processing record keeping system.

(4) (No change.)

(5) Other records to be maintained by a pharmacy. Other records to be maintained by a pharmacy include:

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

(C) a hard-copy [copy] of the power of attorney to sign DEA 222C order forms (if applicable);

(D) suppliers' invoices of dangerous drugs and controlled substances; pharmacists or other responsible individuals shall verify that the controlled drugs listed on the invoices were actually received by [upon which is] clearly recording [recorded] their initials and the actual date of receipt of the [dangerous drug or] controlled substances; [and the initials of the pharmacist or other responsible individual who verified that the drugs listed on the invoices were actually received;]

(E) (No change.)

(F) a hard-copy of controlled substances inventories required by §291.17 of this title (relating to the Controlled Substances Inventory

Requirements) except that a perpetual inventory of controlled substances listed in Schedule II may be kept in a data processing system if the data processing system is capable of producing a hard-copy of the perpetual inventory on-site;

(G) hard-copy reports of surrender or destruction of controlled substances and/or dangerous drugs to an appropriate state or federal agency;

(H) a hard-copy Schedule V non-prescription register book;

(I) (No change.)

(J) a hard-copy [copy] of any notification required by the Texas Pharmacy Act or these rules, including, but not limited to, the following:

(i)-(iii) (No change.)

(6)-(7) (No change.)

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

Issued in Austin, Texas, on March 9, 1990.

TRD-9002606

Fred S. Brinkley, Jr.
Executive director
Texas State Board of
Pharmacy

Earliest possible date of adoption: April 16, 1990

For further information, please call: (512) 832-0661

Chapter 297. Vending Machines

• 22 TAC §297.1

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

The Texas State Board of Pharmacy proposes the repeal of §297.1, concerning the prohibition of vending machines. This proposed repeal of an existing section, if adopted, will delete this section from existing rules since requirements for use of automated dispensing machines have been proposed as amendments to Class A and Class C pharmacy rules.

Fred S. Brinkley Jr., executive director/secretary has determined that for the first five-year period the proposed 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. Brinkley 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 to establish minimum operational standards with must be met by all pharmacies, including standards for a pharmacy's employees involved in the dispensing of prescription drugs. There will be no effect on small businesses as a result of enforcing the repeal. There will be no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., Executive Director/Secretary, Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The repeal is proposed under Texas Civil Statutes, Article 4542a-1, §§5, 17, and 29, which provide the Texas State Board of Pharmacy with the authority to govern the practice of pharmacy and the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy must meet the qualify for licensing or relicensing as a pharmacy.

§297.1. Vending Machines Prohibited.

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

Issued in Austin, Texas, on March 9, 1990.

TRD-9002607 Fred S. Brinkley
Executive director/secretary
Texas State Board of
Pharmacy

Earliest possible date of adoption: April 16, 1990

For further information, please call: (512) 832-0661

Chapter 309. Generic Substitution

• 22 TAC §309.5

The Texas State Board of Pharmacy proposes an amendment to §309.5, concerning labeling requirements. The amendment to existing rules, if adopted, will set out the labeling requirements for a prescription carried out by a registered nurse or physicians assistant as allowed by House Bill 18 passed by the 71st Legislature.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the proposed 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. Brinkley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to indicate on the prescription label the registered nurse or physician assistants responsible for "carrying out" their prescription drug order. There will be no effect on small businesses as a result of

reinforcing the section. There will be no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §5, 17, 29, and 30, which provide the Texas State Board of Pharmacy with the authority to govern the practice of pharmacy and pharmacists and the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy must meet to qualify for licensing or relicensing as a pharmacy.

§309.5. *Labeling Requirements.* At the time of delivery of the drug, the dispensing container shall bear a label with at least the following information:

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

(11) if the pharmacist has selected a generically equivalent drug pursuant to the provisions of the Act, §40, the statement "Substituted for Brand Prescribed"; [and]

(12) the name of the registered nurse or physician assistant, if the prescription is carried out by a registered nurse or physician assistant in compliance with the Medical Practice Act, §3.06(d) (Texas Civil Statutes, Article 4495b); and

(13) [(12)] unless otherwise directed by the prescribing practitioner, the name and strength of the actual drug product dispensed.

(A)-(B) (No Change.)

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

Issued in Austin, Texas, on March 9, 1990.

TRD-9002608 Fred S. Brinkley
Executive director
Texas State Board of
Pharmacy

Earliest possible date of adoption: April 16, 1990

For further information, please call: (512) 832-0661

Part XXVII. Board of Tax Professional Examiners

Chapter 621. Administration

• 22 TAC §621.1

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Board of Tax Professional Examiners or in the Texas Register office, Room 245, James Earl

Rudder Building, 1019 Brazos Street, Austin.)

The Board of Tax Professional Examiners proposes the repeal of §621.1, concerning administration. The section relates to delegation of authority from the board to the executive director.

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

Mr. Smith 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 more cost-effective operation of a state licensing agency by repeal of this section and adoption of a revised section adapted to current operational necessity. 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 Sam H. Smith, Executive Director, Board of Tax Professional Examiners, 4301 Westbank Drive, Building B, Suite 140, Austin, Texas 78746-6565, (512) 329-7981.

The repeal is proposed under Texas Civil Statutes, Article 7244b, as amended by the Property Taxation Professional Certification Act of the 68th Legislature, which provide the Board of Tax Professional Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§621.1. Powers and Duties.

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

Issued in Austin, Texas, on March 14, 1990.

TRD-9002770 Sam H. Smith
Executive Director
Board of Tax Professional
Examiners

Earliest possible date of adoption: April 20, 1990

For further information, please call: (512) 329-7981

The Board of Tax Professional Examiners proposes new §621.1, concerning administration. The section relates to delegation of authority from the board to the executive director.

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

Mr. Smith 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 more cost-effective operation of a state licensing agency. 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 Sam H. Smith, Executive Director, Board of Tax Professional Examiners, 4301 Westbank Drive, Building B, Suite 140, Austin, Texas 78746-6565, (512) 329-7981.

The new section is proposed under Texas Civil Statutes, Article 7244b, as amended by the Property Taxation Professional Certification Act of the 68th Legislature, which provide the Board of Tax Professional Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§621.1. Powers and Duties.

(a) The following powers and duties authorized by statute to be bestowed upon and performed by the Board of Tax Professional Examiners are hereby delegated to the executive director of the Board of Tax Professional Examiners:

- (1) receive and account for all money derived;
- (2) pay state treasurer;
- (3) keep records of board meetings;
- (4) make records of meetings and other open records available to the public;
- (5) maintain records of registrants;
- (6) accept or deny applications; register, classify and re-classify applicants accepted; assign base dates to registrants; and approve or disapprove requests for extensions to requirement deadlines in accordance with board policy;
- (7) mail notices to all registrants regarding renewal;
- (8) establish reinstatement procedure for non-payment of renewal fee;
- (9) design and determine the content of application forms;
- (10) negotiate and sign interagency agreements and contracts related to the administrative support of board operations;
- (11) initiate proceedings to ensure compliance with law and these rules;
- (12) schedule examination sessions and examine registrants with testing instruments approved by the board; and
- (13) issue certificates to persons certified by the board and letters of recertification to persons recertified by the board.
- (14) cancel registration for failure to meet requirements.

(b) The foregoing powers and duties of the executive director may be performed by the staff under the direction and control of the executive director.

(c) Decisions of the executive director which affect a registrant's status may be appealed, in writing, to the board as outlined in board policies and 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 March 7, 1990.

TRD-9002452 Sam H. Smith
Executive Director
Board of Tax Professional Examiners

Earliest possible date of adoption: April 20, 1990

For further information, please call: (512) 329-7981

Chapter 623. Registration and Certification

• 22 TAC §§623.1-623.18

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

The Board of Tax Professional Examiners proposes the repeal of §§623.1-623.18, concerning registration and certification. The sections relate to requirements, in education, experience, and examinations, for being certified by the state to perform property taxation functions, said requirements having been adopted in 1983.

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

Mr. Smith also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals as proposed will be improved performance of property tax appraisers, assessors, and collectors and thus better service to all who pay or benefit from property taxes by repeal of these sections and adoption of revised, updates certification requirements. There will be no effect on small businesses as a result of enforcing the repeals. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Sam H. Smith, Executive Director, Board of Tax Professional Examiners, 4301 Westbank Drive, Building B, Suite 140, Austin, Texas 78746-6565, (512) 329-7981.

The repeals are proposed under Texas Civil Statutes, Article 7244b, as amended by the Property Taxation Professional Certification Act of the 68th Legislature, which provide the Board of Tax Professional Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§623.1. Registration: General.

§623.2. Eligibility to Register.

§623.3. Persons Required to Register.

§623.4. Persons Permitted to Register.

§623.5. Use of Titles.

§623.6. Classification of Registrants.

§623.7. Field of Work.

§623.8. Qualification for Certification as Registered Professional Appraiser (RPA).

§623.9. Qualification for Certification as Registered Texas Assessor/Collector (RTA).

§623.10. Qualification for Certification as Registered Texas Collector (RTC).

§623.11. Reclassification.

§623.12. Recertification.

§623.13. Base Date Adjustment in Classification.

§623.14. Special Certification.

§623.15. Certification and Recertification: General.

§623.16. Adjustment of Time Requirements.

§623.17. Education Course Examination in Lieu of Attendance.

§623.18. Notification Responsibilities of Registrant.

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

Issued in Austin, Texas, on March 14, 1990.

TRD-9002769 Sam H. Smith
Executive Director
Board of Tax Professional Examiners

Earliest possible date of adoption: April 20, 1990

For further information, please call: (512) 329-7981

• 22 TAC §§623.1-623.16

The Board of Tax Professional Examiners proposes new §§623.1-623.16, concerning registration and certification. The new sections relate to requirements, in education,

experience, and examinations, for being certified by the state to perform property taxation functions.

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

Mr. Smith also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals as proposed will be improved performance of property tax appraisers, assessors, and collectors and thus better service to all who pay or benefit from property taxes. There will be no effect on small businesses as a result of enforcing the repeals. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Sam H. Smith, Executive Director, Board of Tax Professional Examiners, 4301 Westbank Drive, Building B, Suite 140, Austin, Texas 78746-6565, (512) 329-7981.

The new sections are proposed under Texas Civil Statutes, Article 7244b, as amended by the Property Taxation Professional Certification Act of the 68th Legislature, which provide the Board of Tax Professional Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§623.1. Registration: General.

(a) Persons required by law to register with the board shall register by proper application submitted to the administrative office of the board in Austin, on a form provided by the board, or on an exact copy of the board form. The applicant's signature on the form shall be notarized.

(b) Persons required by law to register with the board shall be responsible for submitting an application to the board directly or for ensuring that their employer submits the application.

(c) Employers of persons required by law to register with the board shall be responsible for informing those employees of that requirement and assisting employees in registering.

(d) All applications for registration shall be accompanied by the code of ethics sworn to and signed by the applicant and the application shall contain a check or money order sufficient to pay the application fee and the registration fee set by statute.

§623.2. Eligibility to Register. To be registered an applicant must be:

- (1) at least 18 years of age;
- (2) a resident of the State of Texas;
- (3) a person of good moral character;

(4) a graduate of an accredited high school or holder of or high school graduation equivalency.

(5) actively engaged in appraisal, assessing/collecting, or collecting for an appraisal district, tax office, or private firm working for an appraisal district or tax office.

§623.3. Persons Required to Register. Persons required to register or permitted to register shall be those required by law to register. Those required to register are:

(1) all chief appraisers, appraisal supervisors and assistants, property tax appraisers, appraisal engineers, and other persons with authority to propose, render judgment on, recommend, or certify appraised values to an appraisal review board;

(2) all persons engaged in appraisals of real or personal property for ad valorem tax purposes for an appraisal district. This includes appraisers and appraisal supervisors in private firms which provide appraisal services to appraisal districts under contract;

(3) the tax assessor/collector or collector, or other person designated by the governing body of the taxing unit, that is responsible for either assessment functions or collection functions, or both, and other persons in assessment or collections positions of responsibility as determined by the chief administrator of the unit's tax office.

(A) Each political subdivision of the state (county, city, school district, special district) which levies a property tax or is employed to levy a property tax shall have at least one individual (normally the assessor/collector) who shall be required to register. If a taxing unit designates another official as the one primarily responsible for performing functions described in the Texas Property Tax Code, Title I, Chapter 26, then the chief administrator of the taxing unit (county judge, mayor, superintendent, director, or other) shall notify the board of the position and the name of the substituted official, and that individual shall register.

(B) The chief administrator of the tax office shall determine which additional persons in the office are responsible to exercise supervisory judgment and to ensure the use of proper methods and compliance with state law in regard to either assessment functions (the Texas Property Tax Code, Title I, Chapter 26) or collections functions (the Texas Property Tax Code, Title I, Chapters 31 and 33). Persons in these categories, in addition to the chief administrator of the tax office, shall register with the board.

(C) If a political subdivision

which is empowered to levy a property tax has no official performing either assessment or collections functions because both types of functions are performed by another governmental unit(s), then no person in that political subdivision will be required to register. However, the chief administrator of that political subdivision shall provide the board with a copy of the contract(s) which indicate that the political subdivision has no official who is responsible for assessment or collections functions.

§623.4. Persons Permitted to Register. No person shall be permitted to register who is not required to register. There shall be no registration categories involving associates, non-participating, etc. Registrants must be actively engaged in appraising, assessing/collecting, or collecting for an appraisal district or taxing unit in the state.

§623.5. Use of Titles.

(a) Titles assigned to persons in classifications established by board rules are assigned for purposes of administering the law. The final or certification titles assigned are:

- (1) registered professional appraiser (RPA);
- (2) registered Texas assessor/collector (RTA);
- (3) registered Texas collector (RTC).

(b) Persons who lose eligibility to register shall not be assigned a title and shall not use any title which has been previously assigned by the board; except that a person who has been certified RPA, RTA, or RTC and who has retired from the property tax profession under an official plan or arrangement may use the title "RPA (ret)", or "RTA (ret)", or "RTC (ret)" in any manner in which titles, degrees, certifications, etc. are normally used. Retirees shall not use one of these titles in connection with post-retirement employment which involves actual or potential conflict of interest between duties involved in that employment and the duties of persons active in the property tax profession.

