

TEXAS REGISTER

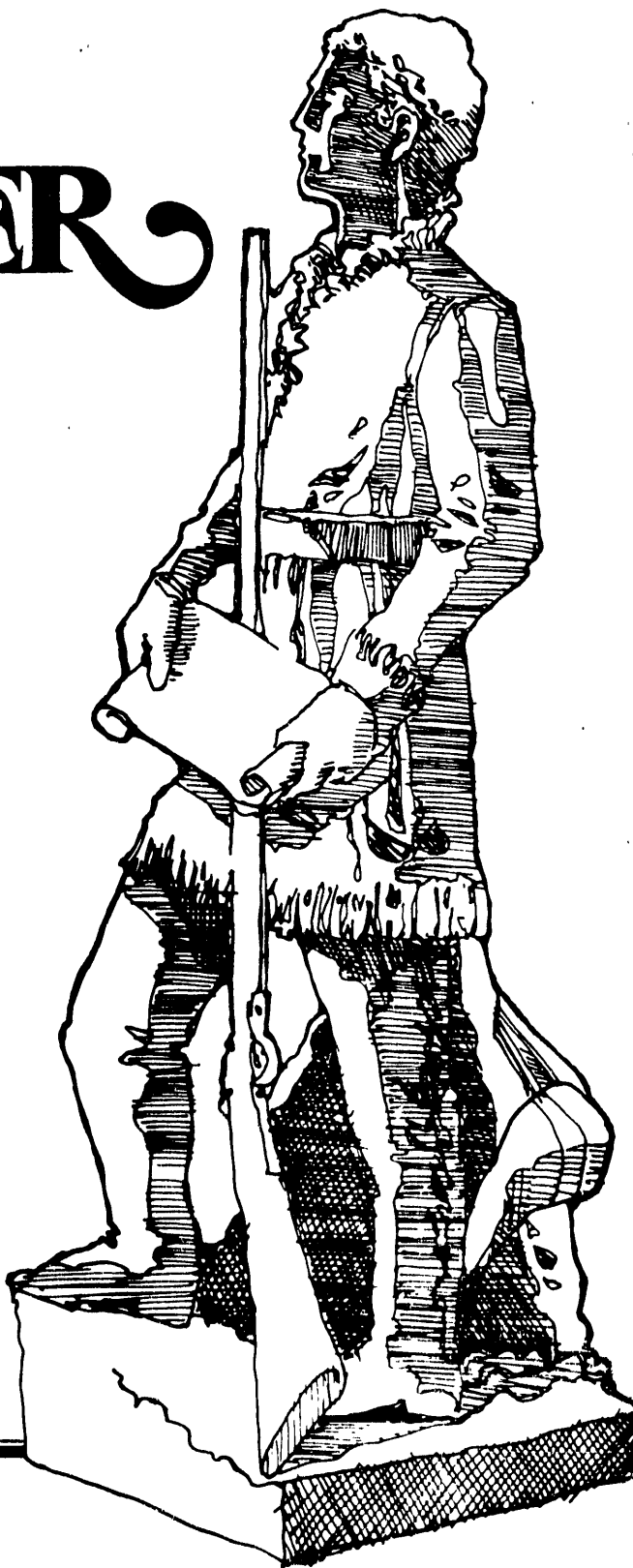
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The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 19, 22, 25, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 6, July 81

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Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.

TEXAS REGISTER

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David A. Dean
Secretary of State

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Charlotte Scroggins, Director

Gail Myrick
Dee Wright
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The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

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Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

CODIFIED

TITLE 25. HEALTH SERVICES

Part VIII. Interagency Council on Early Childhood Intervention

Chapter 621. Early Childhood Intervention Program

Funding of the Early Childhood Intervention Program

The Interagency Council on Early Childhood Intervention adopts on an emergency basis new §§621.21-621.28 concerning the Early Childhood Intervention Program. The legislative authority for these rules became effective September 1, 1981 (Senate Bill 630, 67th Legislature, 1981). The law covers handicapped children who are developmentally delayed and in need of habilitative services to enhance their development and prevent further disability. A significant number of these children need intervention services immediately in order to prevent further deterioration in their disabilities. Thus, there is an imminent peril to public health, safety, and welfare which these emergency rules are intended to alleviate or reduce.

These new sections are adopted under authority of Texas Civil Statutes, Articles 4413 (43a) and 6252-13a.

§621.21. Purpose.

(a) Senate Bill 630 established a statewide system of early childhood intervention services for developmentally delayed children. The legislature enacted the bill with an effective date of September 1, 1981.

(b) Funds are available to public or private service organizations who may be current or potential providers of services for developmentally delayed children.

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

Agency—TEA, TDMH/MR, or TDH.

Developmentally delayed child is either:

(A) a child with a significant delay, beyond acceptable variations in normal development, in one or more of the following areas:

- (i) cognitive,
- (ii) gross or fine motor,
- (iii) language or speech,
- (iv) social or emotional,
- (v) self-help skills;

(B) a child who has an organic defect or condition that is very likely to result in delayed development in subparagraph (A) of this definition.

ECI—Early Childhood Intervention Program.

ECI staff—Staff of the Early Childhood Intervention Program.

IDP—Individualized developmental plan.

Interagency Council—Early Childhood Intervention Council.

TDH or department—Texas Department of Health.

TDHR—Texas Department of Human Resources.

TDMH/MR—Texas Department of Mental Health and Mental Retardation.

TEA—Texas Education Agency.

§621.23. General Requirements.

(a) Client eligibility. A developmentally delayed child shall be eligible for ECI services if the child is under three years of age and is ineligible for entry into the comprehensive special education program for handicapped children under Texas Education Code, §16.104.

(b) Program eligibility.

(1) In granting ECI funds, priority will be given for new services or for the expansion of existing services.

(2) The means by which maintenance of effort of present programming will be assured must be stated.

(c) Funding criteria.

(1) The Early Childhood Intervention Council shall use the following criteria when considering the funding of grant requests:

- (A) the extent to which the program will meet identified needs;
- (B) the cost of initiating a program;
- (C) the availability of other funding sources including parent payment; and

(D) the assurance of quality services.

(2) The application shall be judged on a competitive basis.

(d) Developmental plans.

(1) A written individualized developmental plan (IDP) shall be developed for each child based on a comprehensive evaluation performed by an interdisciplinary team with parent or guardian participation and periodic review and re-evaluation.

(2) The IDP shall be jointly formulated by the program provider and parents or guardians of the developmentally delayed child. It includes specific short- and long-term goals, objectives, and services needed for the development of the child. No IDP shall be implemented without prior written consent from the parents and/or guardians.

(3) The IDP shall serve as a method to be used for evaluating the quality and performance of the program provider in regard to the child's progress and services provided.

(4) Programs which receive ECI funds shall have an IDP for each child, which shall be completed within 30 days of admission and which meets the following criteria:

(A) shall be in writing;

(B) shall be developed jointly by program staff and with the written consent of the child's parents or guardians;

(C) shall be based on a comprehensive evaluation performed by an interdisciplinary team;

(D) shall identify each service to be delivered and the person who will provide the service; and

(E) shall be periodically reviewed, at least quarterly, based on the needs of the child.

(e) Services. The program shall provide services to meet the unique needs of each child as indicated by the child's individualized developmental plan. The provider shall demonstrate a capability to obtain or provide an array of services that must include:

(1) training, counseling, case management services, and home visits for the parents (guardians) of each child;

(2) individualized instruction or treatment in the following areas of development:

(A) cognitive,

(B) gross and fine motor,

(C) language or speech,

(D) social or emotional, and

(E) self-help skills;

(3) related services as prescribed

(A) occupational therapy,

(B) physical therapy,

(C) speech and language therapy,

(D) adaptive equipment,

(E) transportation,

(F) other therapies.

(f) Instructional or treatment options. Instructional or treatment options for each child shall take into consideration the medical, social, educational, and developmental needs as stated in the individualized developmental plan.

(g) In-service education. Each provider shall assess needs and develop and implement a plan for the in-service training of personnel.

(h) Frequency and duration of service. The frequency and

duration of service for each child shall be based on need as indicated in the individualized developmental plan.

(i) Staff-child ratios. Staff-child ratios must take into consideration the degree of each child's developmental level of handicapping condition, the setting in which the child will be served, and the nature of the service to be provided. These aspects of service must be specifically addressed in the individualized developmental plan.

(j) Staff composition and qualifications. Each program shall have staff who have qualifications in terms of education and experience commensurate with the duties that they will be assigned in the program.

(k) Other program aspects. There are several other program aspects designed to ensure the provision of quality services.

(1) Screening, assessment and referral. Each provider shall have written procedures which describe screening, assessment, and referral procedures. Screening and assessment instruments shall be specified.

(2) Parental involvement. Each provider shall have a written plan which provides for parental participation in various aspects of the program.

(3) Public awareness. Each provider shall maintain written information regarding its public awareness activities.

(l) Fees for intervention services. Fees may be charged for intervention services based on the parent's or guardian's ability to pay. If a fee is charged, a separate charge must be made for each type of service provided. Guidelines for determining parent's ability to pay shall be developed by the program provider and included in the application.

(m) Continuation funding. Programs may be eligible for second year funding. This will be contingent upon the program's accomplishments and progress toward stated goals and objectives, and upon the availability of ECI funds. The program provider shall complete and submit an application for the second year.

§621.24. Applicant Requirements.

(a) Proposal format. The council adopts by reference the document entitled, "Proposal Format," published by the council. Copies are available upon request from the chairperson, Interagency Council on Early Childhood Intervention, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(b) Format content. The format consists of the forms and related material that the applicant shall complete to apply to perform program services. The ECI grant review instrument is also included for the applicant's information. The format includes six parts:

(1) Applicant profile.

(2) Program narrative.

(3) Financial information.

(4) Assurances.

(5) Grant review instrument.

(6) Attachments (any additional supporting information relating to the proposed program should be included as attachments).

(A) The format included in the application kit shall be used.

(B) Applications not using the approved format will not be considered.

(C) Incomplete applications will not be considered.

(D) Applications received after the grant application closing date will not be considered.

(c) Total program costs. The total program cost is defined as the sum of the total ECI share plus the total applicant share.

(d) Applicant share.

(1) Maximum funding through ECI program is as follows:

First Year Funding	ECI	Program Provider
New programs in unserved areas	100%	—
New and expanded programs	90%	10%
Second Year Funding; (applicant must reapply)		
All programs	80%	20%

Note: These percentages are not intended to apply on a line item basis, but rather on the basis of the total cost of the program.

(2) Matching or cost sharing may include the following:

- (A) federal, state, and local funds;
- (B) private contributions;
- (C) sliding fee charges based on eligibility; and
- (D) in-kind contributions (if properly valued, see as follows the allowable and unallowable costs).