(c) Former registrants may cite the classifications assigned to them, when they were registered, for any legitimate purpose.

§623.6. Classification of Registrants.

(a) The classification of the registrant shall be stamped or printed in large letters on the registration card required to be carried by each registrant. The classifications shall be as follows:

- (1) Class I-appraiser;
- (2) Class I-assessor/collector;
- (3) Class I-collector;

- (4) Class II-appraiser;
- (5) Class II-assessor/collector;
- (6) Class II-collector;
- (7) Class III-appraiser;
- (8) Class III-assessor/collector;
- (9) Class III-collector or registered Texas collector (RTC);
- (10) Class IV-appraiser or registered professional appraiser (RPA);
- (11) Class IV-assessor/collector or registered Texas assessor/collector (RTA).

(b) The date of expiration of the registration shall appear on the registration card.

(c) Classification and reclassification shall be based on field of work and on experience, education, and examination by the board.

§623.7. Field of Work.

(a) Each applicant shall be classified into and certified in either the field of appraisal, assessing/collecting, or collections based on duties and responsibilities in an appraisal district or tax office. A registrant who has qualifying duties and responsibilities in more than one field shall be classified into and certified in each of those fields.

(b) A registrant may complete course work in any field and it will be made a matter of record and credited for five years toward reclassification requirements should the registrant change fields or become engaged in an additional field.

§623.8. Qualifications for Certification as Registered Professional Appraiser (RPA).

(a) The person accepted and registered in the field of appraisal will be initially designated as Class I-appraiser, and must qualify for Class II-appraiser at a date no later than one year after the date of registration. To qualify for Class II-appraiser the registrant must:

- (1) complete one year of experience in appraising for property tax purposes;
- (2) pass an education course approved by the board in the Texas property tax system and pass an education course approved by the board in introduction to appraisal.

(b) The registrant who is designated as Class II-appraiser must qualify for Class III-appraiser at a date no later than two years after the date of designation as Class II-appraiser. To qualify for Class III-appraiser the registrant must:

- (1) complete three years of experience in appraising for property tax purposes;

(2) pass education courses approved by the board in each of the following subjects:

- (A) cost approach to value;
- (B) market approach to value;
- (C) income approach to value; and
- (D) appraisal of personal property;

(3) pass a Class III-appraisal board examination on the property tax system and basic appraisal theory, methods, and techniques.

(c) The registrant who is designated as Class III-appraiser must qualify for Class IV-appraisal (certification as registered professional appraiser) at a date no later than two years after the date of designation as Class III-appraiser. To qualify for Class IV-appraiser (RPA) the registrant must:

- (1) complete five years of experience as an appraiser for property tax purposes;
- (2) pass an approved education course in mass appraisal;
- (3) pass an approved education course in property tax law;
- (4) submit one demonstration appraisal acceptable to the board, following an outline provided by the board, for an income producing commercial or industrial property.

(5) pass a Class IV-appraisal (RPA) comprehensive board examination on appraisal and related aspects of property taxation in Texas.

§623.9. Qualifications for Certification as Registered Texas Assessor/Collector (RTA).

(a) The person accepted and registered in the field of assessing/collecting will be initially designated as Class I-assessor/collector and must qualify for Class II-assessor/collector at a date not more than one year after the date of registration. To qualify for Class II-assessor/collector, the registrant must:

- (1) complete one year of experience in assessing/collecting;
- (2) pass an education course approved by the board in the Texas property tax system and pass an education course approved by the board in introduction to appraisal.

(b) The registrant who is designated as Class II-assessor/collector must qualify for Class III-assessor/collector at a date no later than two years after the date of designation as Class II-assessor/collector. To qualify for Class III-assessor/collector the registrant must:

qualify for Class II-assessor/collector. To qualify for Class III-assessor/collector, the registrant must:

- (1) complete three years experience in assessing/collecting;
- (2) pass an approved education course in basics of property tax assessment and collections;
- (3) pass an approved education course in Texas property tax law;
- (4) pass an approved advanced education course in property tax collections;
- (5) pass a Class III-assessing/collecting board examination on the property tax system and basic assessment and collections law, theory, methods, and techniques.

(c) The registrant who is designated as Class III-assessor/collector must qualify for Class IV-assessor/collector (certification as registered Texas assessor/collector (RTA)) at a date not later than two years after the date of designation as Class III-assessor/collector. To qualify for Class IV-assessor/collector (RTA), the registrant must:

- (1) complete five years of experience in assessing/collecting;
- (2) pass an approved education course in property tax administration.
- (3) pass two approved elective education courses in property taxation or in subjects related to property taxation.
- (4) pass a Class IV-assessing/collecting (RTA) comprehensive board examination on assessment and collections and related aspects of property taxation in Texas.

§623.10. Qualifications for Certification as Registered Texas Collector (RTC).

(a) The person who is accepted and registered as a collector will be initially designated as Class I-collector, and must qualify for Class II-collector at a date no later than one year after the date of registration. To qualify for Class II-collector the registrant must:

- (1) complete one year of experience in collecting property taxes;
- (2) pass an education course approved by the board in the Texas property tax system and pass an education course approved by the board in introduction to appraisal.

(b) The registrant who is designated as Class II-collector must qualify for Class III-collector (certification as registered Texas collector) (RTC) at a date not more than two years after the date of designation as Class II-collector. To qualify for registered Texas collector (RTC), the registrant must:

(1) complete three years of experience in collecting property taxes:

(2) pass an education course approved by the board in basics of property tax assessment and collections;

(3) pass an education course approved by the board in property tax law;

(4) pass an advanced education course approved by the board in property tax collections;

(5) pass an education course approved by the board in property tax administration;

(6) pass a Class III—collections (RTC) comprehensive examination on collections and related aspects of property taxation in Texas.

§623.11. Reclassification.

(a) Registrants shall be reclassified on the basis of meeting requirements for higher classifications or certification in their particular fields (appraising, assessing/collecting, collections).

(b) Registrants shall also be considered for reclassification whenever their duties at their places of employment change from one of the three property tax fields to another or a field is added to job responsibilities.

(1) Registrants shall advise the board whenever their duties and responsibilities change from one field to the other or they assume duties in an additional field, stating the date of the change, the new job title and duties, responsibilities, and the fields to which all duties performed are related.

(2) On receipt of change information, the board shall evaluate the registrant's file and assign the registrant to the proper classification in the appropriate field or fields and advise the registrant who submitted the change information of the new field(s), the classification(s) assigned, and requirements for advancing to certification.

(c) Registrants who change fields after being certified in one field shall advise the board of the change in duties and responsibilities and the current field of endeavor. The board shall evaluate information in the registrant's file, reclassify the registrant to the appropriate field, and advise the registrant of the classification assigned in that field and the requirements for advancing to certification in the new field.

§623.12. Recertification.

(a) Certification as a registered professional appraiser (RPA) or as a registered Texas assessor/collector (RTA) must be renewed on the fifth anniversary date of certification and on each fifth anniversary

of recertification so long as the registrant is employed under conditions which require registration with the board. To be recertified as an RPA or an RTA the registrant must:

(1) be active in the field of appraising or assessing/collecting, and renew registration annually with the board for a period of five years (or periods totaling five years) from the date of certification or the date of the last recertification; and

(2) be awarded not less than 60 continuing education units (CEUs) during that five-year period.

(b) One CEU shall be one class hour in an examined education course approved by the board, which is within or related to a field of property taxation. For unexamined courses, workshops, seminars, institutes, the educational sessions of conferences and conventions, publication of property tax related books or articles, teaching property tax education courses, or other property tax activities of an educational nature, the executive director shall assign a number of CEUs to be awarded based on board policies.

(c) A registrant who has been accepted or programmed for retirement shall not be subject to recertification requirements within six months of the established retirement date.

(d) Registrants seeking recertification shall file with the board evidence of course completions, attendance at educational activities, publication, teaching, or other activity for which they feel they should be granted CEU credits. The board shall advise registrants, on the annual renewal notice, of the number of CEUs awarded.

(e) All evidence of passing or auditing an education course must be in the form of a certificate, official letter, or transcript entry pertaining to the individual registrant. Group rosters shall not be accepted for education courses. However, only rosters will be accepted by the board for seminars, workshops, and other non-course, unexamined group activities. For such an activity, the activity sponsor must submit a consolidated roster on board forms and in accordance with board procedures.

§623.13. Base Date Adjustment in Classification.

(a) Each person registering with the board shall be assigned a base date by the director, which shall normally be the date the application for registration is approved. The director may adjust this date backward to give experience credit for closely related experience or for college education; but in no case shall a person be certified as RPA or RTA who has less than three years actual experience in property taxation in Texas, or certified as an RTC with less than two years experience in a collections office in Texas.

(b) The bases for granting base date credit shall be specified in board policies.

§623.14. Certification and Recertification: General.

(a) The award or crediting of continuing education units (CEUs) shall be at the discretion of the executive director acting for the board and shall not be subject to appeals of registrants or other parties.

(b) The evaluation of completed examinations or of any papers, demonstration appraisals, projects, or any instrument used by the board to classify or certify registrants is the prerogative of the board or the executive director acting for the board and shall not be subject to appeals of registrants or other parties.

(c) Approval of pre-certification courses shall be by vote of the board.

(d) Continuing education units awarded for unexamined courses, workshops, seminars, and similar educational activities shall be as determined by the executive director under general guidance* from the board as expressed in board policies.

(e) Reexamination of registrants shall be permitted as listed in paragraphs (1)-(4) of this subsection. All reexaminations shall be on application of the registrant.

(1) Class III examination (appraisal) or Class III examination (assessing/collecting). A registrant who fails the first time must be reexamined within 90 days of the date of the examination. A registrant who fails the second time or does not re-take the examination, shall have the registration canceled and may apply for re-registration two years after the date of the last failure.

(2) Class III examination (collections). This is a certification examination for the collections field. A registrant who fails the first time must be reexamined within 90 days of the date of the examination. A registrant who fails the second time must be reexamined within 60 days of the date of the second examination. A registrant who fails the third time or who fails to take the second or third examination shall have the registration canceled and may apply for re-registration two years after the date of the last failure.

(3) Class IV examination (appraisal) and Class IV examination (assessing/collecting). These are certification examinations. A registrant who fails the first time shall be reexamined within six months of the date of the first examination. A registrant who fails the second time shall be examined within six months of the second examination. A registrant who fails a Class IV examination the third time shall have the registration canceled and may apply for registration two years from the date

of the last failure.

(f) All examinations shall be closed book and shall be completed without reference to any material other than the material included in the examination document itself. The use of any other written material, or verbal communication with any party, as an aid in answering the examination questions (as determined by a proctor of the examination) shall be grounds for dismissal from the examination and cancellation of registration.

(g) Each registrant who sits for an examination administered by the board, after completing the examination, shall be afforded the opportunity of comparing an answer key with his or her examination paper in such a manner as to preclude the transposition of answers in the key to the examination paper.

(h) Under no circumstances shall a registrant be certified, re-classified, or re-certified until all requirements expressed in these rules and in written board policy for certification, re-classification, or recertification have been met.

(i) The board file of examinations shall be maintained by the executive director in the board offices. The only parties authorized access to examinations shall be proctors and registrants in the examination process, board members for review, and approval purposes in executive session of the board and the executive director.

(j) All examinations shall be proctored by the executive director and by a member of the board designated by the board chairman when required by board policies.

(k) A person who has been certified or similarly recognized as competent to practice in property taxation by another state of the United States may request certification from the board. The board shall, upon application for registration, evaluate the applicant's qualifications and determine his or her classification, except that no applicant in this category shall be certified as a registered professional appraiser or a registered Texas assessor/collector unless he or she is administered and passes the Class IV (appraisal) or Class IV (assessment/collections) examination, or both, as appropriate, and completes at least two years of experience in property taxation in Texas.

§623.15. Adjustment of Time Requirements.

(a) The executive director, acting for the board shall grant time extensions to registrants who fail to meet requirements for re-classification or certification in specified times only for good cause, this consisting generally of causes or conditions which are unusual, severe, and beyond the control of the registrant (for example serious, prolonged illness). Extensions shall not

be granted on the basis of local work situations, cancellations of course offerings, or other conditions which affect all registrants.

(b) A request for an extension of a time limit shall be submitted to the board in writing with detailed justification for the request and medical or other evidence to support the request.

(c) The length of extensions of time requirements may vary with individual cases but in no case shall an extension or extensions exceed one year over the five years in which the registrant should achieve certification or recertification as registered professional appraiser (RPA) or registered Texas assessor/collector (RTA), or exceed six months over the three years in which the registrant should achieve certification as registered Texas collector (RTC).

(d) If the registrant does not meet requirements for re-classification, certification, or recertification within the time granted by an extension or extensions then the registration shall be canceled.

§623.16. Notification Responsibilities of Registrant.

(a) Each registrant is responsible for notifying the board in writing of any changes in status which affect registration, classification, or recertification. The registrant shall notify the board of the following:

- (1) change in property tax field;
- (2) change in place of employment or business address;
- (3) change in occupation, i.e., leaving property tax profession;
- (4) resignation, separation, or retirement from appraisal district office, tax office, or firm working for an appraisal district office or tax office.
- (5) education courses completed and, if certified, other educational activities completed;
- (6) degrees or certificates awarded in college programs;
- (7) any other changes which affect the registrant's status as to registration, classification, certification, or recertification.

(b) The board shall not be responsible for errors in registration, classification, certification, or recertification when the errors are caused by failure of a registrant to timely notify the board of changes in the status of the registrant.

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

Issued in Austin, Texas, on March 7, 1990.