(3) Contributions will be accepted as applicant match when such contributions are:

- (A) identifiable from the program provider's records;
- (B) necessary and reasonable for proper and efficient accomplishment of program objectives; and
- (C) types of costs which are allowable (e.g. new services or the expansion of existing services).

(4) If the applicant share is contributed in whole or in part by another agency, there shall be an attachment to the application which details the source and amount of such contribution and which acknowledges that such contributor agrees to be bound by all assurances of the grant.

(e) Allowable costs.

(1) The following is intended to be a summary of the most frequently requested costs, and should not be construed to be complete. (Exclusion of a particular item from the allowable list does not necessarily mean it is unallowable. All costs to be reimbursed by ECI or applicant share must go exclusively for the conduct of the program.)

- (A) Personnel—Salaries and wages and fringe benefits.
- (B) Consultants—Only for essential services which cannot be met by grant personnel or other applicant personnel.
- (C) Travel and/or transportation—Staff travel necessary for the conduct of the program. Children's transportation on public or private systems when such transportation is necessary for their participation in the program.

(D) Consumable supplies—Allowable when necessary for the execution of the grant. This includes educational supplies with a useful life of less than one year.

(2) The following expenses are the most common types of "other expenses:"

- (A) Audit fees—Allowable applicant share expenditure only.
- (B) Communications—Such as telephone and postage charges.
- (C) Depreciation—Allowable whenever real or personal

property are used for the benefit of the grant. May only count toward the applicant's share; is not chargeable to the ECI share.

(D) Insurance.

(E) Rental of space.

(F) Maintenance and operation including utilities—Prorated to the actual amount of space used by the program.

(G) Taxes—Allowable only for those taxes which the program provider is required to pay as they relate to employment services, travel, renting, or purchasing for the program.

(f) Unallowable costs.

(1) The following are the most common types of costs which are requested but unallowable:

- (A) Construction, renovation, or alteration of buildings.
- (B) Purchase of land or buildings.
- (C) Program equipment.
- (D) Vehicles.

(2) Items excluded from the list in paragraph (1) of this subsection are not necessarily allowable.

§621.25. Financial Management and Record Keeping Requirements.

(a) Financial management system.

(1) Upon award of early childhood intervention grant funds, the program provider will be expected to implement a financial management system which will provide for the following:

- (A) Accurate, current, and complete disclosure of the financial status of each program.
- (B) Records which identify the source and application of funds for program provider supported activity.

(C) Effective control over and accountability for all funds, property, and other assets. Program provider shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(D) Comparisons of actual amounts expended with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the ECI program.

(2) Accounting for applicant funds should be in accordance with generally accepted accounting principles consistently applied. All supporting documents of grant expenditures shall be recorded in sufficient detail to show the exact nature and cost of the expenditures for each account. Records must be maintained in such a manner to permit preparation of required financial reports and to indicate that grant funds are used for the purposes for which the grant was made. Any funds not expended in accordance with the contract entered in between the program provider and TDH should be returned to TDH.

(3) All records pertaining to the financial management of the grant shall be maintained for a period of five years (or until all audit questions are resolved) from the date of submission of the annual or final report.

(b) Reports. In addition, all program providers will be expected to submit the following reports to the Early Childhood Intervention Program office:

- (1) quarterly and final program performance reports; and
- (2) quarterly and final expenditure reports.

(c) On-site reviews.

- (1) Program review.

(A) TEA, TDMH/MR, or TDH will conduct prescheduled on-site visits of programs in order to determine progress and accomplishments of stated goals and objectives.

(B) In addition, program provider records will be reviewed to determine compliance with assurance statements. A check of the program provider's individual development plan system will be made according to program guidelines.

(2) Financial review. A financial review will be conducted to ascertain that program costs are:

(A) allowable as budgeted;

(B) properly documented; and

(C) in compliance with matching requirements.

(3) Record availability. All records shall be made available to TEA, TDMH/MR, and TDH agency monitoring teams.

(d) Audit requirements. Early Childhood Intervention programs shall have a financial audit performed by an independent certified public accountant or other independent public accountant licensed by the Texas State Board of Public Accountancy for those fiscal years that include any portion of an early childhood intervention grant period. Those ECI programs which are audited by the state auditor or an equivalent state agency auditor may substitute that audit to fulfill this audit requirement. A copy of this audit must be sent to the ECI office.

§621.26. Grant Application Submission and Review.

(a) Submission of application.

(1) Applications are deemed received when logged by the ECI office. The ECI staff will review each application to ensure that all parts of the proposal are included.

(2) Applications which are late or are incomplete will not be accepted and will be returned to the applicant with an explanation. Otherwise, all applications will be considered for funding.

(3) A completed original and eight copies of the grant application shall be submitted to Early Childhood Intervention Program, 1100 West 49th Street, Austin, Texas 78756.

(4) The grant application shall be typed.

(5) The grant application shall follow the format provided as the "grant application." If you should need additional space for continuation of an item, continue onto a reproduction of the original page.

(6) Assemble each copy of your application into proper order, making sure that all pages are appropriately numbered. All copies of the application should be sent as one package.

(b) TEA and TDMH/MR rules. Applicants seeking funding for programs under the auspices of TEA and TDMH/MR

must do so in accordance with the rules of TEA and TDMH/MR, in addition to the rules of the council.

(c) ECI review team. The ECI review team is formed by representatives of TEA, TDMH/MR, TDHR, and TDH. The ECI review team will be responsible for making recommendations to the council for approval or denial.

§621.27. Grant Award. Following the review process, the council will meet to approve or deny grants. Final versions of the programs will be negotiated where necessary. Each applicant will be notified in writing of the council's decision. The reason for a denial will be communicated in writing to the applicant.

§621.28. Contract.

(a) An approved provider will enter into a contract with the Department of Health prior to being allocated funds.

(b) The contract shall contain:

(1) program standards as required under §19 of Article 1 of Senate Bill 630;

(2) the agency guidelines of TEA or TDMH/MR;

(3) the minimum and maximum number of eligible developmentally delayed children to be serviced; and

(4) agency program monitoring requirements and department fiscal requirements on accounting for funds and for recovering funds as required by Texas law and department policies.

(c) The contract shall be concurrent with the current fiscal year.

§621.29. Appeals.

(a) If the agency determines that a program is not meeting a requirement of the contract, the agency shall notify the department to withhold further funding.

(b) A provider shall have the right to appeal to the council the decision of the agency to withhold further funding in accordance with the contested case provisions of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819124

Clift Price, M.D., F.A.A.P.

Chairman

Interagency Council on Early
Childhood Intervention

Effective Date: December 15, 1981

Expiration Date: April 14, 1982

For further information, please call (512) 458-7445.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency must give at least 30 days notice of its intention to promulgate certain action on a rule. The purpose of proposing rule action is to give interested persons an opportunity to review the proposal and make oral or written comments. "Opportunity for public hearing must be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members." Proposed action is effective as notice on the date published in the *Register*. Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposed date of adoption is 30 days after publication. The notice must include a brief explanation of the proposed action; a fiscal impact statement; a request for comments on the proposed action from any interested person; the text of the proposed action, in compliance with the rules of the Texas Register Division; and a statement of the legal authority under which the proposed action is to be promulgated. The certification information, which includes the earliest possible date that the agency may file notice to adopt the proposal, follows each published submission of proposed action. A telephone number for further information is also published.

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Symbology—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.



CODIFIED

TITLE 13. CULTURAL RESOURCES Part I. Texas State Library and Archives Commission Chapter 1. Library Development Standards for Accreditation of a Major Resource System of Libraries in the Texas Library System

The Texas State Library and Archives Commission proposes amendments to §1.47 (351.20.04.007) concerning the definition of a professional librarian in the regulations for the Library Systems Act. This section establishes the requirements a person must meet to be considered a professional librarian. The agency proposes the amendments to conform to the definition of a professional librarian as proposed for county librarian certification.

Raymond Hitt, Library Development Division director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

The division director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be better qualified directors of Texas public libraries, who will subsequently provide better reference, collection development, reader advisory, management, and community relations services to the public using the libraries.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be the cost of 150 hours of college—\$11,550 in 1982; \$12,450 in 1983; \$13,500 in 1984; \$14,400 in 1985; and \$15,300 in 1986.

Comments on the proposal may be submitted to Dorman H. Winfrey, director and librarian, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166.

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

William D. Gooch
December 15, 1981

The amendments are proposed under Texas Civil Statutes, Article 5446a, Chapter E, §15d, which provides the Texas State Library and Archives Commission with the authority to approve rules and regulations for the Library Systems Act.

§1.47 (351.20.04.007). *Consulting and Continuing Education Services.* A major resource system shall provide consulting and continuing education services to public libraries on-site. At least one professional librarian shall be assigned full time to consulting and other system duties and provided with an adequate budget for support staff, travel, and communications to carry out these duties.

A professional librarian is defined as a *person* [librarian] holding either a fifth-year degree in librarianship or a master's degree in library or information science from a program accredited by the American Library Association or a higher credential from a library school offering an American Library Association approved degree in library or information science. [from an American Library Association accredited library school, or a master's degree from an American Library Association accredited library school.]

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819125 William D. Gooch
Assistant State Librarian
Texas State Library and
Archives Commission

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-6656.

Chapter 5. County Librarian Certification

The Texas State Library and Archives Commission proposes amendments to §5.1 concerning the requirements for permanent county librarian certification. The commission proposes these amendments in response to comments made by librarians at a public hearing. The amendments, which define a professional librarian, restrict permanent certification to only those persons with a master's or fifth-year degree from a library school accredited by the American Library Association.

Raymond Hitt, Library Development Division director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

The division director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be better qualified directors of Texas public libraries who will subsequently provide better reference, collection development, reader advisory, management, and community relations services to the public using the libraries.

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Comments on the proposal may be submitted to Dorman H. Winfrey, director and librarian, Texas State Library and Archives Commission, P.O. Box 12927, Austin, Texas 78711, (512) 475-2166.

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

William D. Gooch
December 15, 1981

The amendments are proposed under Texas Civil Statutes, Articles 1683, 1684, and 5435, which provide the Texas State Library and Archives Commission with the authority to establish qualifications of persons wanting to become county librarians and to adopt rules necessary to administer his responsibility.

§5.1. Grade I Certificate (Permanent). Employment in any county library or city/county library requires either a fifth-year degree in librarianship or a master's degree in library or information science from a program [Graduation from a library school] accredited by the American Library Association or a higher credential from a library school offering an American Library Association approved degree in library or information science. [and four years postgraduate experience in a public library. Persons holding a Grade I certificate on December 31, 1978, will not be affected by this section.]

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819126 William D. Gooch
Assistant State Librarian
Texas State Library and
Archives Commission

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-6656.

TITLE 22. EXAMINING BOARDS Part XII. Board of Vocational Nurse Examiners Chapter 235. Licensing Application for Licensure

The Board of Vocational Nurse Examiners proposes new §235.18 relating to application for licensure.

Waldeen D. Wilson, executive director, has determined that for the first five-year period the new rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

The executive director has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing this rule as proposed will be providing a procedure for handicapped candidates to take the licensing examination.

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Waldeen D. Wilson, R.N., executive director, Board of Vocational Nurse Examiners, 5555 North Lamar, Building H, Suite 131, Austin, Texas, (512) 458-1203.

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

Waldeen D. Wilson, R.N.
December 14, 1981

The new section is proposed under Texas Civil Statutes, Article 4528c, §5(g), which provides the Board of Vocational Nurse Ex-

aminers with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

§235.18. Handicapped Candidate.

(a) A handicapped candidate for the SBTPE who otherwise is qualified shall not be deprived of the opportunity to take the licensing examination solely by reason of that handicap. Such handicaps may include but not be limited to visual and hearing impairments, neuromuscular disorders, and/or other physical disabilities.

(b) Written requests for modification of the SBTPE itself and/or the procedures for administering the SBTPE must be submitted to the board at least 130 days prior to the examination date. Should the deadline date fall on Saturday, Sunday, or a holiday, the written request must be received in the board office on the first working day following. The request shall include an evaluation of the disability by the candidate's physician or psychologist. In the event an impairment necessitating elaborate adaption of the usual test procedure occurs within the 130 days prior to the examination date, the candidate would not be eligible for that examination. Elaborate adaptation is utilization of personnel other than assigned proctors and/or placement of candidate elsewhere other than designated table.

(c) Handicapped candidates requiring a separate examination room will write the SBTPE in Austin.

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819080 Waldeen D. Wilson, R.N.
Executive Director
Board of Vocational Nurse
Examiners

Proposed date of adoption: January 22, 1982
For further information, please call (512) 458-1203.

TITLE 25. HEALTH SERVICES

Part VI. Statewide Health Coordinating Council

Chapter 571. Health Planning and Resource Development

State Health Plan

The Statewide Health Coordinating Council proposes to amend to §571.1 concerning the state health plan. The amendment will present priority statewide health problems, develop goals and objectives aimed at alleviating the problems, and propose recommended actions and resource requirements that will be necessary to meet the goals. The council simultaneously proposes the repeal of §571.2 on the Medical Facilities Planning Annex to the Texas State Health Plan. The information contained in the annex will be incorporated into the state health plan.

Stephen Seale, chief accountant III, Program Budgetary Services

Division, has determined that for the first five-year period the rule will be in effect, there will not be fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Seale has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be increased awareness of the health problems in the state and knowledge about prevention activities. The public will also benefit from increased availability and accessibility of health promotion, prevention, and treatment activities.

(B) There are no economic costs to individuals who are required to comply with the rule as proposed. Since the state health plan is merely a proposed solution to statewide health concerns, no compliance is required and therefore no direct costs to individuals will result.

Comments on the proposal may be submitted to Mike Ezzell, Bureau of Health Planning and Resource Development chief, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be received through February 2, 1982. In addition, comments will be received at a hearing which will be held on the proposed plan on Tuesday, February 2, 1982, at 7 p.m., at the Texas Department of Health Auditorium, 1100 West 49th Street, Austin, Texas.

Copies of the proposed state health plan are available for review at the department's Bureau of State Health Planning and Resource Development, 1100 West 49th Street, Austin; and the offices of the health systems agencies and the public health regions located throughout the state. Additional copies are located at some offices of county judges and county libraries throughout the state. Contact Mr. Ezzell's office or local health systems agencies for exact locations.

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

Louis E. Gibson, M.D., F.A.C.S.
December 11, 1981

The amendment is proposed under the Health Planning and Resource Development Act of 1974, Public Law 93-641, §1524, which provides the Statewide Health Coordinating Council with the authority to adopt a state health plan.

§571.1. State Health Plan for Texas. The Statewide Health Coordinating Council adopts by reference the document entitled, *The Texas State Health Plan, 1982-1986*. This document has been published by the Statewide Health Coordinating Council and is available from the Bureau of State Health Planning and Resource Development, Texas Department of Health, 1100 West 49th Street, Austin, Texas.

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819085 Louis E. Gibson, M.D., F.A.C.S.
Chairman
Statewide Health Coordinating
Council

Proposed date of adoption: March 26, 1982
For further information, please call (512) 458-7261.



TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter F. Motor Vehicle Tax Division

The office of the Comptroller of Public Accounts proposes to amend §3.69 (026.02.06.015). The section has been totally revised to explain under what circumstances a person, firm, or other entity is liable for the motor vehicle use tax on a vehicle purchased outside Texas and brought into the state for use on the public highways. The amendments explain when a person, firm, or other entity is considered to be doing business in the state so that it is liable for the tax. In addition, the section has been reformatted to conform to Texas Register Division requirements, and the subchapter has been renamed from Motor Vehicle Sales and Use Tax Division to Motor Vehicle Tax Division.

Bill Allaway, director of revenue estimating, has determined that for the first five-year period the rule as proposed is in effect, there will not be fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Allaway has also determined that for each year of the first five years the rule as proposed is in effect, the general public would benefit to the extent that the clarification of tax liability minimizes errors on tax returns; there are no anticipated economic costs to individuals who are required to comply with the rule as proposed.

Public comment on the proposal is invited. Comments should be submitted in writing to Richard Montgomery, P. O. Box 13528, Austin, Texas 78711.

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

Joo H. Thrash
December 15, 1981

The amendments are proposed under the authority of Texas Taxation—General, Article 6.02 (1969), which provides that the comptroller may establish rules and regulations for the determination of the taxable value of motor vehicles and the efficient administration of the tax.

§3.69 (026.02.06.015). *Motor Vehicle Use Tax; Interstate Commerce; Motor Carriers.*

(a) *The motor vehicle use tax is due upon every motor vehicle purchased at retail outside this state, and brought into Texas for use upon the public highways by any person, firm, or corporation that is doing business in this state. The tax shall be the obligation of and be paid by the operator of the motor vehicle.*

(b) *For the purposes of this section and Texas Tax Code, §152.022, an individual, firm, corporation, or other entity is doing business in the state if it engages or transacts some part of its ordinary business in the state. The activities of either the entity or the manner in which the motor vehicle is used in the state may result in liability for the motor vehicle use tax.*

(c) *An entity which has sufficient contacts, or conducts sufficient activities in the state so that it is doing business, will be liable for the motor vehicle use tax on any of its motor vehicles which use the highways of Texas. If the entity does not conduct sufficient activities or have sufficient contacts with the state to be considered doing business, it will not be liable for the motor vehicle use tax on any of its vehicles which operate upon the highways of Texas.*

(d) *The following is a nonexhaustive list of activities which constitute doing business in Texas and which would subject a person, firm, corporation, or other entity to liability for the motor vehicle use tax:*

(1) *providing any service in Texas, whether or not the persons performing the service are residents of the state;*

(2) *assembling, erecting, processing, manufacturing, selling, or storing property located in Texas;*

(3) *transporting persons or property from one point in Texas to another point in Texas, even though the transporting vehicle's origination or ultimate destination may be outside Texas;*

(4) *owning, leasing, or maintaining facilities, and/or maintaining employees in Texas:*

(A) *for storage, delivery, or shipment of goods,*

(B) *for servicing, maintenance, or repair of vehicles, or*

(C) *for coordinating and directing the transportation of persons or property, which transportation is at least partially within Texas;*

(5) *having a representative, agent, salesman, canvasser, or solicitor in the state under the authority of the entity for the purpose of selling or soliciting sales of goods or services.*

(e) *A domestic corporation, or a foreign corporation which has a certificate of authority to transact business in Texas, is considered to be doing business in Texas, for the purposes of this section.*

(f) *A person, firm, corporation, or other entity which is not otherwise doing business under this section will not be liable for motor vehicle use tax on vehicles which enter Texas from outside the state solely to deliver and/or pick up persons or property being transported in interstate or foreign commerce if the entity conducts no other activity in the state.*

(g) *The motor vehicle sales and use tax imposed by Chapter 152 of the Texas Tax Code does not apply to motor vehicles, trailers, and semitrailers taxed under Chapter 157; and the taxes imposed by Chapter 157 do not apply to motor vehicles taxed under Chapter 152; provided that if a motor vehicle, trailer, or semitrailer taxed under Chapter 157 ceases to be used as an interstate motor vehicle, trailer, or semitrailer within one year of either the date*

the vehicle was purchased in Texas or the date such vehicle was first brought into Texas, the taxes imposed by Chapter 152 will apply at that time.

[The motor vehicle use tax is due upon the operator of a motor vehicle purchased out of Texas by a person, firm, or corporation that is either a resident of Texas, domiciled in Texas, or doing business in Texas, if brought into Texas for use upon the highways in this state, even though such a motor vehicle will be used only in interstate commerce.]

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819140 Bob Bullock
Comptroller of Public Accounts

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-1935.

The office of the Comptroller of Public Accounts proposes to amend §3.72 (026.02.06.020). Under the existing rule a gooseneck trailer (a type of semi-trailer often used as a farm vehicle) is subject to the motor vehicle sales and use tax regardless of use. The proposed rule has defined "farm trailer" to include both trailers and semi-trailers which are designed and used primarily as farm vehicles. Subsection (b) of the proposed rule would then restate Texas Taxation—General Annotated, Article 6.03(C), which excludes all farm trailers from the application of the motor vehicle tax. The proposed rule has also been retitled and has been reformatted to conform to Texas Register Division requirements.

Bill Allaway, director of revenue estimating, has determined that for the first five-year period the rule is in effect, there will be no fiscal impact on state or local units of government, and no public benefit or cost would result from the adoption of the rule as proposed.

Public comment on the proposal is invited. Comments should be submitted in writing to Richard Montgomery, P. O. Box 13528, Austin, Texas, 78711.

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

Joe H. Thrash
December 15, 1981

The amendments are proposed under the authority of Texas Taxation—General, Article 6.02 (1969), which provides that the comptroller may establish rules and regulations for the determination of the taxable value of motor vehicles and the efficient administration of the tax.

§3.72 (026.02.06.020). *Farm [Gooseneck] Trailers.*

(a) *For purposes of this section, a "farm" or "ranch" is defined as one or more tracts of land used to produce crops, livestock, or other agricultural products to be sold in the regular course of business. "Farm" or "ranch" also includes a dairy farm, commercial orchard, commercial greenhouse, feedlot, and any similar commercial agricultural operation that is an original pro-*

ducer of agricultural products. Home gardens or timber operations are not considered farms or ranches.