TRD-9002453

Sam H. Smith
Executive Director
Board of Tax Professional
Examiners

Earliest possible date of adoption: April 20, 1990

For further information, please call: (512) 329-7981

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 1. General Administration

Subchapter B. Fees, Charges, and Costs

• 28 TAC §1.301

The State Board of Insurance proposes the repeal of §1.301, concerning cost of copies of and access to public records. The repeal of this section is necessary to enable the board simultaneously to adopt a new section, which replaces the repealed section with similar provisions, to establish procedures for charges for open records information pursuant to the regulations of the State Purchasing and General Services Commission. Notification appears elsewhere in this issue of the *Texas Register* of the proposed new section which replaces this repealed section.

Susan Grotevant, deputy insurance commissioner for administrative services, 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. There will be no effect on local employment or local economy.

Ms. Grotevant also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to establish a charge equivalent to the expense of production for copies and to inform regulated entities and other interested persons of the amount of this change so that efficient dissemination of information and material can proceed. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Judy Irvin, Assistant General Counsel, State Board of Insurance, Mail Code 000-1, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The repeal is proposed under the Insurance Code, Article 4.07, which provides that the State Board of Insurance shall set and collect a charge for making copies of any record in an amount deemed sufficient to reimburse the state for the actual expense, and under Texas Civil Statutes, Article 6252-17a, which provide that charges for information under the Texas Open Records Act will be established by agencies subject to the rules and regulations of the State Purchasing and General Services Commission.

§1.301. Cost of Copies of and Access to Public Records.

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

Issued in Austin, Texas, on March 13, 1990.

TRD-9002741 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: April 20, 1990

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

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• 28 TAC §1.301, §1.302

The State Board of Insurance proposes new §1.301 and an amendment to §1.302, concerning the cost of copies of and access to public and non-public records of the board and charges for specified publications and insurance-related legislation. The proposal of new §1.301, concerning cost of copies of and access to public and non-public records, is simultaneous with the proposed repeal of §1.301, concerning cost of copies and access to public records. Notice of the proposed repeal appears elsewhere in this issue of the *Texas Register*. The new section and amendment are necessary to establish procedures for charges for open records information pursuant to the regulations of the State Purchasing and General Services Commission and to establish charges which reflect changes in the costs of producing copies of certain publications. New §1.301 defines the method by which costs for copies of public and non-public records will be determined within the agency pursuant to the rules of the State Purchasing and General Services Commission. The amendment to §1.302 increases the charge for certain specified publications and includes charges for additional publications.

Susan Grotevant, deputy insurance commissioner for administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections. There will be no effect on local employment or local economy.

Ms. Grotevant also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to establish a charge equivalent to the expense of production for copies and to inform regulated entities and other interested persons of the amount of this charge so that efficient dissemination of information and material can proceed. There will be effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Judy Irvin, Assistant General Counsel, State Board of Insurance, Mail Code 000-1, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section and amendment are proposed under the Insurance Code, Article 4.07, which provides that the State Board of Insurance shall set and collect a charge for making copies of any record in an amount

deemed sufficient to reimburse the state for the actual expense, and under Texas Civil Statutes, Article 6252-17a, which provide that charges for information under the Texas Open Records Act will be established by agencies subject to the rules and regulations of the State Purchasing and General Services Commission.

§1.301. *Cost of Copies of and Access to Public and Non-public Records.*

(a) The costs of copies of and access to public records requested under Texas Civil Statutes, Article 6252-17a (the Open Records Act), will be governed by the most current rules of the State Purchasing and General Services Commission (SP&GSC) covering such costs. All agency personnel who are responsible for the furnishing of copies to the public under the Open Records Act will coordinate the determination of costs within the agency for research, copying oversized documents, or other non-standard costs with the records administrator who will coordinate such costs with the SP&GSC in accordance with the regulations promulgated by that agency. The records administrator will monitor agency costs to make certain that the charges allowed by the SP&GSC regulations reflect the true costs of the agency within the limits prescribed by those regulations.

(b) In order to provide for uniformity of records costs, the costs for non-public records which may be released only to specified persons will be the same costs established for Open Records Act copies following the procedure set forth in subsection (a) of this section.

(c) The specified publications referred to in other sections of this subchapter will be provided at the costs specifically set forth in those sections.

(d) Certifications under official seal covered by §7.1301 of this title (relating to Regulatory Fees) will be furnished at the charge set forth in that section. All other certified documents will be furnished at actual cost, to be determined by the records administrator of the State Board of Insurance.

(e) Sales tax will be charged only on regular publications routinely provided by the agency, where the costs for sales tax is specifically indicated.

(f) There is no cost for personnel time in making records available for public inspection under the Open Records Act, §9A.

(g) If the agency agrees to mail requested copies, a charge for postage costs will be made, which will be the actual cost for mailing the documents.

§1.302. *Charge for Specified Publications.*

(a) The costs for all forms and miscellaneous publications not specif-

cally named in this subchapter will be coordinated through the records administrator as provided for in §1.301 of this title (relating to Cost of Copies of and Access to Public and Non-Public Records).

(b) The following are charges for specified board publications. The cost includes postage, but does not include sales tax.[:]

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

(5) workers' compensation bulletins—\$9.00 [\$6.00] per annum;

(6)-(7) (No change.)

(8) list of insurance companies licensed to do business in Texas—\$12 per annum [\$4.00 per copy];

(9) supplements to list of insurance companies licensed to do business in Texas—\$12 [\$10] per annum;

(10) property and casualty insurance premiums, losses, and dividends—\$5.00 per copy;

(11) annual statement diskette filing specifications—\$7.00 per copy;

(12) Texas title insurance agents statistical report—\$5.00 per copy;

(13) rules of practice and procedure before the State Board of Insurance and the commissioner of insurance—\$2.00 per copy; and

(14)[(11)] list of cities and towns—\$3.00 per copy.

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

Issued in Austin, Texas, on March 13, 1990.

TRD-9002740 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: April 20, 1990

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

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Subchapter C. Maintenance Taxes

• 28 TAC §1.408

The State Board of Insurance proposes new §1.408, concerning assessment of maintenance taxes for 1990. New §1.408 was adopted on an emergency basis and became effective on December 15, 1989. Notice of the emergency adoption appeared in the December 22, 1989, issue of the *Texas Register* (14 TexReg 6709). This new section is necessary in order to record rates of assessment for 1990 for maintenance taxes which the Insurance Code and the Texas Health Maintenance Organization Act require the board to determine annually on various types of insurance and related activities. Timely payment of the taxes is necessary to

provide adequate support for the proper functioning of administrative regulation of insurance and related activities in Texas. The new section assesses maintenance taxes for 1990 on the basis of gross premiums for calendar year 1989 or on some other statutorily designated basis. New §1.408 sets rates of assessment, and applies those rates to life, accident, and health insurance; motor vehicle insurance; casualty and fidelity insurance and guaranty and surety bonds; fire and allied lines insurance, including inland marine; workers' compensation; title insurance; health maintenance organizations; third party administrators; and corporations issuing prepaid legal services contracts.

Ken Ramoin, director of accounting and tax collection, 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. There will be no effect on local employment or local economy.

Mr. Ramoin 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 promulgation of a rate of assessment which will facilitate the proper collection of maintenance taxes to maintain the State Board of Insurance. The effect on small businesses as a result of enforcing the section will be payment of the tax at the rate specified. There is no difference in cost of compliance for large or small businesses based on cost per \$100 of sales. The anticipated economic cost to persons who are required to comply with the section as proposed will be payment of the tax at the rate specified. The amount of tax will depend on the type and amount of insurance written or business done.

Comments on the proposal may be submitted to Travis Woodland, Manager of Accounting, Mail Code 009-3, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section is proposed under the Insurance Code, Articles 4.17, 5.12, 5.24, 5.49, 5.68, 9.46, 21.07-6, and 23.08; and the Texas Health Maintenance Organization Act, §33, which provides authorization for the State Board of Insurance to assess maintenance taxes for the lines of insurance and related activities specified in §1.408.

§1.408. Assessment of Maintenance Tax, 1990.

(a) The following rates for maintenance taxes are assessed on gross premiums of insurers as delineated in this section for the calendar year 1989 for the lines of insurance specified:

(1) for motor vehicle insurance, pursuant to the Insurance Code, Article 5.12, the rate is .133 of 1.0%;

(2) for casualty and fidelity insurance and guaranty and surety bonds, pursuant to the Insurance Code, Article 5.24, the rate is .318 of 1.0%;

(3) for fire insurance and allied lines, including inland marine, pursuant to the Insurance Code, Article 5.49, the rate is .711 of 1.0%.

(4) for workers' compensation, pursuant to the Insurance Code, Article 5.68, the rate is .467 of 1.0%; and

(5) for title insurance, pursuant to the Insurance Code, Article 9.46, the rate is .464 of 1.0%.

(b) The rate for the maintenance tax to be assessed on gross premiums for the calendar year 1989 for life, accident, and health insurance, pursuant to the Insurance Code, Article 4.17, is .040 of 1.0%.

(c) The following rates for maintenance taxes are assessed for the calendar year 1989 for the entities specified:

(1) for health maintenance organizations, pursuant to the Texas Health Maintenance Organization Act, §33, the rate is \$.61 per enrollee for single service health maintenance organizations and \$1.21 per enrollee for basic health care service health maintenance organizations;

(2) for third party administrators, pursuant to the Insurance Code, Article 21.07-6, the rate is 1.000 of 1.0% of the correctly reported gross amount of administrative or service fees; and

(3) for corporations issuing prepaid legal service contracts, pursuant to the Insurance Code, Article 23.08, the rate is 1.000 of 1.0% of correctly reported gross revenues.

(d) The taxes assessed under subsection (a) of this section shall be due and payable to the State Board of Insurance as follows: 50% on March 1, 1990, or on the date upon which the annual statement for such insurer is required to be filed during 1990 with the State Board of Insurance; and 50% on September 15, 1990. This subsection shall not apply to those insurers whose maintenance tax liability for the previous tax year was less than \$2,000 on each of the lines of insurance specified in the Insurance Code, Articles 5.12, 5.24, 5.49, 5.68, and 9.46. Insurers not qualified to remit maintenance taxes on a semiannual basis shall remit 100% of such taxes on March 1, 1990, or on the date upon which the annual statement for such insurer is required to be filed during 1990 with the State Board of Insurance.

(e) Taxes assessed under subsections (b) or (c) of this section shall be due and payable to the State Board of Insurance as follows: 50% on March 1, 1990, or the date upon which the annual statement for such insurer is required to be filed during 1990 with the State Board of Insurance; and 50% on September 15, 1990.

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

Issued in Austin, Texas on March 13, 1990.

TRD-9002739

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: April 20, 1990

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

Chapter 7. Corporate and Financial Regulation

Subchapter J. Examination Expenses and Assessments

• 28 TAC §7.1008

The State Board of Insurance proposes new §7.1008, concerning rates of assessments and charges to meet the expenses of examining insurance companies in 1990. Section 7.1008 was adopted on an emergency basis and became effective on December 29, 1989. Notice of the emergency adoption appeared in the January 5, 1990, issue of the *Texas Register* (15 TexReg 70). This new section is necessary to provide rates of assessment and charges sufficient to meet the expenses of performing the board's statutory responsibilities for examining insurance companies. Under the proposed section, the board levies rates of assessment and collects from each domestic insurance company on the basis of admitted assets and gross premium receipts for the 1989 calendar year, and from each foreign insurance company under examination during the 1990 calendar year on the basis of a percentage of the gross salary the board paid to an examiner for each month or part of a month during the examination. The expenses and charges assessed under authority of this section are additional to and not in lieu of any other charge which may be made under law, including the Insurance Code, Article 1.16. The commissioner of insurance has certified the rates of assessment and charges set out in this section to be just and reasonable.

Ken Ramoin, director of accounting and tax collection, 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. There will be no effect on local employment or local economy.

Mr. Ramoin 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 adoption of a rate of assessment to meet the expenses of examination and of administering the laws relating to examinations. For the effect on small businesses there is no anticipated cost of compliance with the section as proposed other than what is specified in this notification for all persons required to comply with this proposed section. There will be no difference between small and large businesses in rates of assessments or other costs of compliance except for the \$25 minimum charge specified in the proposed section. The anticipated economic cost to persons who are required to comply with the section as proposed is dependent on the amount of assessment against each company. In the case of domestic companies, this is dependent on rates as applied to the admitted assets and gross premium receipts in 1989. In the case of foreign insurers, it will depend on whether the company is examined by Texas examiners,

on the gross salary of the examiners, and on the time necessary for the examination.

Comments on the proposal may be submitted to Nicholas Murphy, Chief Clerk, Mail Code 000-1, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section is proposed under the Insurance Code, Article 1.16, which authorizes and requires the State Board of Insurance to make assessments and charges to meet all expenses and disbursements required by law and necessary to comply with the provisions of the Insurance Code, Articles 1.16-1.18, relating to the examination of insurance companies.

§7.1008. Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1990.

(a) Foreign insurance companies examined during the 1990 calendar year shall pay for examination expenses according to the overhead rate of assessment specified in this subsection in addition to all other payments required by law including, but not limited to, the Insurance Code, Article 1.16. Each foreign insurance company examined shall pay 38% of the gross salary paid to each examiner for each month or partial month of the examination in order to cover the examiner's longevity pay, state contributions to retirement and social security matching expenses, and the state-paid portion of insurance premiums and vacation and sick leave accrual. The overhead assessment will be levied with each month's billing.

(b) Domestic insurance companies shall pay according to this subsection and rates of assessment herein for examination expenses as provided in the Insurance Code, Article 1.16.

(1) The actual salaries and expenses of the examiners allocable to such examination shall be paid. The annual salary of each examiner is to be divided by the total number of working days in a year, and the company is to be assessed that part of the annual salary attributable to each working day the examiner is examining the company. The expenses assessed shall be those actually incurred by the examiner to the extent permitted by law.

(2) An overhead charge to cover the cost of administrative departmental expenses attributable to examination of companies shall be paid and computed as follows:

(A) 0.00606 of 1.0% of the admitted assets of the company as of December 31, 1989; and

(B) 0.01709 of 1.0% of the gross premium receipts of the company for the year 1989.

(3) If the overhead charge, as computed under paragraph (2)(A) and (B) of this subsection, produces an overhead assessment of less than \$25, a minimum overhead assessment of \$25 shall be levied and collected.