(b) *For purposes of this section, a "farm trailer" is a trailer or semitrailer designed and used primarily as a farm or ranch vehicle.*

(c) *A farm trailer is not subject to the motor vehicle sales and use tax if it is used primarily on a farm or ranch in the production of food for human consumption, grass, feed for any form of animal life, or other livestock or agricultural products to be sold in the regular course of business. Farm trailers primarily used by the original producer in processing, packing, or marketing his own livestock or agricultural products are also not subject to motor vehicle sales and use tax.*

(d) *Farm trailers exclusively used in processing, packing, or marketing agricultural products by an agricultural cooperative or gin are subject to the tax, unless the cooperative can prove the cooperative itself is the original producer of all agricultural products being processed, packed, or marketed, and that those functions are being done at a location operated by the cooperative.* [The term semitrailer is construed to include gooseneck trailers, which are trailers that attach to the towing vehicle at some point forward of the rear axle and whose load is partially carried upon the towing vehicle. Gooseneck trailers are subject to the motor vehicle sales and use tax regardless of their use.]

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819141 Bob Bullock
Comptroller of Public Accounts

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-1935.

Subchapter J. Tobacco Products— Admissions Tax

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Comptroller of Public Accounts, LBJ Building, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The office of the Comptroller of Public Accounts proposes the repeal of §3.151 and §3.152 (026.02.21.001 and .002) concerning the admissions tax. The admissions tax was repealed by 1979 Texas Laws, Chapter 456, §1 at 1024, effective September 1, 1979, and the rules are superfluous.

Bill Allaway, director of revenue estimating, has determined that for the first five-year period the repeal is in effect, there will be no fiscal implications to state or local government as a result of the repeal of the rules.

Mr. Allaway has also determined that for each year of the first five years the repeal is in effect, there will be no public benefit nor any economic cost to individuals required to comply with the repeal as proposed.

Public comment on the proposal is invited. Comments should be submitted in writing to Lewis Conway, P. O. Box 13528, Austin, Texas 78711.

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

Joe H. Thrash
December 16, 1981

The repeal is proposed under the authority of Texas Civil Statutes, Article 4344 (Supplement 1980), which provides that the comptroller may adopt such regulations not inconsistent with the constitution and laws as he may deem essential to the speedy and proper assessment and collection of the revenues of the state.

§3.151 (026.02.21.001). *Definitions.*
§3.152 (026.02.21.002). *Interpretation.*

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819142 Bob Bullock
Comptroller of Public Accounts

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-1932.

Subchapter K. Tobacco Products Tax Division—Hotel Occupancy Tax

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Comptroller of Public Accounts, LBJ Building, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The office of the Comptroller of Public Accounts proposes to repeal §3.164 (026.02.23.004). This section is being repealed to reflect the repeal of Article 7150.1 by the 67th Legislature. The comptroller of public accounts will no longer be obligated to publish guidelines to aid county tax assessor collectors in administering the ad valorem tax exemption relating to solar energy devices.

Bill Allaway, director of revenue estimating, has determined that for the first five-year period the repeal is in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the repeal.

Mr. Allaway has also determined that for each year of the first five years the repeal as proposed is effect:

(A) The public benefits anticipated as a result of enforcing or administering the repeal is the increased efficiency that will result from unifying the administration of the ad valorem exemption relating to solar energy devices under the State Property Tax Board and the Texas Energy and Natural Resources Advisory Council.

(B) There will be no economic cost to individuals who are required to comply with the repeal as proposed.

Public comment on the proposal is invited. Persons should submit their comments in writing to Lewis Conway, P. O. Box 13528, Austin, Texas 78711.

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

Joe H. Thrash
December 16, 1981

The repeal is proposed under the authority of Texas Civil Statutes, Article 4344 (Supplement 1980), which provides that the comptroller may adopt such regulations not inconsistent with the constitution and laws as he may deem essential to the speedy and proper assessment and collection of the revenues of the state.

§3.164 (026.02.23.004). *Solar Energy Exemptions.*

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819143 Bob Bullock
Comptroller of Public Accounts

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-1932.



NONCODIFIED

State Board of Insurance Life, Health, and Accident Insurance Rules for Minimum Standards for Medicare Supplement Policies 059.03.74

The State Board of Insurance proposes the adoption of new Rules 059.03.74.001-.010, concerning minimum standards for Medicare supplement policies marketed to persons eligible for Medicare by reason of age.

These rules are proposed to comply with the dictates of Article 3.74 of the Texas Insurance Code, which was passed in the 67th Legislature and deals with Medicare supplement policies. Article 3.74 was passed in response to 42 USCA §1395 ss, commonly known as the Baucus Amendment. The Baucus Amendment provides a voluntary procedure under which insurers may seek certification by the federal government that Medicare supplement policies meet certain minimal standards. The Baucus Amendment also provides that policies are deemed to meet federal standards

if they are delivered in states which have statutes or rules requiring standards for Medicare supplement policies which are at least as stringent as the federal standards. These proposed rules have been reviewed by a panel created by the Baucus Amendment and are approved as meeting or exceeding the minimum standards referred to above.

Gayle Swafford, Policy Approval Division assistant manager, has determined that there will be no fiscal implications to state government since no additional people or equipment will be required to enforce the proposed rules. There are believed to be no fiscal implications to units of local government.

Ms. Swafford has also determined that for each year of the first five years the rules as proposed are in effect:

(A) The public benefits to be anticipated from the rules are manifest. The rules provide significant standardization of coverage and simplification of terms and benefits in Medicare supplement policies marketed to persons eligible for Medicare by reason of age. They facilitate public understanding of such policies. Certain provisions are prohibited. Minimum loss ratio standards are provided. Minimum standards for provisions and benefits are specified. Disclosure is required, including the delivery of an outline of coverage at the time of application. An informational brochure respecting a guide to persons eligible for Medicare is also required to be delivered to the policyholder or made available, depending on how the policy is sold. Applicants are given a period of time to examine the policy and return it if not satisfied.

(B) There will be a possible cost increase to the insurance companies writing Medicare supplement insurance in Texas. Cost increases will be due to design, rating, and print costs of new insurance contracts and minimum loss ratios necessary to comply with the requirements of the proposed rules.

Comments on the proposal may be submitted to Gayle Swafford, assistant manager, policy approval, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norman
December 15, 1981

The new rules are proposed under Texas Insurance Code, Article 3.74, which authorizes the State Board of Insurance to adopt extensive rules regarding Medicare supplement policies, including rules to establish standards for contractual provisions, rules specifying prohibited policy provisions, rules for minimum standards of benefits and loss ratios, and rules providing for disclosure respecting specific Medicare supplement policies and of Medicare in general.

.001 Purpose. The purpose of these rules is to provide for the reasonable standardization of coverage and simplification of terms and benefits of Medicare supplement policies; to facilitate public understanding and comparison of such policies; to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase of such policies or with the settlement of claims; and to provide for full disclosures in the sale of accident and sickness insurance coverages to persons eligible for Medicare by reason of age.

.002: Applicability and Scope. Except as otherwise specifically provided, these rules apply to:

- (1) all Medicare supplement policies delivered or issued for delivery in this state on or after the effective date hereof; and
- (2) all certificates issued under group Medicare supplement policies, which policies have been delivered or issued for delivery in this state on or after the effective date hereof.

.003. Definitions. For the purpose of these rules only, the following definitions apply.

(1) The terms "applicant," "certificate," and "Medicare" have the same meaning as found in Texas Insurance Code, Article 3.74, §1.

(2) "Medicare supplement policy" means a group or individual policy of accident and sickness insurance or a subscriber contract of a hospital service corporation subject to Chapter 20 of this code or evidence of coverage issued by a health maintenance organization subject to the Texas Health Maintenance Organization Act, as amended (Chapter 20A, Texas Insurance Code), which policy, subscriber contract, or evidence of coverage is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare by reason of age. Such term does not include:

(A) a policy, contract, subscriber contract, or evidence of coverage of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations; or

(B) a policy, contract, subscriber contract, or evidence of coverage of any professional, trade, or occupational association for its members or former or retired members, or combination thereof, if such association:

- (i) is composed of individuals all of whom are actively engaged in the same profession, trade, or occupation;
- (ii) has been maintained in good faith for purposes other than obtaining insurance; and
- (iii) has been in existence for at least two years prior to the date of its initial offering of such policy or plan to its members;

(C) a policy, contract, subscriber contract, or evidence of coverage issued pursuant to a conversion privilege under a policy or contract of group insurance or group contract of a hospital service corporation subject to Chapter 20 of this Code or group evidence of coverage issued by a health maintenance organization subject to the Texas Health Maintenance Organization Act, as amended (Chapter 20A, Texas Insurance Code), when such group policy, subscriber contract, or evidence of coverage includes provisions which are inconsistent with the requirements of Article 3.74, Texas Insurance Code.

.004. Policy Definitions and Terms. No insurance policy, subscriber contract, or evidence of coverage may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy if such policy, subscriber contract, or evidence of coverage contains definitions or terms which do not conform to the requirements of this rule.

(1) "Accident" or "Accidental Injury" shall be defined to employ "result" language and may not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

(A) The definition may not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(B) Such definition may provide that injuries do not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, motor vehicle no-fault plan, unless prohibited by law, or injuries occurring while the insured person is engaged in any activity pertaining to any trade, business, employment, or occupation for wage or profit.

(2) "Benefit Period" or "Medicare Benefit Period" may not be defined as more restrictive than as that defined in the Medicare program.

(3) "Convalescent Nursing Home," "Extended Care Facility," or "Skilled Nursing Facility" shall be defined in relation to its status, facilities, and available services.

(A) A definition of such home or facility may not be more restrictive than one requiring that it:

- (i) be operated pursuant to law;
- (ii) be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;
- (iii) be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;
- (iv) provide continuous, 24-hours-a-day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and
- (v) maintain a daily medical record of each patient.

(B) The definition of such home or facility may exclude:

- (i) any home, facility, or part thereof used primarily for rest;
- (ii) a home or facility for the aged or for the care of drug addicts or alcoholics; or
- (iii) a home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.

(4) "Hospital" may be defined in relation to its status, facilities, and available services, or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals.

(A) The definition of the term "hospital" may not be more restrictive than one requiring that the hospital:

- (i) be an institution operated pursuant to law; and
- (ii) be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic, and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which a charge is made; and

(iii) provide 24-hour nursing service by or under the supervision of registered graduate professional nurses (R.N.'s).