(4) The overhead assessments are based on the assets and premium receipts reported in the annual statements, except where there has been an understating of assets and/or premium receipts.

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

Issued in Austin, Texas, on March 14, 1990.

TRD-9002767 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: April 20, 1990

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

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Chapter 25. Insurance Premium Finance

Subchapter H. Annual Reports, Examinations, and Assessments

• **28 TAC §25.714**

The State Board of Insurance proposes new §25.714, concerning assessment of insurance premium finance companies in 1990. Section 25.714 was adopted on an emergency basis and became effective on December 29, 1989. Notice of the emergency adoption appeared in the January 5, 1990, issue of the *Texas Register* (15 TexReg 71). This section is necessary to provide a rate of assessment sufficient to meet the expenses of performing the board's statutory responsibilities for examining, investigating, and regulating insurance premium finance companies. Under new §25.714, the board levies a rate of assessment for 1990 to cover general administrative expense and collects from each insurance premium finance company on the basis of a percentage of total loan dollar volume for the 1989 calendar year.

Nicholas Murphy, chief clerk, 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. There will be no effect on local employment of local economy.

Mr. Murphy 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 adoption of a rate of assessment to cover the general administration expense attributable to the administrative regulation of insurance premium finance companies. The effect on small businesses will be the same as the anticipated economic cost to all persons who are required to comply with the section as proposed. Except that a minimum overhead assessment of \$250 shall be levied and col-

lected, there is no difference in the rate of assessment between small and large businesses. There anticipated economic cost to persons who are required to comply with the section as proposed will be payment of the assessment at the rate specified.

Comments on the proposal may be submitted to Nicholas Murphy, Chief Clerk, Mail Code 000-1, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section is proposed under the Insurance Code, Article 24.06(c) and Article 24.09. Article 24.06(c), provides that each insurance premium finance company licensed by the board shall pay an amount assessed by the board to cover the direct and indirect cost of examinations and investigations and a proportionate share of general expense attributable to regulation of insurance premium finance companies. Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out provisions of the Insurance Code concerning the regulation of insurance premium finance companies.

§25.714. General Administrative Expense Assessment, 1990. On or before April 1, 1990, each insurance premium finance company holding a license issued by the State Board of Insurance under the Insurance Code, Chapter 24, shall pay to the Texas State Board of Insurance an overhead charge which the board shall assess to cover the general administrative expense attributable to the regulation of insurance premium finance companies. Payment shall be by check, which shall be filed with the report required by the Insurance Code, Article 24.10(b), at the offices of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998. The assessment to cover general administrative expense shall be computed and paid as follows.

(1) Payment shall be in the amount of 0.01528 of 1.0% of the total loan dollar volume of the company for the calendar year 1989.

(2) Should the overhead charge, as computed under paragraph (1) of this section, produce an overhead assessment of less than \$250, a minimum overhead assessment of \$250 shall be levied and collected.

(3) The overhead assessments are to be based on the total dollar volume which the insurance premium finance company has reported to the board, except where there has been an understating of total loan dollar volume.

Issued in Austin, Texas, on March 14, 1990.

TRD-9002768 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: April 20, 1990

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

Subchapter J. Hazardous Waste Generation, Facility and Disposal Fees System

• 31 TAC §§335.325

The Texas Water Commission proposes an amendment to §335.325, concerning disposal fee assessment. The Texas Water Commission is authorized under the Texas Solid Waste Disposal Act, the Texas Health and Safety Code Annotated, Chapter 361 (Vernon Supplement 1989) to establish a hazardous waste generation, facility, and disposal fee program to support the state's cost of hazardous waste regulation. Disposal fees are assessed against operators of hazardous waste land disposal facilities to provide state matching funds for support of the federal Superfund program and to meet state expenses in the remediation of abandoned waste disposal sites which do not qualify for federal cost sharing. The Texas Solid Waste Disposal Act, §361.136(f), provides that the commission by rule shall set a fee for the on-site land disposal of hazardous waste and revise it as necessary so that the amount of money collected each biennium equals between \$10 million and \$12 million. Senate Bill 1502, Acts of the 71st Legislature, 1989, amends the Texas Solid Waste Disposal Act to provide that the interest income, from investment of disposal fee revenues in accounts under the charge of the state treasurer, shall be deposited to the credit of the hazardous waste disposal fee fund. Senate Bill 1544, Acts of the 71st Legislature, 1989, amends the Texas Solid Waste Disposal Act to require the commission to impose a fee on the operator of a commercial hazardous waste storage, processing, or disposal facility. This commercial facility fee is to be assessed in addition to any hazardous waste fee currently authorized by the Texas Solid Waste Disposal Act, including the fee for on-site land disposal.

The assessment of hazardous waste disposal fees was authorized by House Bill 2359, Act of the 69th Legislature, 1985. Disposal fees were initially set at \$4.00 per dry weight ton. Reports of land disposal activity made it apparent that a higher fee would be required to insure collection of sufficient revenue to meet the provisions of the Texas Solid Waste Disposal Act, §361.136(f). The fee was increased effective June 1, 1986 to \$8.00 per dry weight ton. Revenue collected in the 1986-1987 biennium equaled \$9.32 million which is less than the amount contemplated in the Texas Solid Waste Disposal Act. To make up this shortfall and to assure that adequate revenues were available to support the long-term obligation of funds under the federal Superfund program, the fee was increased to the current \$10 per dry weight ton

effective September 1, 1988. The higher fee rates in effect during the 1988-1989 biennium resulted in the collection of \$14.96 million.

The credit of interest income to the hazardous waste disposal fee fund, authorized by Senate Bill 1502, 71st Legislature, will increase revenue credited to the fund by approximately \$4 million over the 1990-1991 biennium.

Senate Bill 1544, 71st Legislature, 1989, authorizes the commission to implement an additional hazardous waste fee revenue program under which fees will be assessed for the management of hazardous wastes at commercial facilities. Fees will be assessed for different methods of waste management, including land disposal. Senate Bill 1544 provides that commercial fees, as well as existing generation, facility, and disposal fees shall be based on consistent criteria which include the following: risks to the public of various waste management methods; promotion of reclamation, recycling, and reuse of wastes; promotion of the public policy of preferred waste management methods, particularly for wastes which are amenable to more than one method of disposition; promotion of the efficient use of existing hazardous waste storage, processing, and disposal facility capacity within the state; and the funding necessary to adequately support the regulation of industrial solid waste and hazardous waste activities.

Any commercial fee for land disposal will be in addition to the current on-site disposal fee. The addition of the existing on-site fee to the commercial fee for land disposal will tend to distort the relationship between the fee rates for different methods of commercial waste disposition. A rate schedule for the commercial fees authorized under Senate Bill 1544 will be proposed at a later date and published for the receipt of public comment. The current proposal, however, in conjunction with commercial hazardous waste fees to be implemented, will result in an on-site land disposal fee which is more consistent with the public policies for waste management which are expressed in Senate Bill 1544.

Fifty percent of the revenue collected from commercial facility fees will be deposited to the hazardous waste disposal fee fund to supplement existing disposal fees. It is estimated that approximately \$2 million per year in additional revenue will be available to support commission remediation activities from commercial hazardous waste fees, although a more accurate estimate will depend on the actual rate schedule established.

For the reasons outlined previously, the commission is proposing to reduce the current on-site hazardous waste land disposal fee from \$10 per dry weight ton to \$8.00 per dry weight ton. This proposal is consistent with the revenue objectives for disposal fee revenue contained in the Texas Solid Waste Disposal Act. Based on average land disposal activity in the previous four years, a rate of \$8.00 is anticipated to generate approximately \$11.3 million during the 1990-1991 biennium, which is well within the \$10 million-\$12 million range required under current authority. The reduction in revenue from disposal fees of an estimated \$1.4 million per year resulting from adoption of this proposal will be offset by increases from alternate sources of income, such as interest

earnings and commercial fee assessments, of approximately \$4 million per year.

This section, relating to disposal fee assessment, is amended to assess a fee of \$8.00 per dry weight ton of hazardous waste deposited in a hazardous waste land disposal facility.

Roger G. Bourdeau, chief fiscal officer, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government will be a decrease in revenue to the hazardous waste disposal fee fund of approximately \$1.4 million each year for fiscal years 1990-1994. Additional sources of revenue, not the subject of this proposal, will offset this reduction. Actual income from all sources to the hazardous waste disposal fee fund will increase in this five-year period by \$2.6 million per year. There will be no effect on local government as a result of enforcing or administering the section.

Mr. Bourdeau 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 sections will be improvements in the state's hazardous waste regulatory programs, compliance with specific statutory provisions of the Texas Solid Waste Disposal Act regarding hazardous waste fee programs, and greater consistency of fee revenue structures with the public policies for management of hazardous wastes. This section as proposed will have fiscal impacts on small businesses. Those businesses which generate hazardous wastes which are disposed of in land disposal facilities will realize a reduced cost of waste disposal of \$2.00 per dry weight ton. There is no anticipated economic cost to persons who are required to comply with the section as proposed which were not identified under the cost to businesses previously listed.

Comments on the proposal may be submitted to Stephen Minick, Fiscal Services Section, P.O. Box 13087, Austin, Texas 78711. The deadline for submission of written comments will be April 20, 1990.

The amendment is proposed under the Texas Solid Waste Disposal Act, the Texas Health and Safety Code Annotated, Chapter 361, (Vernon Supplement 1989), as amended by Senate Bill 1502, Acts of the 71st Legislature, 1989 and Senate Bill 1544, Acts of the 71st Legislature, 1989, which provides the Texas Water Commission with the authority to establish a hazardous waste fee program.

§335.325. Disposal Fee Assessment.

(a) A quarterly disposal fee for each dry weight ton of hazardous waste deposited in a land disposal unit on or after September 1, 1987, is hereby assessed upon the operator of a hazardous waste land disposal facility for deposit in the hazardous waste disposal fee fund. Effective September 1, 1989, the [The] fee assessed shall be \$8.00 [\$10] per dry weight ton, except the fee assessed for land disposal of primary metals high volume, low hazard waste shall be assessed at a rate of 25% of the fee. The executive director may, at his

discretion, adjust or waive the disposal fee assessment in those instances where the temporary deposition of hazardous waste in a land disposal unit is a necessary and appropriate procedure, under an approved closure plan. The adjustment or waiver of disposal fees under this subsection is applicable only to the temporary deposition of waste which is deemed by the executive director to be necessary to accomplish the final closure of a land disposal unit by removal of all hazardous wastes and hazardous waste constituents.

(b)-(c) (No change.)

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

Issued in Austin, Texas, on March 12, 1990.

TRD-9002721 Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: April 20, 1990

For further information, please call: (512) 463-8069

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part IX. Texas Department on Aging

Chapter 289. [Direct Services] Procedures for Approval of Area Agency Requests to Provide Service(s) Directly

Statutes and Regulations

- 40 TAC §§289.1, 289.5, 289.7, 289.9, 289.11, 289.13, 289.17

The Texas Department on Aging proposes amendments to §§289.1, 289.5, 289.7, 289.9, 289.11, 289.13, and 289.17, concerning the procedures for submission and approval of direct services applications by area agencies on aging. To expand understanding of the procedures and clarify questions regarding the definition of direct services.

Charles Hubbard, fiscal officer, Texas Department on Aging, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Alex Guerra, director, Program Division, Texas Department on Aging has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to clarify procedures which must be followed when area agencies on aging apply to the Texas Department on Aging for permission to perform direct services. There will be no effect on small businesses

as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Edwin R. Floyd, Program Liaison, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The amendments are proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§289.1. Purpose. This chapter establishes policies and procedures [for the Texas Department on Aging to consider requests of area agencies on aging which desire to provide direct services for the elderly], to be followed by the Texas Department on Aging and by area agencies on aging when an area agency on aging anticipates the need to provide a service(s) directly to the elderly. It promulgates conditions which must exist before a request can be submitted, how a request is to be submitted, and what documentation must accompany the request as justification to perform direct services.

§289.5. Applicability. This chapter applies to all [activities providing services] services being provided to older Texans under the Older Americans Act, Title III.

§289.7. [Implementation Date.] It is the intent of the Texas Department on Aging that procedures and policies specified in this chapter will be followed by area agencies on aging submitting requests on or after October 1, 1987. Definitions: The term "direct services" when used in this part, shall have the following meaning, unless the context clearly indicates otherwise.

Direct services—Any activity performed to provide services directly to an individual older person by the staff of an area agency.

§289.9. State and Federal Guidance for Direct Service Provision.

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

(c) If the area agency determines that conditions as specified in subsection (a) of this section exist, area agencies will:

(1) (No change.)

(2) submit the request at the time of submission of the two-year area plan or area plan amendment or when it becomes apparent that the area agency must directly provide [direct] services to comply with the intent of the Older Americans Act.

(3) explain the impact that directly providing a [direct service] service(s) would have on the advocacy, planning, and coordination functions of the

area agency on aging (an area agency on aging organizational chart should be submitted [which reflects the structure]).

§289.11. Adequate Supply of Services.

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

(c) If the area agency wishes to request approval to assure an adequate supply of service is available as a result of the inability of a service provider to fulfill the requirements of a contract, the AAA must provide the following for each service on which the contractor defaulted and [on which the AAA wishes to provide the direct service] which the AAA wishes to provide directly:

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

(7) an amended area plan which details the AAA's plan for assuming direct provision which will include:

(A) proposed AAA service plan and schedule for [performing the direct] directly providing the service;

(B) (No change.)

(C) a budget amendment request [(Forms 200, 201-1A, and 203-1A)] which reflects the requirements for direct [service delivery requirement] provision of service(s);

(D) an estimate of the length or duration that the AAA will provide [direct delivery of] the service;

(E)-(F) (No change.)

(d) Emergency situations. If, in the grantee's judgment, an emergency situation exists as to seriously threaten the health and welfare of a significant segment of the elderly population, such as a breach of contract or if unlawful activity has occurred, or documented instances of severe mismanagement are evident, the grantee may move immediately to provide the services in question as a direct service.