(B) The definition of the term "hospital" may exclude:

- (i) convalescent homes, convalescent, rest, or nursing facilities; or

- (ii) facilities primarily affording custodial, educational, or rehabilitary care; or

- (iii) facilities for the aged, drug addicts, or alcoholics; or

- (iv) any military or veteran's hospital or soldier's home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(5) "Medicare" shall be defined in the policy. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended" or "Title I, Part I of Public Law 89-97, as Enacted by the 89th Congress of the United States of America and popularly known as the Health Insurance for the Aged Act," "as then constituted and any later amendments or substitutes thereof," or words of similar import.

(6) "Medicare Eligible Expenses" are health care expenses of the kinds covered by Medicare, to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

(7) "Mental or Nervous Disorders" may not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

(8) "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse" or "registered nurse" are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualifies under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of Texas.

(9) "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(10) "Sickness" may not be defined to be more restrictive than the following: "Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may not be construed to limit Rule 059.03.74.006(a). The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law.

.005. Prohibited Policy Provisions.

(a) No insurance policy, subscriber contract, or evidence of coverage may be advertised, solicited, or issued for delivery in this

state as a Medicare supplement policy if such policy, subscriber contract, or evidence of coverage limits or excludes coverage by type of illness, accident, treatment, or medical condition, except as follows:

(1) foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain, or symptomatic complaints of the feet, but only to the extent limited or excluded by Medicare;

(2) mental or emotional disorders, alcoholism, and drug addiction;

(3) illness, treatment, or medical condition arising out of:

(A) war or act of war (whether declared or undeclared), participation in a felony, riot or insurrections, service in the armed forces or units auxiliary thereto;

(B) suicide (sane or insane), attempted suicide, or intentionally self-inflicted injury;

(C) aviation, except as a fare-paying passenger on a scheduled airline;

(4) cosmetic surgery, except that "cosmetic surgery" may not include reconstructive surgery when such service is incidental to or follows surgery resulting from trauma, infection, or other diseases of the involved part;

(5) care in connection with the detection and correction by manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and the effects thereof, where such interference is the result of or related to distortion, misalignment, or subluxation of, or in the vertebral column, but only to the extent limited or excluded by Medicare;

(6) treatment provided in a governmental hospital; benefits provided under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law; services rendered by employees of hospitals, laboratories, or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

(7) dental care or treatment;

(8) eye glasses, hearing aids, and examination for the prescription or fitting thereof;

(9) rest cures, custodial care, transportation, and routine physical examinations, but only to the extent limited or excluded by Medicare;

(10) territorial limitations, but only to the extent limited or excluded by Medicare.

(b) Medicare supplement policies may exclude coverage for any expense to the extent of any benefit available to the insured under Medicare.

(c) No Medicare supplement policy may use waivers to exclude, limit, or reduce coverage or benefits for specifically named or described pre-existing diseases or physical conditions.

.006. Minimum Benefit Standards. No insurance policy, subscriber contract, or evidence of coverage may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy which does not meet the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) **General standards.** The following standards apply to Medicare supplement policies and are in addition to all other requirements of these rules, Article 3.74 of the Texas Insurance Code, and any other applicable law.

(A) A Medicare supplement policy may not deny a claim for losses incurred more than six months from the effective date of coverage for a pre-existing condition. The policy may not define a pre-existing condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

(B) A Medicare supplement policy may not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(C) A Medicare supplement policy shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

(D) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy may not provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(E) Termination of a Medicare supplement policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

(2) **Minimum benefit standards.**

(A) coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through 90th day in any Medicare benefit period;

(B) coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(C) upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90% of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(D) coverage of 20% of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5,000 per calendar year.

.007. Loss Ratio Standards.

(a) Medicare supplement policies are expected to return to policyholders in the form of aggregate benefits under the policy, as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience and earned premiums for such period and in accordance with accepted actuarial principles and practices at least 75% of the aggregate amount of premiums collected in the case of group policies, and

at least 60% of the aggregate amount of premiums collected in the case of individual policies. For purposes of this rule, Medicare supplement policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

(b) Prior to the use of any Medicare supplement policy form in this state, every insurer shall submit to the commissioner an actuarial memorandum for each such policy form which includes claim experience data and assumptions made thereon to sufficiently explain how the rates for such policy form were calculated.

(c) On or before June 30 of each year, a company officer and a qualified actuary shall certify and submit to the commissioner as part of the accident and health policy experience exhibit supplementing the insurer's annual statement, complete and accurate information regarding earned premiums, incurred claims, and claim ratios for each Medicare supplement policy form used in this state.

.008. Required Disclosure Provisions.

(a) General rules.

(1) Medicare supplement policies shall include a renewal, continuation, or nonrenewal provision. The language or specifications of such provision must be consistent with the type of contract to be issued. Such provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed.

(2) Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured or exercises a specifically reserved right under a Medicare supplement policy, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy.

(3) A Medicare supplement policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary", or words of similar import, shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

(4) If a Medicare supplement policy contains any limitations with respect to pre-existing conditions, such limitations must appear as a separate paragraph of the policy and be labeled as "Pre-existing Condition Limitations." The term "pre-existing condition" shall be defined when used in a Medicare supplement policy or certificate and an explanation of such term shall appear in its accompanying outline of coverage.

(5) Medicare supplement policies or certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder

or certificateholder shall have the right to return the policy or certificate within 10 days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason. Medicare supplement policies or certificates issued pursuant to a direct response solicitation to persons eligible for Medicare by reason of age shall have a notice prominently printed on the first page or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if after examination the insured person is not satisfied for any reason.

(6) HMOs issuing evidences of coverage and insurers issuing accident and sickness policies, certificates, or subscriber contracts which provide hospital or medical expense coverage on an expense incurred or indemnity basis, except accident only policies, to a person(s) eligible for Medicare by reason of age shall provide to all applicants a Medicare supplement "buyer's guide" in the form of the *Guide to Health Insurance for People with Medicare*, developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration of the U.S. Department of Health, Education, and Welfare which is attached hereto as Attachment A and incorporated herein by reference. A copy of the foregoing guide may be obtained from the policy approval section of the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786. Except as provided herein, delivery of the "buyer's guide" shall be made whether or not such policies, certificates, subscriber contracts, or evidences of coverage are advertised, solicited, or issued as Medicare supplement policies as defined in this regulation. Except in the case of direct response insurers, delivery of the "buyer's guide" shall be made to the applicant at the time of application and acknowledgement of receipt of the "buyer's guide" shall be obtained by the insurer. Provided however, insurers shall deliver the "buyer's guide" to the applicant for a direct response Medicare supplement policy upon request, but no later than at the time the policy is delivered.

(7) Except as otherwise provided in Rule 059.03.74.008(c) of these rules, the terms "Medicare Supplement," "Medigap," and words of similar import may not be used unless the policy is issued in compliance with Rule 059.03.74.006 of these rules.

(b) Outline of coverage requirements for Medicare supplement policies.

(1) Insurers issuing Medicare supplement policies for delivery in this state shall provide an outline of coverage to all applicants, including certificate holders under group policies, at the time application is made, and except for direct response policies, shall obtain an acknowledgement of receipt of such outline from the applicant.

(2) If a Medicare supplement policy or certificate is issued on a basis which would require revision of the outline of coverage delivered at the time of application, a substitute outline of coverage properly describing the policy or certificate actually issued must accompany such policy or certificate when it is delivered and contain the following statement in no less than 12 point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(3) The outline of coverage provided to applicants pursuant to Rule 059.03.74.008(b)(1) shall be in the following form:

(Company Name)
Outline of Medicare
Supplement Coverage

(1) **Read Your Policy Carefully**—This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you **READ YOUR POLICY CAREFULLY!**

(2) **Medicare Supplement Coverage**—Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to any deductibles and copayment provisions which may be in addition to those provided by Medicare, and subject to other

limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing, and taking medicine (delete if such coverage is provided).

(3) (a) (for agents:)

Neither (insert company's name) nor its agents are connected with Medicare.

(b) (for direct responses:)

(insert company's name) is not connected with Medicare.

(4) **A brief summary of the major benefit gaps in Medicare Parts A and B with a parallel description of supplemental benefits, including dollar amounts, provided by the Medicare supplement coverage in the following order:**

(Editor's note: See table on page 4759.)

SERVICE	BENEFIT	MEDICARE PAYS	THIS POLICY PAYS	YOU PAY
<u>Part A of Medicare</u>				
HOSPITALIZATION . . . semiprivate room and board, general nursing and miscellaneous hospital services and supplies	First 60 days	All but (*).		
	61st to 90th day	All but (*) a day		
Includes meals, special care units, drugs, lab tests, diagnostic x-rays, medical sup- plies, operating and recovery room, anes- thesia and rehabili- tation services	91st to 150th day	All but (*) a day		
	Beyond 150 days	Nothing		
<hr/>				
POSTHOSPITAL SKILLED NURSING CARE . . . In a facility approved by Medicare, you must have been in a hospital for at least three days and enter the facility within 30 days after hospital discharge.	First 20 days	100% of costs		
	Additional 80 days	All but (*) a day		
	Beyond 100 days	Nothing		
<hr/>				
<u>Part B of Medicare</u>				
MEDICAL EXPENSE	Physician's services inpatient and outpatient medical services and supplies at a hospital, physical and speech therapy and ambulance.	80% of reason- able charge [after (*) deductible]		

* The outline of medicare supplement coverage will be considered to be in compliance with these rules if it includes the Medicare deductible or co-payment amounts which are in effect at the time the outline of medicare supplement coverage is delivered to the applicant.

(5) (Statement that the policy does or does not cover the following:)

- (A) private duty nursing,
- (B) skilled nursing home care costs (beyond what is covered by Medicare),
- (C) custodial nursing home care costs,
- (D) intermediate nursing home care costs,
- (E) home health care above number of visits covered by Medicare,

(F) physician charges (above Medicare's reasonable charge),

(G) drugs (other than prescription drugs furnished during a hospital or skilled nursing facility stay),

(H) care received outside U.S.A.,

(I) dental care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for the cost of eyeglasses or hearing aids.

(6) (A description of any policy provisions which exclude, eliminate, resist, reduce, limit, delay, or in any other manner operate to qualify payments of the benefits described in (4) above, including conspicuous statements;)

(A) (that the chart summarizing Medicare benefits only briefly describes such benefits.)

(B) (that the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.)

(7) (A description of policy provisions respecting renewability or continuation of coverage, including any reservation of rights to change premium.)

(8) (The total premium payable shall be stated. In the event the mode stated is not an exact multiple of the annual premium, then the annual premium shall also be stated. Initial policy fees shall be stated separately. If premiums are "step-rated," they shall either be disclosed for each step or the initial premium may be disclosed accompanied by a statement as follows: "Renewal premiums for this policy will increase periodically depending upon (your age) (the policy year)." Unless a policy is issued with guaranteed premium rates, this paragraph must contain the statement "premiums are subject to change." This paragraph shall also include a statement of the policy grace period.)