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

(3) Documentation specified in subsection (c) of this section (pertaining to application by an area agency to provide [direct services] service(s) directly due to the inability of a service provider to fulfill the requirements of a contract) will be forwarded to the Texas Department on Aging within 30 workdays from the date the service provider was terminated if the area agency intends to continue to provide the [direct] service.

(4) (No change.)

§289.13. Services Directly Related to Administrative Functions.

(a) Services directly related to the administrative function [which must be performed in a consistent manner throughout the planning and service area] are information and referral, outreach, [individual needs assessment] and case management [(care coordination)]. These are the only services for which the AAA may request approval to provide directly on the basis of their relationship to the AAA's administrative function. If an AAA wishes to provide any other service directly, approval must be requested and documentation provided as specified in §289.11 of this title (relating to Adequate Supply of Services) or in §289.15 of this title (relating to Comparable Quality Provided More Economically).

(b) If the area agency wishes to request approval to provide a service that is related to the administrative functions of the area agency, the following must be provided for each proposed service:

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

[(4) a narrative description which outlines how direct provision by the area agency will assure performance of the service(s) in a consistent manner throughout the planning and service area; and]

[(5)](4) the area agency's proposed service delivery plan, including, but not limited to, the level of funding, the

number of units of service, the unduplicated number of older persons to be served, and the proposed unit cost.

§289.17. Action by the Texas Department on Aging. The Texas Department on Aging (TDoA) has approval authority for all requests submitted under §§289.11, 289.13, and 289.15 of this title (relating to Adequate Supply of Services; Services Directly Related to Administrative Functions; and Comparable Quality Provided More Economically) by an area agency on aging to provide a [direct] service(s).

(1) In those cases when an area agency requests approval under this chapter to provide [direct] services at the beginning of a new planning period, or at the beginning of the second year of that planning period, TDoA will review all documentation and competing proposals submitted in accordance with this chapter and prepare a written report of the findings. The report will be submitted to the Texas Board on Aging for consideration and approval/disapproval during the review process of the area plan or area plan amendment. All documentation will become a part of the area plan or area plan amendment.

(2) In those cases where an area agency on aging requests approval under this chapter to provide temporary [direct] services for 90 days or less during a given fiscal year, the TDoA will review all documentation submitted in accordance with this chapter and prepare a written report of the findings. The report will be submitted to the executive director for consideration and approval or disapproval. Such action by the executive director will be reported to the Texas board on Aging at the next meeting of the board following approval or disapproval of the [temporary direct service] request to temporarily provide service. A letter will be sent to the requesting area agency detailing the executive director's decision. All documentation will become a part of the area plan or area plan amendment.

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

Issued in Austin, Texas, on March 9, 1990.

TRD-9002673

O. P. (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: April 20, 1990

For further information, please call: (512) 444-2727



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 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

• 34 TAC §3.357

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §3.357, submitted by the Comptroller of Public Accounts has been automatically withdrawn, effective March 13, 1990. The amendment as proposed appeared in the August 25, 1989 issue of the *Texas Register* (14 TexReg 4296).

TRD-9002731



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part V. Board of Pardons and Paroles

Chapter 145. Parole

Revocation of Administrative Release (Parole, Mandatory Supervision, and Executive Clemency)

• 37 TAC §145.44

The Board of Pardons and Paroles has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the September 15, 1989, issue of the *Texas Register* (14 TexReg 4685). The effective date of this withdrawal is March 13, 1990.

Issued in Austin, Texas, on March 13, 1990

TRD-9002726

Carl Reynolds
General Counsel
Board of Pardons and
Paroles

Effective date: March 13, 1990

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



Part X. Texas Adult Probation Commission

Chapter 321. Standards

• 37 TAC §321.12

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §321.12, submitted by the Texas Adult Probation Commission has been automatically withdrawn, effective March 13, 1990. The amendment as proposed appeared in the September 12, 1989 issue of the *Texas Register* (14 TexReg 4635).

TRD-9002732





Name: Carissa Hullum
Grade: 8
School: Burnet Jr. High, Bu

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 28. INSURANCE

Part I. State Board of Insurance

Chapter 19. Agent's Licensing

Subchapter J. Standards of Conduct for Licensed Agents

• 28 TAC §19.901, §19.902

The State Board of Insurance adopts amendments to §19.901 and §19.902, without changes to the proposed text as published in the January 23, 1990, issue of the *Texas Register* (15 TexReg 320).

Section 19.901 and §19.902 concern standards of conduct for licensed agents. The amendments are necessary to define and clarify standards used for approval or disapproval of names submitted for use by licensed agents. The amendments are designed to prevent the use of misleading or deceptive names by licensed agents.

The amendment to §19.901 defines the terms "applicant," "assumed name," and "true name." Section 19.902 provides standards for issuance of a license and standards to be followed when a licensed agent is doing business under an assumed name or doing business at additional offices.

Consumers Union commented in favor of the amendments.

The amendments are adopted under the Insurance Code, Articles 1.04; 3.75, §8; 21.07, §13; 21.07-1, §15; 21.07-3, §21; 21.14, §26; 21.21, §13; and 23.23(a), and the Texas Health Maintenance Organization Act, §15(g) and §15A(h), which authorizes the State Board of Insurance to establish rules and to administer statutory provisions concerning the regulation of agents and agents' licenses.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas on March 13, 1990.

TRD-9002738 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 3, 1990

Proposal publication date: January 23, 1990

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

TITLE 43.

TRANSPORTATION

Part III. Texas Department of Aviation

Chapter 63. Air Carrier Regulations

• 43 TAC §§63.1, 63.2, 63.6, 63.7, 63.11, 63.12, 63.17, 63.21-63.30

The Texas Department of Aviation (department) adopts the repeal of §§63.1, 63.2, 63.6, 63.7, 63.11, 63.12, 63.17, and 63.21-63.30, without changes to the proposed text as published in the January 23, 1990, issue of the *Texas Register* (15 TexReg 334).

The sections are being repealed to: reduce government regulation to allow regulation by market forces; and reduce burdensome paperwork requirements so that carriers are able to implement changes more quickly to better compete with other carriers.

The section will allow scheduled interstate carriers to operate without regulation by the department.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Title 3A, Article 46c-6, which provide the Texas Department of Aviation with the authority to promulgate and administer economic rules over air carriers.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1990.

TRD-9002729 Lydia Scarborough
Director, Support and
Services
Texas Department of
Aviation

Effective date: April 3, 1990

Proposal publication date: January 23, 1990

For further information, please call: (512) 476-9262

• 43 TAC §63.2

The Texas Department of Aviation (department) adopts new §63.2, without changes to the proposed text as published in the January 23, 1990, issue of the *Texas Register* (15 TexReg 334).

The department has the authority to exempt a class of carriers from the certification requirement. The department is enacting the section to limit the scope of regulation over certain carriers and to reduce burdensome paperwork requirements.

The section will exempt scheduled air passenger carriers from obtaining a certificate of public convenience and necessity.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Title 3A, Article 46c-6, which provide the Texas Department of Aviation with the authority to promulgate and administer economic rules and regulations over air carriers; and exempt any class of carriers from any or all requirements of the Texas Department of Aviation 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 March 13, 1990.

TRD-9002730 Lydia Scarborough
Director, Support and
Services
Texas Department of
Aviation

Effective date: April 3, 1990

Proposal publication date: January 23, 1990

For further information, please call: (512) 476-9262

State Board of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L.

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance (board) has adopted amendments to the *Texas Automobile Manual*.

The board has adopted adjusted physical damage rating symbols for certain 1990 model private passenger automobiles. The symbols adopted were developed from manufacturers list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the *Texas Automobile Manual* for 1990 models and subsequent models. The amendments are proposed to be effective on the 60th day after notice of this action is published in the adopted rule section of the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts

it from the requirements of the Administrative Procedure and Texas Register Act.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1990.

TRD-9002722 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: May 19, 1990

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



The State Board of Insurance has approved revision of the Texas property statistical plan for residential and commercial risks. The revision provides statistical coding to facilitate collection of statistics on loss assessment-commercial condominium, hired and non-owned auto liability-owned by partner, swimming pools, land and outside improvements.

The Insurance Code, Article 5.05(a), authorizes the State Board of Insurance to collect data with the respect to the recording of loss experience and such other data as may be required. The Insurance Code, Article 5.96, authorizes the State Board of Insurance to adopt amendments to the statistical plan under the procedure specified in that article.

This amended Texas Property Statistical Plan

for residential and commercial risks will be effective at 12:01 a.m., May 1, 1990.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1990.

TRD-9002723 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: May 1, 1990

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



The State Board of Insurance has approved various agenda items presented at a February 14, 1990, hearing affecting the manual rules and policy forms and endorsements of the Texas Standard Homeowners Policy, the Texas Standard Farm and Ranch Owners Policy, and the Texas General Basis Schedules, which is the manual governing the writing of said policies. The agenda items approved are as follows.

Agenda Item 1-90 approves the new readable Texas Homeowners Program including all policy forms and endorsement set forth as follows:

Form Number Description

	Texas Homeowners Declaration Page
HOA	Homeowners Form A
HOB	Homeowners Form B
HOC	Homeowners Form C
HOB-T	Homeowners Tenant Form B
HOC-T	Homeowners Tenant Form C
HOB-CON	Homeowners Condominium Form B
HOC-CON	Homeowners Condominium Form C

HO-101	Replacement Cost for Personal Property
HO-102	Agreed Amount on Dwelling
HO-105	Residence Glass Coverage
HO-110	Increased Limit on Jewelry, Watches, and Furs
HO-111	Increased Limits on Business Personal Property
HO-112	Increased Limit on Money/Bank Cards
HO-113	Increased Limit on Bullion/Valuable Papers
HO-120	Television and Radio Antenna
HO-121	Windstorm Coverage for Greenhouses
HO-122	Windstorm Coverage for Cloth Awnings
HO-125	Physicians, Surgeons, and Dentist Outside Coverage
HO-130	\$250 Theft Deductible
HO-140	Windstorm, Hurricane and Hail Exclusion Agreement
HO-142	Exclusion of Residential Community Property Clause
HO-160	Scheduled Personal Property
HO-170	Additional Extended Coverage
HO-180	Unit Owners Outbuilding and Other Structures Coverage
HO-201	Personal Injury Coverage
HO-205	Office, Private School, or Studio Section II Liability
HO-210	Farmers Personal Liability
HO-215	Watercraft Liability Coverage
HO-220	Business Pursuits Liability Coverage
HO-225	Additional Premises Liability Coverage
HO-301	Additional Insured
HO-305	Amended Definition of Residence Premises
HO-310	Townhouse Loss Assessment Coverage
HO-380	Unit Owners Rental to Others
HO-381	Unit Owners Rental to Others
HO-382	Condominium Loss Assessment Coverage

In addition, Agenda Item 1-90 approves the withdrawal of the existing Texas Standard Homeowners Policy and all existing Texas Standard Homeowners forms and endorsements.

Agenda Item 2-90 approves the new rules to be contained in the Texas General Basis Schedules for the writing of the new readable Texas Homeowners Policy and applicable forms and endorsements. In addition, Agenda Item 2-90 approves the withdrawal of all existing manual rules contained in the Texas General Basis Schedules used in writing the Texas Standard Homeowners Policy and applicable forms and endorsements.

Agenda Item 3-90 approves a new brochure which provides information to consumers

about the new readable Texas Homeowners Policy. The brochure will be required to be provided with each new readable homeowners policy issued on or after October 1, 1990-September 30, 1991.

Agenda Item 4-90 approves a new Texas Homeowners Personal Computer Coverage, Endorsement HO-126, along with the applicable rules and rates. The new personal computer coverage provides a simplified approach to insuring computers used principally at a residence for personal use. The use of a simplified endorsement and rating method increases the availability of the needed coverage for a broader base of insureds that own home computers.

Agenda Item 10-90 approves the adoption of existing Texas Standard Homeowners

endorsements and related manual rules as standard farm and ranch owners endorsements and related manual rules. The adoption of the new readable Texas Homeowners Program eliminates the possibility of referencing certain homeowners endorsements and manual rules for use under a Texas Standard Farm and Ranch Owners Policy because of the new readable language contained in the new homeowners endorsements. To allow the availability of certain coverages under the Texas Standard Farm and Ranch Owners Policy, existing Texas homeowners endorsements, and related rules are adopted as new Texas Standard Farm and Ranch Owners endorsements along with related manual rules. The endorsements to be adopted are as follows:

Form Number	Description
FRO-409	Television and Radio Antenna
FRO-415	Additional Amounts on Money and Securities, Etc.
FRO-439	Additional Limits on Jewelry, Watches, and Furs
FRO-449	Residence Glass Breakage Endorsement
FRO-455	Scheduled Personal Property
FRO-460	Inflation Guard Endorsement
FRO-461	Farm and Ranch Owners Secondary Residence Windstorm, Hurricane, and Hail Exclusion Agreement Endorsement
FRO-466	Additional Extended Coverage Endorsement
FRO-490	Home Computer Form

In addition to the previously referenced agenda items, the board approved specific standards for the printing of the new readable Texas Homeowners Policy and related endorsements. The Texas Homeowners Policy must be printed using not less than 10 point type with one point leading and all policy forms and endorsements must be printed on paper uniform in size, with such being not greater than the standard paper

size of 8 1/2 inches by 11 inches.

These changes are to be effective October 1, 1990.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 13, 1990.

TRD-9002724 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: October 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

Thursday, April 5, 1990, 6 p.m. The Fort Worth District Office of the Texas Commission for the Blind will meet at 912 West Broadway, Fort Worth. According to the complete agenda, the commission will conduct a public forum for the purpose of giving local consumers an opportunity of speaking to agency staff about services to blind and visually disabled Texans and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

Contact: Cecilia Berrios, P.O. Box 12888, Austin, Texas 78711, (512) 459-2611.

Filed: March 14, 1990, 2:15 p.m.