(9) (A statement that the person to whom the policy is issued is permitted to return the policy within 10 days (or more as stated in the policy) of its delivery to that person and to have the premium paid refunded.)

(Drafting Note: The term "certificate" should be substituted for the word "policy" throughout the outline of coverage where appropriate.)

(c) Notice regarding policies or subscriber contracts which are not Medicare supplement policies. Any accident and sickness insurance policy, subscriber contract, or evidence of coverage other than a Medicare supplement policy, disability income policy, basic, catastrophic, or major medical expense policy, disability income policy, basic, catastrophic, or major medical expense policy, or single premium nonrenewable policy, issued for delivery in this state to persons eligible for Medicare by reason of age shall notify insureds under the policy, subscriber contract, or evidence of coverage that the policy, subscriber contract, or evidence of coverage is not a Medicare supplement policy. Such notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy or subscriber contract, or if no outline of coverage is delivered, to the first page of the policy, certificate, subscriber contract, or evidence of coverage delivered to insureds.

Such notice shall be in no less than 12-point type and shall contain the following language: THIS (POLICY, CERTIFICATE, SUBSCRIBER CONTRACT, OR EVIDENCE OF COVERAGE) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). If you are eligible for Medicare, review the Medicare Supplement Buyers Guide available from the company."

.009. Requirements for Replacement.

(a) Application forms shall include a question designed to elicit information as to whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.

(b) Upon determining that a sale will involve replacement, an insurer, other than a direct response insurer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of accident and sickness coverage. One copy of such notice shall be provided to the applicant and an additional copy signed by the applicant shall be retained by the insurer. A direct response insurer shall deliver to the applicant at the time of the issuance of the policy, the notice regarding replacement of accident and sickness coverage. In no event, however, will such a notice be required in the solicitation of "accident only" and "single premium nonrenewable" policies.

(c) The notice required by Rule 059.03.74.009(b) for an insurer, other than a direct response insurer, shall be provided, in substantially the following form:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS INSURANCE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with a policy to be issued by (Company Name) Insurance Company. Your new policy provides 10 days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

(1) Health conditions which you may presently have (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

Drafting Note: This subsection may be modified if pre-existing conditions are covered under the new policy.

(2) You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(3) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical/health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never

been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded:
The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's signature)

(d) The notice required by Rule 059.03.79.009(b) for a direct response insurer shall be provided in substantially the following form:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS INSURANCE

According to (your application) (information you have furnished) you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with the policy delivered herewith issued by (Company Name) Insurance Company. Your new policy provides 30 days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

(1) Health conditions which you may presently have (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy. Drafting Note: This subsection may be modified if pre-existing conditions are covered under the new policy.

(2) You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(3) (To be included only if the application is attached to the policy.) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to (Company Name and Address) within 10 days if any information is not correct and complete, or if any past medical history has been left out of the application.

(Company Name)

.010. Severability. If any provision of these rules or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of these rules and the application of such provision to other persons or circumstances will not be affected thereby.

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819106 James Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-2950.

Rating and Policy Forms Board Shall Fix Rates 059.05.25

The State Board of Insurance proposes to amend Rule 059.05.25.003, concerning the addition of new rules to the Texas General Basis Schedules to govern the writing of the Special Extended Coverage Endorsement, Form 222A, and the TCMP—Special Condominium Property Form Optional Amendatory Endorsement, Form TxCMP-131A. Such rules will set forth the eligibility requirements, the applicable deductible clause and the annual rate for the coverage provided by these endorsements. The actual rate for this coverage has not been determined at the present time, but will be inserted in the proper space before revision of the manual pages are distributed.

G. J. Jones, deputy commissioner, has determined that for the first five-year period the rule will be in effect, there will not be fiscal implications to state or local government as a result of enforcing or administering the rule.

The deputy commissioner, has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the availability of coverage for losses due to rain, driven by wind or not, to certain individually owned townhouse units and certain individually owned condominium units. This coverage has not previously been available to such risks.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be as follows:

(1) to insurance companies, the normal costs involved in doing the business of insurance such as claims cost, underwriting cost, acquisition cost, expenses, and loss costs; offset by the premium charged for the coverage (included within the offset of the actual cost would be the standard allowance for profit);

(2) to the individual insured, the actual cost of the coverage in premium dollars in accordance with the amount of insurance provided for the coverage.

Comments on the proposal may be submitted to G. J. Jones, deputy commissioner, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norman
December 15, 1981

The amendments to Rule 059.05.25.003 are proposed under the Texas Insurance Code, Article 5.25, which provides the State Board of Insurance with the authority to fix and prescribe rates for fire and allied lines insurance including rules governing the writing of such coverage.

.003. Texas General Basis Schedules. The State Board of Insurance adopts by reference the attached Texas General Basis Schedules as amended **March 1, 1982** [October 1, 1981]. The Texas

General Basis Schedules is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819107 James Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-2950.

Standard Forms 059.05.36

The State Board of Insurance proposes amendments to Rule 059.05.36.001 concerning the adoption by reference of the Special Extended Coverage Optional Amendatory Endorsement, Form 222A. This endorsement provides coverage for losses caused by rain, driven by wind or not, for certain individually owned townhouse units, subject to the limitation that such units are not over three stories in height. This is a coverage that has not previously been available for townhouse unit owners.

G. J. Jones, deputy commissioner, has determined that for the first five-year period the rule will be in effect, there will not be fiscal implications to state or local government as a result of enforcing or administering the rule.

The deputy commissioner has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the availability of coverage for losses due to rain, driven by wind or not, to certain individually owned townhouse units that was not previously available for such risks.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be:

(1) to insurance companies, the normal costs involved in doing the business of insurance such as claims cost, underwriting costs, acquisition costs, expenses and loss costs; offset by the premium charged for the coverage (included within the offset of the actual costs would be the standard allowance for profit); and

(2) to the individual insureds, the actual cost of the coverage in premium dollars in accordance with the amount of insurance provided for the coverage.

Comments on the proposal may be submitted to G. J. Jones, deputy commissioner, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norman
December 15, 1981

The amendment to Rule 059.05.36.001 is proposed under the Texas Insurance Code, Article 5.36, which provides the State Board of Insurance with the authority to promulgate standard fire forms.

.001. *Fire Policy Forms.* The State Board of Insurance adopts by reference the attached fire policy forms as amended *March 1, 1982* [October 1, 1981]. These forms are published by and available from the Texas Insurance Advisory Association, 2801 IH 35 South,

Austin, Texas 78741, and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819108 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-2950.

Workers' Compensation Rates 059.05.55

(Editor's note: In the following three submissions, the State Board of Insurance proposes amendments to Rule 059.05.55.001, which adopts by reference the Texas Workers' Compensation and Employers' Liability Manual. The amendments concern different sections of the manual and are proposed under the authority of different articles of the Texas Insurance Code and, therefore, are published individually.)

The State Board of Insurance proposes to amend Rule 059.05.55.001, which adopts by reference the Texas Workers' Compensation and Employers' Liability Manual. The amendment consists of adding a new endorsement to the Texas Standard Workers' Compensation and Employers' Liability Endorsements section of the manual titled "Assigned Risk Pool—All States Endorsement," the full text of which is stated in Exhibit 1 attached. The purpose of this proposed new endorsement is to permit the Texas Workers' Compensation Assigned Risk Pool to provide reimbursement coverage in other states for incidental operations undertaken by an employer insured through the pool.

Edward O. Kasper, Workers' Compensation Section director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering this rule.

Mr. Kasper has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated will be permitting employers insured through the pool to conduct operations incidental to their Texas operations in other states and will protect against financial ruin which might result without this coverage.

(B) The possible economic cost to individuals required to comply with the rule as proposed will be the premium paid by the insured and the losses reimbursed by the insurer to the insured if an assigned risk pool insured operates in other states.

Comments on the proposal may be submitted to Edward O. Kasper, director, Workers' Compensation, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norman
December 15, 1981

The amendment is proposed pursuant to the Texas Insurance Code, Article 5.76, authorizing the State Board of Insurance to make rules necessary to carry out the provisions of the workers' compensation insurance statutes concerning the Texas Workers' Compensation Assigned Risk Pool and authorizes the board to promulgate, change, or amend policy forms and endorsements.

.001. Texas Workers' Compensation and Employers' Liability Insurance Manual. The State Board of Insurance adopts by reference the Texas Workers' Compensation and Employers' Liability Insurance Manual as amended on *March 1, 1982* [September 1, 1981], which contains rules, classifications, rates, and endorsement forms for workers' compensation and employers' liability insurance. This document is published by the National Council on Compensation Insurance and may be obtained from the Insurance Services Office, Product Distribution Division, 160 Water Street, New York, New York 10038, (212) 487-5000, or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is also available for inspection.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819109 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-2950.

The State Board of Insurance proposes to amend, effective March 1, 1982, Rule 059.05.55.001, which adopts by reference the Texas Workers' Compensation and Employers' Liability Insurance Manual. The purpose of the amendment is to revise those segments of the retrospective rating plans pertaining to the selection of the loss limitation to be used in the determination of the ratable losses incurred by a risk during the rating period. The amendment shall apply to Retrospective Rating Plans A, B, C, D, and J of the Texas Workers' Compensation and Employers' Liability Insurance Manual.

The principal features of the amendment are:

- (1) to provide for a minimum loss limitation of \$25,000 for an estimated standard premium of \$100,000; and
- (2) to provide for the selection of a loss limitation over \$25,000 for a standard premium in excess of \$100,000, provided the selected value is not greater than 50% of the standard premium.

Billy D. Young, retrospective rating supervisor, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Young has also determined that for each year of the first five years the rule as proposed is in effect:

- (A) The public benefits anticipated as a result of enforcing the rule as proposed will be enhancing the capabilities of the retrospec-

tive rating plans in responding to the individual insured's requirements.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be as follows. Based on current data available—the minimum loss limitation for a risk size of \$100,000, Hazard Group I, and the Texas Excess Loss Premium Factors Table effective September 1, 1981—the result of this change will be an approximately 60.9% reduction in excess loss premium. The excess loss premium factor table is subject to periodic revision. There are no individuals automatically required to comply with this rule as loss limitations are optional.

Comments on the proposal may be submitted in writing to: Billy D. Young, retrospective rating supervisor, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norton
December 15, 1981

The amendment is proposed under Articles 1.04, 5.55, 5.60, 5.62, and 5.77 of the Texas Insurance Code, which provides the State Board of Insurance with the authority to prescribe rates, premiums, rules, policy forms and endorsements applicable to workers' compensation insurance.