TRD-9002782

Thursday, April 12, 1990, 6 p.m. The Harlingen District Office of the Texas Commission for the Blind will meet at 118 East Tyler, Harlingen Town Hall, Harlingen. According to the complete agenda, the commission will conduct a public forum for the purpose of giving local consumers an opportunity of speaking to agency staff about services to blind and visually disabled Texans and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

Contact: Cecilia Berrios, P.O. Box 12888, Austin, Texas 78711, (512) 459-2611.

Filed: March 14, 1990, 2:15 p.m.

TRD-9002781

Thursday, April 19, 1990, 2 p.m. The Houston District Office of the Texas Commission for the Blind will meet at 427 West 20th Street, Suite 407, Houston. According to the complete agenda, the commission will conduct a public forum for the purpose of giving local consumers an opportunity of speaking to agency staff about services to blind and visually disabled Texans and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question

and answer period about local agency services.

Contact: Cecilia Berrios, P.O. Box 12888, Austin, Texas 78711, (512) 459-2611.

Filed: March 14, 1990, 2:16 p.m.

TRD-9002780

Texas Bond Review Board

Thursday, March 22, 1990, 10 a.m. The Texas Bond Review Board will meet at the Sergeant's Committee Room, State Capitol, Austin. According to the agenda summary, the board will discuss approval of minutes; consider proposed issues: application of Texas Employment Commission-lease purchase; application of Texas Public Finance Authority-Series 1990 general obligation bonds; application of Stephen F. Austin State University-combined fee revenue bonds; and other business: status report of master lease program; and agency policy statement of bond finance office-sick leave pooling policy.

Contact: Tom K. Pollard, 201 East 14th Street, Room 506, Austin, Texas 78711, (512) 463-1741.

Filed: March 14, 1990, 3:40 p.m.

TRD-9002793

Court Reporters Certification Board

Thursday, May 10, 1990, 1 p.m. The Task Force on Court Reporting Schools of the Court Reporters Certification Board will meet in the Conference Room, 510 South Congress Avenue, Austin. According to the complete agenda, the task force will develop a memorandum of understanding with the Texas Higher Education Coordinating Board and the Texas Education Agency for the purpose of developing guidelines for coordinating the regulation of court reporting schools in Texas.

Contact: Peg Liedtke, 510 South Congress Avenue, Suite 310, Austin, Texas 78704, (512) 463-1630.

Filed: March 13, 1990, 3:40 p.m.

TRD-9002751

Texas School for the Deaf

Saturday, March 24, 1990, 8:30 a.m. The Policy Committee of the Texas School for the Deaf will meet at 1102 South Congress Avenue, Administration Building, Board Room, Austin. According to the agenda summary, the committee will discuss policy amendments-business and support services; policy amendments-personnel; policy deletion-business and support services; policy adoption-business and support services (second reading); and policy amendment-students.

Contact: Marilyn R. Stephan, 1102 South Congress Avenue, Austin, Texas 78704, (512) 440-5335.

Filed: March 14, 1990, 3:28 p.m.

TRD-9002792

Saturday, March 24, 1990, 8:30 a.m. The Budget Committee of the Texas School for the Deaf will meet at 1102 South Congress Avenue, Administration Building, Conference Room, Austin. According to the complete agenda, the committee will review the 1990-1991 cash operating budget.

Contact: Marilyn R. Stephan, 1102 South Congress Avenue, Austin, Texas 78704, (512) 440-5335.

Filed: March 14, 1990, 3:31 p.m.

TRD-9002790

Saturday, March 24, 1990, 10 a.m. The Governing Board of the Texas School for the Deaf will meet at 1102 South Congress Avenue, Administration Building, Board Room, Austin. According to the agenda summary, the board will discuss approval of minutes of January 26, 1990 meeting; business for information purposes; business requiring board action; and comments by members.

Contact: Marilyn R. Stephan, 1102 South Congress Avenue, Austin, Texas 78704, (512) 440-5335.

Filed: March 14, 1990, 3:28 p.m.

TRD-9002791

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Texas Education Agency

Monday-Tuesday, April 9-10, 1990; 8 a.m. The Texas Master Teacher Examination Bias Review Committee of the Texas Education Agency will meet at the Guest Quarters Suite Hotel, 305 West 15th Street, Austin. According to the complete agenda, on April 9, the committee will have registration; orientation; master teacher survey review; and group review and discussion which will be closed to conclusion of meeting in accordance with Texas Attorney General Opinions H-484 (1974) and H-780 (1976) and will continue on April 10th and 11th.

Contact: Pamela Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: March 14, 4:20 p.m.

TRD-9002797

Tuesday-Thursday, April 10-12, 1990, 6 p.m. on Tuesday and 8 a.m. on Wednesday and Thursday. The Texas Master Teacher Examination Content Advisory Committee of the Texas Education Agency will meet at the Guest Quarters Suite Hotel, 305 West 15th Street, Austin. According to the complete agenda, on April 10, the committee will have registration; orientation; master teacher survey review; on April 11, the committee will discuss assessment material review; group review and discussion; on April 12, the committee will have group review and discussion.

Contact: Pamela Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: March 14, 1990, 4:19 p.m.

TRD-9002798

Monday-Tuesday, April 23-24, 1990, 8:30 a.m. The State Textbook Subject Area Committees of the Texas Education Agency will meet at Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the complete agenda, this will be a committee orientation and organizational meeting for the State Textbook Subject Area Committees, i.e., business and office education, career investigation, industrial technology education, marketing education, mathematics, secondary science and elementary science.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: March 14, 1990, 4:20 p.m.

TRD-9002796

Texas Department of Human Services

Wednesday, March 21, 1990, 8 a.m. The Board of the Texas Department of Human Services will meet at 701 West 51st Street, East Tower, First Floor, Public Hearing Room, Austin. According to the agenda summary, the board will conduct a briefing; the regular board meeting will convene at 10:30 a. m.; direct reimbursement for certified registered nurse anesthetists' services; Truman W. Smith children's care center; ICF-MR rates for state schools, for level I, V, and VI facilities; nursing facility and hospice reimbursement rates; rate increases for primary home care and family care programs; unit rate increases for community care programs; 1915 (c) waiver program for persons with related conditions; sanction provisions for violations of Title XIX nursing facility contractual agreements; statewide expansion of the in-home and family support program; updated vendor drug program fee; drug coverage limitations; medical insurance benefit buy-in contract; swing bed program fee; child abuse/neglect information; transitional medicaid and child care; corporate advisory council; amendments to policies and procedures; policy development process; and commissioner's report.

Contact: Bill Woods, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3047.

Filed: March 13, 1990, 2:52 p.m.

TRD-9002735

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Texas Catastrophe Property Insurance Association

Tuesday, March 20, 1990, 8:30 a.m. The Annual Meeting of the Members of the Texas Catastrophe Property Insurance Association will meet at Barton Creek Conference Resort, 8212 Barton Club Drive, Austin. According to the complete agenda, the members will discuss approval of the minutes of the 1989 annual meeting, III; report of the tellers committee; report of the chairman of the board; report of the secretary/treasurer; report of the manager; report of the underwriting director; report of counsel; Padre Isles lawsuit; Daves Rule, Legislative Joint Committee; report from Insurance Information Institute; report of the nominating committee; and election of three members of the board of directors.

Contact: Frank R. Rogers, 2801 South I-35, Austin, Texas 78704, (512) 444-9611.

Filed: March 8, 1990, 1:31 p.m.

TRD-9002526

Tuesday, March 20, 1990, 10 a.m. The Board of Directors of the Texas Catastrophe Property Insurance Association will meet at Barton Creek Conference Resort, 8212 Barton Club Drive, Austin. According to

the complete agenda, the board will discuss approval of the minutes of the December 1989 meeting; report of the nominating committee and election of officers for 1990; resolution to include reports presented at the annual meeting of the members by officers, committee chairmen and staff in the minutes of meeting of the board of directors; old business: tax credits-Thompson item D; two pool Concept-Hoga; close out of old years-Winters, Thompson, Calhoun; plan of operation amendments: receivership assessments, and investment program; video productions, TCPIA video re-do, and State Board of Inspections training video; public members to TCPIA Board-Executive Committee; AIRAC update; new business: IIAT catastrophe committee meeting; reinsurance renewal; credit for total written premiums charged; and any other business that may come before the board.

Contact: Frank R. Rogers, 2801 South I-35, Austin, Texas 78704, (512) 444-9611.

Filed: March 8, 1990, 1:31 p.m.

TRD-9002525

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State Board of Insurance

Wednesday, March 21, 1990, 9 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the complete agenda, the board will consider decision on agenda item 89-6, including 89-6(a) through 89-6(ee), concerning title insurance policy forms, from the annual hearing on rates and rules for title insurance, including authorization for publication as a proposal of an amendment to a rule as 28 TAC §9.1, concerning the basic manual of rules, rates, and forms for the writing of title insurance in the state.

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

Filed: March 13, 1990, 11:11 a.m.

TRD-9002725

Thursday, March 22, 1990, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will review and take possible action on workers' compensation classification plan and rate applicable to furniture stores; discuss and possibly appoint advisory committees on automobile insurance; board orders on several different matters as itemized on the complete agenda; discuss personnel matters; litigation; and solvency matters.

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

Filed: March 14, 1990, 2:51 p.m.

TRD-9002788

Texas Commission on Jail Standards

Wednesday, March 28, 1990, 9 a.m. The Texas Commission on Jail Standards will meet at 611 South Congress Avenue, Suite 401, Austin. According to the agenda summary, the commission will discuss the reading and approval of minutes of last meeting of January 24, 1990; old business: Bowie County, Delta County, Denton County, Franklin County, Harrison County, Kerr County, Lamar County, Morris County, Van Zandt County, Zavala County, juvenile justice survey, development of AIDS policy guide, life safety review committee, completed jail projects, jail population report, development of private facilities, and active remedial orders; new business: Cass County, Hardin County, Henderson County, and Polk County; application for variance; directors report; and executive session.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: March 13, 1990, 3:39 p.m.

TRD-9002752

General Land Office

Friday, March 23, 1990, 9:30 a.m. The Coastal Management Public Meeting of the General Land Office will meet at the Bauer Community Center, 2300 Highway 35, Port Lavaca. According to the complete agenda, the office will discuss formulation of a coastal management plan as authorized by Senate Bill 1571 during the 71st legislative session. Coastal issues are: beach access, coastal erosion and shoreline preservation, dune protection, freshwater inflow, habitat and wetland loss, hazardous waste generation and disposal, marine debris, non-point source pollution, and oil spills (slide presentation).

Contact: Sally S. Davenport, 1700 North Congress Avenue, Room 735, Austin, Texas 78711, (512) 463-5059.

Filed: March 13, 1990, 4:29 p.m.

TRD-9002761

Texas Commission on Law Enforcement Officer Standards and Education

Tuesday-Friday, March 29-30, 1990, 2 p.m. and 9 a.m. respectively. The Law Enforcement Management Institute of the Texas Commission on Law Enforcement Officer Standards and Education will meet in the Board of Regent's Room, Texas Womans' University, Denton. According to the agenda summary, the institute will conduct election of chairman, vice-chairman and secretary (if appointment of new director is made); approval of minutes

of December 12, 1989 meeting; discuss procedures for recommending proposed rules to TCLEOSE commissioners; foreign models of management training: the California model and the British model; overview of makeup of module I-1 thru I-3; training other than modular program: administrative conferences; topical seminars; executive development; cultural seminars; publication of publishable research (learning contracts); appoint screening committee; update on testing question; curriculum group discussions and recommendations; site discussion; interagency contractual agreements for fiscal year 1991; and staff activities.

Contact: Jack L. Ryle, 1606 Headway Circle, Suite 100, Austin, Texas 78754, (512) 834-9222.

Filed: March 13, 1990, 12:29 p.m.

TRD-9002719

Texas State Library and Archives Commission

Thursday, March 29, 1990, 2 p.m. The Records Management and Preservation Advisory Committee of the Texas State Library and Archives Commission will meet at the State Purchasing and General Services Commission, 1711 San Jacinto Street, Room 402, Austin. According to the complete agenda, the committee will review the responses to the report submitted on March 1, 1990; begin planning for meeting requirements of House Bill 151; discuss other business brought before the committee; and review the records management function at the State Purchasing and General Services Commission.

Contact: Susan Tennison, P.O. Box 149030, Austin, Texas 78711, (512) 450-4557.

Filed: March 15, 1990, 9:08 a.m.

TRD-9002802

Interagency Council on Sex Offender Treatment

Friday, March 23, 1990, 9 a.m. The Board of the Interagency Council on Sex Offender Treatment will meet at the Brown Heatly Building, 4900 North Lamar Boulevard, Austin. According to the agenda summary, the board will hear introduction of, and report by, new executive director; discuss approval of minutes of last meeting; approval of public members' reimbursement; approval of press release procedures; approval of cost-benefit study; treatment provider registry; biennial report to legislature; and hear public comment.

Contact: Judy Briscoe, 2015 South IH-35, Austin, Texas 78741, (512) 443-2001.

Filed: March 14, 1990, 2:52 p.m.

TRD-9002784

Texas Parks and Wildlife Department

Wednesday, March 21, 1990, 2 p.m. The Land Acquisition Committee of the Texas Parks and Wildlife Department will meet at the Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the agenda summary, the committee will conduct a closed meeting: land acquisition-Potter County; and land acquisition-Montgomery County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 13, 1990, 4:21 p.m.

TRD-9002755

Wednesday, March 21, 1990, 2 p.m. The Land Acquisition Committee of the Texas Parks and Wildlife Department will meet at the Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the agenda summary, the committee will conduct a briefing by the nature conservancy

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 13, 1990, 4:20 p.m.

TRD-9002754

Wednesday, March 21, 1990, 7 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at Jean-Pierre's Upstairs, 3500 Jefferson Street, Austin. According to the agenda summary, the members of the commission plan to have dinner and although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for 9 a.m., March 22, 1990.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 13, 1990, 4:22 p.m.

TRD-9002759

Thursday, March 22, 1990, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the agenda summary, the commission will discuss approval of January 25, 1990 public hearing court reporter minutes; present service awards; resolution-Earth Day-1990; present the Shikar-Safari Award; state artwork design and marketing contract; annual operations plan for Matagorda Island State Park and Wildlife management area; concession

contract-Longhorn Cavern State Park, Burnet County; pipeline easement-Sea Rim State Park, Jefferson County; employees' sick leave pool; status of fish hatchery renovation and construction; land acquisition-Montgomery County; and land acquisition-Potter County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 13, 1990, 4:21 p.m.

TRD-9002756

Thursday, March 22, 1990, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the agenda summary, the commission will discuss proposed statewide hunting and fishing regulations 1990-1991; proposed 1990-1991 Early Season Migratory Game Bird Proclamation; and proposed oyster regulations.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 13, 1990, 4:22 p.m.

TRD-9002757

Thursday, March 22, 1990, noon. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the agenda summary, the commission will conduct a closed meeting to discuss approval of January 25, 1990 executive session court reporter minutes; land acquisition-Montgomery County; and land acquisition-Potter County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: March 13, 1990, 4:22 p.m.

TRD-9002758

Public Utility Commission of Texas

Wednesday, March 21, 1990, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will consider the following dockets: 8667, 9043, 8965, 8646, 6668, and 6753, 8329, 8555, 8636, 8800, and 9017. The commissioners will consider publication of the following rules: §21.129 (P9395) -evidence concerning rate case expense; §21.141 (P9425)-examiner's report and proposal for decision; §23.21 (P9395)-cost of service; §23.41 (P9045) -customer relations; and (P9426)-new procedural rules for settlements.

Contact: Mary Ross McDonald, 7800

Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 13, 1990, 3:22 p.m.

TRD-9002736

Wednesday, March 21, 1990, 1 p.m. The Administrative of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, there will be an administrative meeting to discuss: reports, discussion and action on budget and fiscal matters, special legislative appropriations request, dual-party relay service-selection of carrier and other administrative matters; adjournment for executive session to consider litigation and personnel matters; reconvene for discussions considered in executive session; and set time and place for next meeting.

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

Filed: March 13, 1990, 3:21 p.m.

TRD-9002737

Tuesday, March 27, 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 summary, the division will conduct a prehearing conference in Docket Number 9427: application of Lower Colorado River Authority for authority to change rates.

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

Filed: March 14, 1990, 3:11 p.m.

TRD-9002789

Texas Municipal Retirement System

Saturday, March 31, 1990, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 North Interregional-35, Austin. According to the agenda summary, the board will hear and approve minutes of December 8, 1989, regular meeting and March 9, 1990, special meeting; review and approve service retirements; disability retirements; review and approve supplemental death benefits payments; consider extended supplemental death benefits; review and act on financial statements; report by actuary; report by legal counsel; report by the director; consider any other business to come before the board.

Contact: Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78768, (512) 476-7577.

Filed: March 14, 1990, 9:15 a.m.

TRD-9002766

State Committee of Examiners for Speech-Language Pathology and Audiology

Saturday, March 31, 1990, 4 p.m. The State Committee of Examiners for Speech-Language Pathology and Audiology will meet at the TSHA 1990 Convention Enterprise Ballroom 8, Hyatt Regency DFW Airport, Dallas/Fort Worth Airport. According to the agenda summary, the committee will have a question and answer forum in which a panel will discuss licensing and regulation of speech-language pathologists and audiologists.

Contact: June Robertson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7502.

Filed: March 13, 1990, 3:38 p.m.

TRD-9002753

Stephen F. Austin State University

Saturday, March 24, 1990, 4 p.m. The Board of Regents of the Stephen F. Austin State University will meet at the Four Seasons Hotel, Plaza Suite 416, Austin. According to the complete agenda, the board will conduct interview of presidential candidates.

Contact: Robert Provan, P.O. Box 6078, Nacogdoches, Texas 75962, (409) 564-4305.

Filed: March 15, 1990, 9:13 a.m.

TRD-9002801

Sunday, March 25, 1990, 9 a.m. The Board of Regents of the Stephen F. Austin State University will meet at the Four Seasons Hotel, Plaza Suite 416, Austin. According to the complete agenda, the board will conduct interview of presidential candidates.

Contact: Robert Provan, P.O. Box 6078, Nacogdoches, Texas 75962, (409) 564-4305.

Filed: March 15, 1990, 9:13 a.m.

TRD-9002800

Monday, March 26, 1990, 9 a.m. The Board of Regents of the Stephen F. Austin State University will meet at the Four Seasons Hotel, Plaza Suite 416, Austin. According to the complete agenda, the board will conduct interview of presidential candidates.

Contact: Robert Provan, P.O. Box 6078, Nacogdoches, Texas 75962, (409) 564-4305.

Filed: March 15, 1990, 9:13 a.m.

TRD-9002799

University Interscholastic League

Friday, March 16, 1990, 10 a.m. The Waiver Review Board of the University Interscholastic League held an emergency meeting at the Austin Airport Hilton, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board heard the appeal of student eligibility and waiver of UIL rule for student at Westwood High School and Jonesboro High School. The emergency status was necessary to determine eligibility of student before soccer certification deadline which was Monday, March 19, 1990.

Contact: Bonny Northcutt, P.O. Box 8028, UT Station, Austin, Texas 78713-8028, (512) 471-5883.

Filed: March 14, 1990, 9:04 a.m.

TRD-9002765

University of Texas Health Science Center at San Antonio

Wednesday, March 21, 1990, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet in Room 422A, 7703 Floyd Curl Drive, San Antonio. According to the complete agenda, the committee will discuss approval of minutes; recommendations from protocol review group; subcommittee reports; and other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas, (512) 567-3717.

Filed: March 13, 1990, 4:23 p.m.

TRD-9002760

Texas Turnpike Authority

Wednesday, March 14, 1990, 10 a.m. The Board of Directors of the Texas Turnpike Authority met at the Hobby Airport Hilton, 8181 Airport Boulevard, Houston. According to the emergency revised agenda summary, the board discussed the addition of the following items; in executive session discussed selection and appointment of executive director and staff attorney for the authority; considered possible action on appointment of an acting executive director; and considered possible action on appointment of a staff attorney as general counsel or a firm of attorneys and other consultants. The emergency status was necessary because of resignation of executive director and need to appoint an acting executive director and attorneys and consultants to assist same.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: March 14, 1990, 7:58 a.m.

TRD-9002763

University Interscholastic League

Friday, March 16, 1990, 10 a.m. The Waiver Review Board of the University Interscholastic League held an emergency meeting at the Austin Airport Hilton, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board heard the appeal of student eligibility and waiver of UIL rule for student at Westwood High School and Jonesboro High School. The emergency status was necessary to determine eligibility of student before soccer certification deadline which was Monday, March 19, 1990.

Contact: Bonny Northcutt, P.O. Box 8028, UT Station, Austin, Texas 78713-8028, (512) 471-5883.

Filed: March 14, 1990, 9:04 a.m.

TRD-9002765

Texas Water Commission

Wednesday, March 14, 1990, 1:30 p.m. The Texas Water Commission met at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the emergency revised agenda summary, the commission considered various matters with the jurisdiction of the commission. In addition, the commission considered 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 have taken various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time. The emergency status was necessary because of an imminent threat to public safety and health posed by unregulated storage tanks; and unforeseeable situation requiring immediate personnel action.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-8040.

Filed: March 13, 1990, 4:40 p.m.

TRD-9002762

Monday, April 2, 1990, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the examiners will conduct a public hearing on rate increase of Lollipop Water Works, Inc. This matter has been designated as Docket Number 8349-G.

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

Filed: March 13, 1990, 4:01 p.m.

TRD-9002748

Thursday, April 5, 1990, 9 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 543, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the examiners will conduct a public hearing on application by Rayburn County Municipal Utility District for transfer of a certificate of convenience and necessity. This matter has been designated as Docket Number 7866-S.

Contact: Jim Murphy, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 13, 1990, 4:02 p.m.

TRD-9002745

Thursday, April 5, 1990, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 1028, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the examiners will conduct a public hearing on rate increase of Walter J. Carroll Water Company doing business as Carroll Water Company. This matter has been designated as Docket Number 8347-R.

Contact: Deborah Parker, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 13, 1990, 4:01 p.m.

TRD-9002747

Monday, April 9, 1990, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 1-100, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the examiners will conduct a hearing on rate increase of Craft-Turney Water Supply Corporation. This matter has been designated as Docket Number 8360-W.

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

Filed: March 13, 1990, 4 p.m.

TRD-9002749

Monday, April 9, 1990, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 1149A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the examiners will conduct a hearing on water rate increase of City of Springtown. This matter has been designated as Docket Number 8362-A.

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

Filed: March 13, 1990, 4 p.m.

TRD-9002750

Thursday, April 12, 1990, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet in Room 1028, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According

to the agenda summary, the examiners will conduct a hearing on rate increase of Caney Creek Utilities, Inc. This matter has been designated as Docket Number 8342-G.

Contact: Joseph O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 13, 1990, 4:01 p.m.

TRD-9002746

Wednesday, May 2, 1990, 9 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing to determine whether to affirm, modify, or set aside emergency order 90-9E to Emtech Environmental Services, Inc. The order authorizes Emtech Environmental Services, Inc. to handle and dispose of 16 ounces of picric acid on property adjacent to Mineral Wells High School in Mineral Wells, Palo Pinto County.

Contact: Stephen C. Dickman, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: March 13, 1990, 4:03 p.m.

TRD-9002744

Regional Meetings

Meetings Filed March 13, 1990

The Region V Education Service Center Board of Directors held an emergency meeting at 2295 Delaware, Beaumont, March 16, 1990, at 2:30 p.m. The emergency status was necessary because of a personnel matter. Information may be obtained from John Applebach, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

The Region VII Education Service Center Board of Directors will meet at the Days Inn, Highway 259S, Henderson, March 29, 1990, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main, Kilgore, Texas 75662, (214) 984-3071.

The Texas Municipal League Intergovernmental Risk Pool Board of Trustees met at the Sheraton Inn-Civic Center, Lubbock, March 17, 1990, at 9 a.m. Information may be obtained from Jack Floyd, 211 East 7th Street, Fifth Floor, Austin, Texas 78701.

TRD-9002717

Meetings Filed March 14, 1990

The Atascosa County Appraisal District Agricultural Advisory Board will meet at 1010 Zanderson Avenue, Jourdanon,

March 27, 1990, at 9 a.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson Avenue, Jourdanon, Texas 78206, (512) 769-2730.

The Bexar Appraisal District Board of Directors met at 535 South Main, San Antonio, March 19, 1990, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Central Counties Center for Mental Health Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, March 20, 1990, at 7:45 p.m. Information may be obtained from Michael Muegge, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, March 22, 1990, at 9 a.m. Information may be obtained from Pricilla Holloway, 2010 Gilmer Road, Longview, Texas 75608, (512) 753-7503.

The Hays County Appraisal District Appraisal Review Board will meet at 632 "A" East Hopkins, Municipal Building, San Marcos, March 20, 1990, at 9 a.m. Information may be obtained from Lynnell Sedlar, 632 "A" East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

The Henderson County Appraisal District Board of Directors met at 1751 Enterprise, Athens, March 19, 1990, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (214) 675-9296.

The Lamar County Appraisal District Board will meet at 521 Bonham Street, Paris, March 20, 1990, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822.

The Palo Pinto Appraisal District Board of Directors will meet at the Palo Pinto Courthouse, Palo Pinto, March 21, 1990, at 3 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Sabine River Compact Administration will meet at the Fairmont Hotel, University Place, New Orleans, Louisiana, May 10, 1990, at 9:30 a.m. Information may be obtained from Herman Settemeyer, 6408 North 16th Street, Orange, Texas 77630.

The South East Texas Regional Planning Commission Executive Committee will meet at the City of Beaumont Council Chambers, Beaumont, March 21, 1990, at 7 p.m. Information may be obtained from Jackie Vice, 3800 Highway 365, Port Arthur, Texas 77642, (409) 727-2384.

The Tax Appraisal District of Bell County Appraisal Review Board held an emergency meeting at the District Building, 411 East Central Avenue, Belton, March

16, 1990, at 4 p.m. The emergency status was necessary for consideration of ownership of property for 1988 and 1989. Taxpayer requested resolution of dispute in order to pay taxes due.

The Tax Appraisal District of Bell County Board of Directors will meet in the District Building, 411 East Central Avenue, Belton, March 21, 1990, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29.

TRD-9002764

Meetings Filed March 15, 1990

The Coastal Bend Council of Governments Membership will meet at 901 Leopard Street, Nueces County Courthouse, Commissioners Courtroom, Third Floor, Corpus Christi, March 23, 1990, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The East Texas Council of Governments Board of Directors will meet at the Van Zandt Country Club, Canton, March 22, 1990, at 7 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Fourth Floor Board Directors Room, Houston, March 20, 1990, at 9 a.m. Information may be obtained from Jack Steele, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200.

The Houston-Galveston Area Council Board of Directors will meet at 3555 Timmons Lane, Fourth Floor Conference Room, Houston, March 20, 1990, at 10 a.m. Information may be obtained from Marjorie Baker, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200.

The Lower Neches Valley Authority Insurance Committee Board of Directors held an emergency meeting at the Authority Office Building, 7850 Eastex Freeway, Beaumont, March 15, 1990, at 2 p.m. The emergency status was necessary because the regular scheduled meeting is for March 20 and these renewal of property and liability insurance policies needed to be approved prior to the board meeting per Robert Harris. Information may be obtained from A. T. Herbert, Jr., P.O. Drawer, 3464, Beaumont, Texas 77704, (409) 892-4011.

The Lower Neches Valley Authority Board of Directors will meet at the Authority Office Building, 7850 Eastex Freeway, Beaumont, March 20, 1990, at 10:30 a.m. Information may be obtained from A. T. Herbert, Jr., P.O. Drawer, 3464, Beaumont, Texas 77704, (409) 892-4011.