.001. Texas Workers' Compensation and Employers' Liability Insurance Manual. The State Board of Insurance adopts by reference the Texas Workers' Compensation and Employers' Liability Insurance Manual as amended on *March 1, 1982* [September 1, 1981], which contains rules, classifications, rates, and endorsement forms for workers' compensation and employers' liability insurance. This document is published by the National Council on Compensation Insurance and may be obtained from the Insurance Services Office, Product Distribution Division, 160 Water Street, New York, New York 10038, (212) 478-5000, or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is also available for inspection.

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819110 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-2950.

The State Board of Insurance proposes to amend Rule 059.05.55.001, which adopts by reference the Texas Workers' Compensation and Employers' Liability Manual. The amendments consist of the following:

- (1) adding paragraph (D) to Rule IX, Special Conditions or Operations Affecting Coverage and Premiums in the Rules Section of the Manual;

(2) deleting the footnote from Code 7704, Firefighters and Drivers, in the Classifications Section of the Manual;

(3) adding a new classification for Volunteer Personnel—Political Subdivisions to the classifications section of the manual; and

(4) adding a new endorsement, Form TX-17, Volunteer Personnel—Political Subdivisions Endorsement—Texas, to the Texas Standard Workers' Compensation and Employers' Liability Endorsements section of the manual.

The purpose of these proposed amendments is to provide for the implementation of Senate Bill 344, 67th Legislature, by which Article 8309h of the Workers' Compensation Law was amended, to permit coverage to be provided to volunteers in the service of political subdivisions.

Edward O. Kasper, Workers' Compensation Section director, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state government as a result of enforcing or administering this rule. However the effect on local government cannot be estimated because:

(1) the inability to determine how many political subdivisions will take advantage of the opportunity to cover volunteer workers;

(2) the inability to determine in what categories of work the volunteers will be engaged, a factor which determines the rate of premium to be paid; and

(3) not knowing how many volunteers might be involved on any given occasion.

Mr. Kasper has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the protection provided to volunteers donating their time who are injured in the form of medical payments and minimum weekly compensation provided by the Workers' Compensation Law.

(B) There will be possible economic cost to individuals in a particular political subdivision if this coverage is purchased by a political subdivision, resulting in a tax increase.

Comments on the proposal may be submitted to Edward O. Kasper, director, Workers' Compensation, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norton
December 15, 1981

The amendments are proposed pursuant to the Texas Insurance Code, Articles 5.55, 5.56, and 5.62, authorizing the State Board of Insurance to establish rating plans and make rules necessary to carry out the provisions of the Workers' Compensation insurance statutes.

.001. *Texas Workers' Compensation and Employers' Liability Insurance Manual.* The State Board of Insurance adopts by reference the Texas Workers' Compensation and Employers' Liability Insurance Manual as amended on *March 1, 1982* [September 1, 1981], which contains rules, classifications, rates, and endorsements forms for workers' compensation and

employers' liability insurance. This document is published by the National Council on Compensation Insurance and may be obtained from the Insurance Services Office, Product Distribution Division, 160 Water Street, New York, New York 10038, (212) 487-5000, or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is also available for inspection.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819111 James W. Norman
Chief Clerk
State Board of Insurance

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-2950.

Multi-Peril Forms 059.05.81

The State Board of Insurance proposes amendments to Rule 059.05.81.001 concerning the adoption by reference of the TCMP-Special Condominium Property Form Optional Amendatory Endorsement, Form TxCMP-131A. This endorsement provides coverage for losses caused by rain, driven by wind or not, for certain individually owned condominium units, subject to the limitation that such units are not over three stories in height. This is a coverage that has not previously been available for condominium unit owners.

G. J. Jones, deputy commissioner, has determined that for the first five-year period the rule will be in effect, there will not be fiscal implications to state or local government as a result of enforcing or administering the rule.

The deputy commissioner has also determined that for each year of the first five years the rule as proposed is in effect:

(A) The public benefits anticipated as a result of enforcing the rule as proposed will be the availability of coverage for losses due to rain, driven by wind or not, to certain individually owned condominium units that was not previously available for such risks.

(B) The possible economic cost to individuals who are required to comply with the rule as proposed will be:

(1) to insurance companies, the normal costs involved in doing the business of insurance such as claims cost, underwriting costs, acquisition costs, expenses and loss costs; offset by the premium charged for the coverage (included within the offset of the actual costs would be the standard allowance for profit); and

(2) to the individual insureds, the actual cost of the coverage in premium dollars in accordance with the amount of insurance provided for the coverage.

Comments on the proposal may be submitted to G. J. Jones, deputy commissioner, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

James W. Norman
December 15, 1981

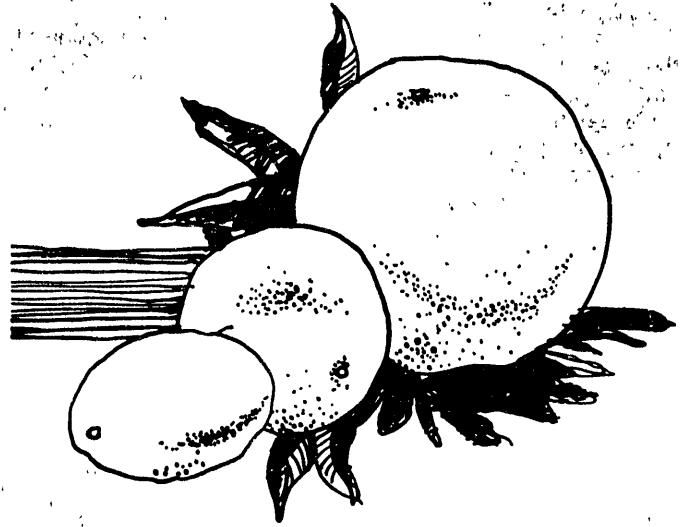
The amendments to Rule 059.05.81.001 are proposed under Texas Insurance Code, Article 5.81, which provides the State Board of Insurance with the authority to promulgate standard multi-peril policy forms.

.001. *Multi-Peril Policy Forms.* The State Board of Insurance adopts by reference the attached multi-peril policy forms as amended *March 1, 1982* [October 1, 1981]. These forms are published by and available from the Texas Insurance Advisory Association, 2801 IH 35 South, Austin, Texas 78741, and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819112 James W. Norman
 Chief Clerk
 State Board of Insurance

Proposed date of adoption: January 22, 1982
For further information, please call (512) 475-2950.



Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Upon adoption of the action, "the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption." The action is effective 20 days after filing of the notice of final action with the Texas Register Division unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice. The notice includes whether the action is promulgated with or without changes to the action proposed; a statement of the legal authority under which the final action is promulgated; and the text of the final action, in compliance with the rules of the Texas Register Division. If an agency takes final action on a rule with no changes made to the text as proposed, only the preamble of the notice and statement of legal authority will be published. The text, as appropriate, will be published only if final action is taken with changes made to the proposed action. The certification information, which includes the effective date of the final action, follows each published submission of final action. A telephone number for further information is also published.

An agency may withdraw proposed action or the remaining effectiveness of emergency action by filing a notice of withdrawal with the Texas Register Division. The notice will appear in this section of the *Register* and is generally effective immediately upon filing with the Texas Register Division.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

CODIFIED

TITLE 7. BANKING AND SECURITIES Part VI. Credit Union Department Chapter 91. Credit Union Regulations Reserves and Dividends

The Credit Union Department adopts amendments to §91.62 (058.01.09.002) without changes to the proposed text published in the October 20, 1981, issue of the *Texas Register* (6 TexReg 3868).

The amendments eliminate commissioner approval for dividends over a specific percentage level, unless the credit union is under administrative sanctions, and places that responsibility on each credit union's board of directors who have the responsibility for establishing the operating policies of their credit union.

After the credit union has made its required transfer of money to the reserve fund, the credit union's board of directors will determine the amount of money in undivided earnings available for a dividend payment. Based upon this availability of funds for a dividend payment, the board of directors will declare a specific dividend for a specific period for the credit union's shareholders.

No comments were received regarding adoption of the amendments.

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.

Harry S. Elliott
December 15, 1981

The amendments are adopted under Texas Civil Statutes, Article 2461, §11.07, which provides the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act, and from time to time, amend the same.

Issued in Austin, Texas, on November 20, 1981.

Doc. No. 819101 John P. Parsons
 Commissioner
 Credit Union Department

Effective date: January 5, 1982
Proposal publication date: October 20, 1981
For further information, please call (512) 837-9236.

Capital—Deposit Accounts

The Credit Union Department adopts an amendment to §91.92 (058.01.06.002) without changes to the proposed text published in the October 20, 1981, issue of the *Texas Register* (6 TexReg 3869).

The amendments eliminate commissioner approval for each credit union's deposit account programs and their provisions, and to place this responsibility on the credit union's board of directors who have responsibility for the credit union's operating policies.

The credit union's board of directors will have the responsibility to establish and/or amend the credit union's deposit account programs to include their specific provisions in regards to terms, interest rates, conditions, penalties, etc.

No comments were received regarding adoption of the amendment.

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.

Harry S. Elliott
December 15, 1981

The amendment is adopted under Texas Civil Statutes, Article 2461, §11.07, which provides the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act, and from time to time, amend the same.

Issued in Austin, Texas, on November 20, 1981.

Doc. No. 819102 John P. Parsons
Commissioner
Credit Union Department

Effective date: January 5, 1982
Proposal publication date: October 20, 1981
For further information, please call (512) 837-9236.

The Credit Union Department adopts the repeal of §91.93 (058.01.06.003) without changes to the proposed notice of repeal published in the October 20, 1981, issue of the *Texas Register* (6 TexReg 3869).

Since each credit union's board of directors has the responsibility to establish and/or amend the credit union's deposit account programs, this rule will not apply. However, the department's examiners will continue to review each credit union's deposit accounts program as a normal step in their examination procedures.

No comments were received regarding adoption of this repeal.

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.

Harry S. Elliott
December 15, 1981

The repeal is adopted under the provisions of Texas Civil Statutes Article 2461, §11.07, which provides the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act, and from time to time, amend the same.

Issued in Austin, Texas, on November 20, 1981.

Doc. No. 819103 John P. Parsons
Commissioner
Credit Union Department

Effective date: January 5, 1982
Proposal publication date: October 20, 1981
For further information, please call (512) 837-9236.



TITLE 13. CULTURAL RESOURCES Part I. Texas State Library and Archives Commission

Chapter 1. Library Development Standards for Accreditation of a Major Resource System of Libraries in the Texas Library System

The Texas State Library and Archives Commission has withdrawn from consideration for permanent adoption proposed amendments to §1.47 (351.20.04.007), concerning standards for accreditation of a major resource system of libraries. The text of the amended section as proposed appeared in the November 13, 1981, issue of the *Texas Register* (6 TexReg 4208).