TRD-9002795

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Commission on Alcohol and Drug Abuse

Notice of Public Hearings

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, as amended) requires annual public hearings on the intended use of federal funds allocated under the alcohol, drug abuse, and mental health block grant (ADM). Additionally, the state, through Texas Civil Statutes, Article 6252-13e, mandates that agencies responsible for administering block grant funds must hold public hearings in four locations once every two years as a mechanism for public input on development of the agency's budget request for the next biennium. Consistent with these mandates, the Texas Commission on Alcohol and Drug Abuse (commission) is holding public hearings in March. The purpose of these hearings is to take testimony regarding the commission's intended use of ADM funds for fiscal year 1991 and the commission's legislative appropriations request for the 1992-1993 biennium.

Specific comments will be solicited on the following issues: the intended use of public funds for substance abuse services; the magnitude of the substance abuse problem; and, the current availability of and need for substance abuse services.

At these hearings, preliminary reports of the intended use of funds for federal fiscal year 1991 (beginning October 1, 1990) will be provided, along with relevant budget information.

Four public hearings have been scheduled as follows: March 26, 1990, 10 a.m.-noon, Laredo, South Texas Development Council, Wing Conference Room, 600 South Sandman; March 27, 1990, 10 a.m.-noon, Arlington, North Central Texas Council of Governments, Centerpoint II, Second Floor, 616 Six Flags Drive; March 28, 1990, Amarillo, Panhandle Regional Planning Commission, 2736 West 10th Street; March 29, 1990, Victoria, Golden Crescent Regional Planning Commission, Victoria Regional Airport, Building 102.

Representatives from the Texas Commission on Alcohol and Drug Abuse will be present to explain the planning process and consult with and receive comments from interested citizens and affected groups. All written and oral comments will be considered in the preparation of the final plan and budgets.

Preliminary intended use reports and relevant budget information can be obtained from all regional councils of government or by contacting the Texas Commission on Alcohol and Drug Abuse, Bob Dickson, Executive Director, 1705 Guadalupe Street, Austin, Texas 78701-1214, (512) 463-5510, contact person, Rebecca Davis. Comments will be accepted through April 7, 1990.

Issued in Austin, Texas, on March 12, 1990.

TRD-9002728
Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: March 13, 1990

For further information, please call: (512) 463-5510

State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on April 17, 1990, at 9 a.m. at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Fidelity Trust Company, Dallas.

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 March 8, 1990.

TRD-9002691
William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: March 12, 1990

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

Governor's Office of Budget and Planning Contract Award Notice

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Office of Budget and Planning furnishes this notice of a consultant contract award.

Publication Date. The consultant proposal request was published in the November 24, 1989, issue of the *Texas Register* (14 TexReg 6194).

Description of Services. The request was for a consultant to provide technical reviews of energy engineering studies submitted to the Institutional Conservation Program in support of retrofit applications for the current cycle of the program.

Name and address. The consultant contract has been awarded to Kinsman and Associates, 1701 North Greenville Avenue, Suite 600, Richardson, Texas 75081.

Value and dates of contract. The total dollar value of the contract is \$60,540. The contract period extends from February 5, 1990-December 31, 1990, by which date all work associated with this contract must be completed.

Issued in Austin, Texas, on March 9, 1990.

TRD-9002715
Sheila W. Beckett
Director
Governor's Office of Budget and Planning

Filed: March 13, 1990

For further information, please call: (512) 463-1931

**Office of the Governor, Criminal
Justice Division
Crime Victims Assistance Program
(VOCA)**

Under the provisions of the Victims of Crime Act of 1984 (VOCA), as amended, Texas will receive a federal grant to continue the funding of a Crime Victims Assistance Program. The governor has designated the Criminal Justice Division, Office of the Governor, to continue to administer that program in the form of grants to units of government and to nonprofit organizations. The Criminal Justice Division (CJD) is now accepting grant applications for eligible projects from state agencies, units of local government, and nonprofit organizations.

The Crime Victims Assistance Program is intended to start or expand projects that provide assistance (but not compensation) to victims of crime for needs resulting directly from the crime and to assist in their participation in criminal justice proceedings. Projects presently receiving VOCA grant funding are not required to start or expand services further to be eligible for continuation funding, but are required to achieve and sustain the presently approved levels/scope of service and to maintain the existing level of matching cash contribution.

Eligible Projects. Only those projects which provide services to victims of crime are eligible for grant funding. Such services must directly benefit individual crime victims; must address needs directly resulting from the crime; and may include the required coordination of those services and the training of service providers. Additionally, to be eligible, each project must, if it is a new project, receive at least 35% of its budget in cash or in-kind contributions from sources other than state grants/contracts or federal grants for categorical programs; or, if it is an existing project, must have a record of providing not less than one completed year of effective services, in a cost-effective manner, to victims of crime, and must receive at least 20% of its total budget from either in-kind contributions or in cash from sources other than state grants/contracts or federal grants for categorical programs, (exceptions are permitted for projects operated on Indian reservations); be operated by a state agency, unit of local government, or nonprofit organization, or by a combination thereof; utilize volunteers, unless a waiver of this requirement based on compelling justification is requested by the applicant and is approved by the executive director of the CJD; promote, within the community served, coordinated public and private efforts to aid crime victims; and assist victims in seeking available benefits under the Texas Crime Victims Compensation Program.

Significant Restrictions and Special Requirements: Crime victims must be the sole or primary beneficiaries of the project; individual grants may not exceed \$50,000; funds may not be used to replace federal, state, or local funds that would have been available for crime victims assistance in the absence of VOCA funds; and funds may not be used for crime prevention, witness management, general criminal justice system improvements, management training, advocating particular legislation or administrative reform, for influencing the outcome of any election, for transitional living programs, for legal assistance/representation in civil law issues, or for physicians, or counselors on a case-by-case fee basis.

All applications must comply with the program criteria and applicable rules of the CJD, and must be submitted in the form prescribed by CJD. The CJD reserves the right to negotiate modifications to improve the quality and cost-

effectiveness of any proposed project and to recommend to the governor the acceptance, acceptance with modification, or rejection of any grant application. This announcement in no way obligates the CJD to award grant funds or to pay any costs incurred by applicants as a result of responding to this announcement.

Deadline. Applications must be received by CJD by 5 p.m. Tuesday, April 24, 1990. Applicants need to submit copies of applications to Regional Planning Councils or the Governor's Budget and Planning Office for review under the Texas Review and Comment System (TRACS). In addition, the Office of the Governor, Criminal Justice Division, will conduct workshops to provide assistance in preparing applications; further information will be distributed with the application kits.

Application Forms and Information. Application forms, guidelines, and workshop information will be provided by the CJD upon request. Requests should be directed to the Crime Victims Assistance Section, Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, (512) 463-1919.

Issued in Austin, Texas, on March 8, 1990.

TRD-9002727 Rider Scott
Executive Director
Office of the Governor, Criminal Justice
Division

Filed: March 13, 1990

For further information, please call: (512) 463-1919

◆ ◆ ◆
**State Board of Insurance
Company Licensing**

The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for name change by Union Life Insurance Company, a foreign life insurance company. The home office is in Little Rock, Arkansas. The proposed new name is Winona Financial Life Insurance Company.
2. Application for admission to do business in Texas of Aetna Personal Security Company, a foreign life insurance company. The home office is in Hartford, Connecticut.
3. Application for incorporation in Texas of White & Zech Administrators, Inc., a domestic third party administrator. The home office is in San Angelo.

Issued in Austin, Texas on March 13, 1990.

TRD-9002742 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: March 13, 1990

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

◆ ◆ ◆
The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for admission to do business in Texas of First Security Insurance Company, a foreign life insurance company. The home office is in Minneapolis, Minnesota.
2. Application for name change by American General Fire and Casualty Company, a domestic casualty insurance company. The home office is in Houston. The proposed new name is Maryland Insurance Company.
3. Application for name change by American General

Lloyds, a domestic property and casualty insurance company. The home office is in Houston. The proposed new name is Maryland Lloyds.

4. **Application for incorporation in Texas of Health Special Risk, Inc., a domestic third party administrator. The home office is in Dallas.

**Application was previously filed in *Texas Register* Volume 15, Number 17, dated March 2, 1990, page 1206, item #3. Application should read a domestic third party administrator in lieu of a domestic health maintenance organization.

Issued in Austin, Texas on March 13, 1990.

TRD-9002743 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: March 13, 1990

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

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Early Childhood Intervention Council Early Childhood Intervention Public Hearings

The Interagency Council on Early Childhood Intervention (ECI) announces public hearings on the plan for Fiscal Year 1991 expenditure of the \$5 million allocated through the U.S. Department of Education. The money is supplemental to state dollars that fund programs for developmentally delayed infants and toddlers. The proposal will be available prior to the hearings at the local ECI programs or at the state office. Comments on proposed rules to meet federal requirements under P.L. 99-457 will be discussed. Call Mary Elder, ECI Administrator, (512) 458-7673 or write the Early Childhood Intervention Program, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Written comments will be accepted until 4/18/90. Hearings are scheduled as follows: March 20, 1990, 10:30 a.m.-1:30 p.m., Abilene Regional MHMR Center, 3122 North 1st Street, Abilene, Texas, Contact: Santos Sosa, (915) 677-3351; March 22, 1990, 4:30 p.m.-7:30 p.m., Region XIX Education Service Center, 6611 Boeing, Room 616/618, El Paso, Texas, Contact: Rick McCarty, (915) 779-1551; March 26, 1990, 4:30 p.m.-7:30 p.m., Region IV Education Service Center, 7145 West Tidwell Road, Houston, Texas, Contact: Odie Keyes, (713) 462-7708; March 27, 1990, 11:30 a.m.-2:30 p.m., Region I Education Service Center, 1900 West Schunior,

Room 1, Edinburg, Texas; call (512) 383-5611 for site information or Contact Steve Yareb, (512) 631-9171; April 4, 1990, 10:30 a.m.-1:30 p.m., Texas Tech University Law School, 18th Street & Indiana Avenue, Lubbock, Texas, Contact: Gloria Galey, (806) 766-1172; April 9, 1990, 4:30 p.m.-7:30 p.m., Region XI Education Service Center, 3001 North Freeway, Fort Worth, Texas, call (817) 625-5331 for site information or Contact Laura Logan Kender, (817) 293-7176; April 18, 1990, 4:00 p.m.-6:00 p.m., Stouffer Hotel, 9721 Arboretum Blvd., Austin, Texas, call (512) 343-2626 for site information or Contact Joan Bishop, (512) 458-7673.

Issued in Austin, Texas, on March 14, 1990.

TRD-9002771 Mary Elder
 Texas Department of Health

Filed: March 14, 1990

For further information, please call: (512) 465-2671.

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Texas Rehabilitation Commission Request for Proposals—Amended

The Texas Planning Council for Developmental Disabilities published a request for proposals (RFP) for consumer stipends. The solicitation appeared in the July 28, 1989, issue of the *Texas Register* (14 TexReg 3722).

The RFP did not have a termination date. This amendment establishes a termination date on September 30, 1990.

This amendment also revises the six months deadline for submitting proposals. The amended deadline for submission of proposals is four months in advance of an event for which stipend funds are requested.

All other requirements of the July 28, 1989, RFP remain unchanged.

Any requests for further information should be directed to David P. Henderson, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2316.

Issued in Austin, Texas, on March 12, 1990.

TRD-9002708 Charles W. Schiesser
 Assistant Commissioner
 Texas Rehabilitation Commission

Filed: March 12, 1990

For further information, please call: (512) 483-4051



Name: Heather Gilliland

Grade: 8

School: Burnet Jr. High, Burnet

State Board of Insurance

The first comprehensive insurance regulation in Texas was enacted by the 14th Legislature between 1874 and 1875. At the time, the Comptroller of Public Accounts was charged with administering the new laws. That responsibility shifted over the next fifty years to the Department of Insurance, Statistics and History, in 1876; the Department of Insurance and Banking, in 1907; and finally, to the Department of Insurance, in 1923.

In 1927, the department began using a three commissioner system of regulation. Each commissioner assumed primary responsibility for one of the three major lines of insurance: fire, life and casualty. The Texas Insurance Code was adopted in 1951, giving the agency greater power to grant certificates of authority, strengthen examination laws, and increase minimum capital and surplus requirements for new companies.

The Legislature abolished the department in 1957 and created the State Board of Insurance in its place. Today, Texas is the only state that maintains a full-time policy making board and a full-time insurance commissioner. Like its predecessor, the board is made up of three members. The governor appoints each of the members to serve overlapping six-year terms. The commissioner is

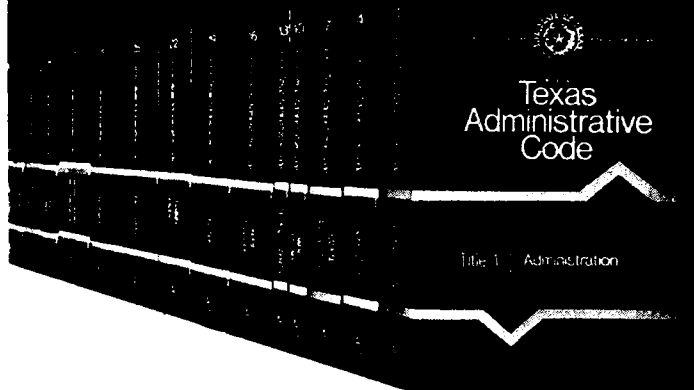
appointed by the board and is responsible for administering and enforcing the Insurance Code and regulations promulgated by the board.

The objective of the State Board of Insurance is "to enforce the laws governing the insurance industry and certain fire protection industries in such a manner as to protect the best interest of the public." Specifically, the board's duties include the following:

- 1) licensing qualified insurance companies, agents, adjusters, certain fire protection industries, premium finance companies, health maintenance organizations, continuing care retirement communities, and pre-paid legal services corporations;
- 2) conducting arson investigations and building inspections;
- 3) promulgating rates and forms for certain insurance lines;
- 4) enforcing rules pertaining to the conduct of licensed entities;
- 5) investigating claims, complaints and questionable business practices;
- 6) monitoring the financial activities of insurance corporations;
- 7) supervising or conserving companies in financial difficulty; and
- 8) when necessary, liquidating companies in receivership.

The State Board of Insurance is located in Austin and may be contacted at (512) 463-6425.

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