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819127 William D. Gooch
Assistant State Librarian
Texas State Library and
Archives Commission

Filed: December 16, 1981
For further information, please call (512) 475-6656.

Minimum Standards for Accreditation of Public Libraries in the State Library System

The Texas State Library and Archives Commission adopts amendments to §1.78 (351.20.05.008) without changes to the proposed text published in the November 13, 1981, issue of the *Texas Register* (6 TexReg 4209).

The responsibility for certification of county librarians has been placed with the Texas State Library and Archives Commission. It was formerly the responsibility of the State Board of Library Examiners which was abolished by the Texas Sunset Act. The commission adopts the amendment to the rule to reflect the correct name of the agency now having the certification responsibility.

The director of a county library and the director of a municipal library receiving county funds must obtain a county librarian certificate from the Texas State Library and Archives Commission for their respective libraries to be eligible for accreditation in the state library system.

No comments were received regarding adoption of the amendments.

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.

William D. Gooch
December 15, 1981

The amendments are adopted under Texas Civil Statutes, Article 5446a, Chapter E, §15d, which provides the Texas State Library

and Archives Commission with the authority to approve rules and regulations for the Library Systems Act.

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819128 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Effective date: January 6, 1982
Proposal publication date: November 13, 1981
For further information, please call (512) 475-6656.

Chapter 5. County Librarian Certification

The Texas State Library and Archives Commission has withdrawn from consideration for permanent adoption proposed amendments to §5.1, concerning county librarian certification. The text of the amended section as proposed appeared in the November 13, 1981, issue of the *Texas Register* (6 TexReg 4209).

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819129 William D. Gooch
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: December 16, 1981
For further information, please call (512) 475-6656.

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 173. Applications

The Texas State Board of Medical Examiners adopts amendments to §173.1 (386.07.00.001) without changes to the proposed text published in the November 13, 1981, issue of the *Texas Register* (6 TexReg 4212).

The amendments and applications are necessary to coincide with the board's rules on acupuncturists. The rules on acupuncturists call for certain areas involving physician supervision; therefore, the application now adopted reflects the information called for in the acupuncturist rules.

It is expected that the amendments will eliminate any confusion as to how to qualify to supervise an acupuncturist, the qualifications necessary for the acupuncturist to possess, and other areas relating to the professional association between the physician and the acupuncturist.

No comments were received regarding adoption of the amendments.

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.

Jean Davis
December 14, 1981

The amendments are adopted under Senate Bill 5, the Medical Practice Act of Texas, which authorizes the board to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings and the enforcement of this Act.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819082 A. Bryan Spires, Jr., M.D.
Secretary-Treasurer
Texas State Board of Medical
Examiners

Effective date: January 4, 1982
Proposal publication date: November 13, 1981
For further information, please call (512) 475-0741.

Part XIV. Texas Optometry Board

Chapter 273. Guidelines

The Texas Optometry Board adopts amendments to §273.1 (392.02.00.001) without changes to the proposed text published in the November 3, 1981, issue of the *Texas Register* (6 TexReg 4038).

The guidelines in the amendments are adopted in order to fully inform candidates for licensure regarding the statutory requirements for examination and subsequent licensure. Specifically, the guidelines inform candidates regarding to certain fees to be charged and upon receipt of the guidelines, each candidate will be fully aware of the statutory requirements regarding examination and licensure.

No comments were received regarding adoption of the amendments.

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.

Lois Ewald
December 14, 1981

The amendments are adopted in accordance with the statutory authority of Texas Civil Statutes, Article 4552, §2.14, and Senate Bill 109, which mandates a fee change and other statutory requirements.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819087 Lois Ewald
Executive Director
Texas Optometry Board

Effective date: January 4, 1982
Proposal publication date: November 3, 1981
For further information, please call (512) 458-2141.

Chapter 275. Interpretations and Adopted Memoranda

The Texas Optometry Board adopts amendments to §275.2 (392.03.00.001) without changes to the proposed text published in the November 3, 1981, issue of the *Texas Register* (6 TexReg 4039).

The interpretation of this rule was adopted by the board in order to inform the licensees and unlicensed individuals regarding the fitting of contact lenses under §1.02 of the Optometry Act. Amendments to that Act, as well as Attorney General Opinion MW-275, caused some of the language to be in conflict with the statutory language; therefore, that language was deleted from the interpretation.

The interpretation specifically informs the licensees and unlicensed individuals in regard to the statutory authority regarding the fitting of contact lenses, and will benefit the public by assuring that only qualified, licensed individuals fit contact lenses.

There were no comments received regarding adoption of the amendments.

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.

Lois Ewald
December 14, 1981

The amendments are adopted under Texas Civil Statutes, Article 4552, which provides the Texas Optometry Board with the authority to enforce the provisions of the Texas Optometry Act. The interpretation is adopted to inform the public on how the board will enforce the statutes.

Issued in Austin, Texas, on December 14, 1981

Doc. No. 819088 Lois Ewald
 Executive Director
 Texas Optometry Board

Effective date: January 4, 1982
Proposal publication date: November 3, 1981
For further information, please call (512) 458-2141.

The Texas Optometry Board adopts the repeal of §§275.4, 275.6, 275.7, 275.9, and 275.11-275.13 (392.03.00.004, .006, .007, .009, and .011-.013) without changes to the proposed notice of repeal published in the November 6, 1981, issue of the *Texas Register* (6 TexReg 4111).

Senate Bill 109 amended the Texas Optometry Act, requiring the board to repeal certain interpretations in conflict with the Texas Optometry Act, and such action clarifies all interpretations, bringing all into alignment with statutory requirements.

There were no comments received regarding adoption of the repeal.

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.

Lois Ewald
December 14, 1981

The repeal is adopted under Texas Civil Statutes Article 4552, and §5 of Senate Bill 109, 67th Legislature, Regular Session, which pro-

vides the Texas Optometry Board with the authority to repeal any rules in conflict with the Act.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819089 Lois Ewald
 Executive Director
 Texas Optometry Board

Effective date: January 4, 1982
Proposal publication date: November 6, 1981
For further information, please call (512) 458-2141.

The Texas Optometry Board adopts amendments to §275.10 (392.03.00.010) without changes to the proposed text published in the November 3, 1981, issue of the *Texas Register* (6 TexReg 4039).

The interpretation of this rule is adopted by the board in order to inform licensees and dispensing opticians regarding the enforcement of §5.15 of the Optometry Act, relating to separate offices. Because of amendments to Texas Civil Statutes, Article 4552, as well as Attorney General Opinion MW-292, the board was required to delete language in §275.10 (392.03.00.010) in conflict with the Act and attorney general opinion. The interpretation will specifically inform licensees and dispensing opticians regarding the separation of offices under §5.15 of the Act, and how the board will enforce the statutes.

There were no comments received regarding adoption of the amendments.

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.

Lois Ewald
December 14, 1981

The amendments are adopted under Texas Civil Statutes, Article 4552, which provides the Texas Optometry Board with the authority to enforce the provisions of the Act. The interpretation was adopted to inform the public on how the board would enforce the statutes.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819090 Lois Ewald
 Executive Director
 Texas Optometry Board

Effective date: January 4, 1982
Proposed publication date: November 3, 1981
For further information, please call (512) 458-2141.



TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public Accounts
Chapter 3. Tax Administration
Subchapter F. Motor Vehicle Sales and Use
Tax Division

The office of the Comptroller of Public Accounts has withdrawn from consideration for permanent adoption proposed amendments to §3.69, concerning tax administration. The text of the amended section as proposed appeared in the October 28, 1980, issue of the *Texas Register* (5 TexReg 4255).

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819144 Mark Weiss
 Legal Services Director
 Comptroller of Public Accounts

Filed: December 16, 1981
 For further information, please call (512) 475-7000.

The office of the Comptroller of Public Accounts has withdrawn from consideration for permanent adoption proposed new §3.92, concerning tax administration. The text of the new section as proposed appeared in the October 28, 1980, issue of the *Texas Register* (5 TexReg 4253).

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819145 Mark Weiss
 Legal Services Director
 Comptroller of Public Accounts

Filed: December 16, 1981
 For further information, please call (512) 475-7000.

Part IV. Employees Retirement System
of Texas
Chapter 81. Insurance

The Employees Retirement System of Texas adopts amendments to §81.15 without changes to the proposed text published in the October 13, 1981, issue of the *Texas Register* (6 TexReg 3837).

The previous rule required both federal and state certification for a health maintenance organization (HMO) before it was eligible to offer services to members of the State Uniform Group Insurance

Program. Since the state has assumed primary responsibility for monitoring HMOs, all references to federal certification are deleted.

All HMOs certified by the State of Texas will be eligible to offer services to members of the State Uniform Group Insurance Program upon submission of the proper application and selection by the Board of Trustees of the Employees Retirement System of Texas.

No comments were received regarding adoption of the amendments.

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.

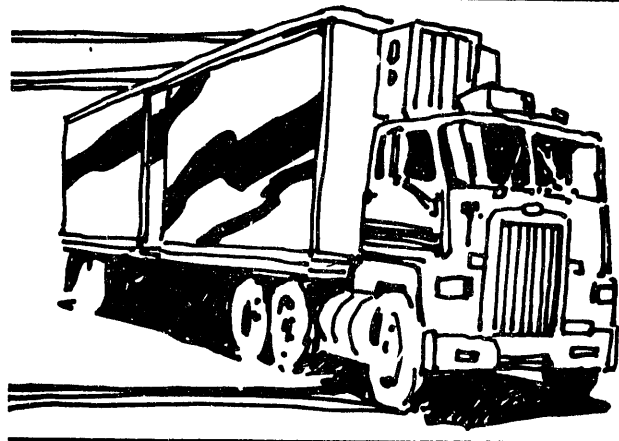
Everard C. Davenport
 December 14, 1981

The amendments are adopted under Texas Insurance Code, Article 3.50-2, §4, which provides the Employees Retirement System of Texas with the authority to promulgate all rules and regulations reasonably necessary to administer the Texas Employees Uniform Group Insurance Benefits Act.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819096 Clayton T. Garrison
 Executive Director
 Employees Retirement System
 of Texas

Effective date: January 5, 1982
 Proposal publication date: October 13, 1981
 For further information, please call (512) 476-6431.



The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Department of Corrections

Thursday, December 17, 1981, 10 a.m. The board of the Texas Department of Corrections held an emergency meeting in the director's office, Room 102, 815 11th Street, Huntsville. After convening in an open meeting, the board held an executive session on litigation: Ruiz, et. al., v. Estelle, et. al., Civil Action H-78-987. The meeting was conducted by telephone conference with a two-way loudspeaker available in the Texas Department of Corrections director's office. The emergency status of the meeting was necessary because of pressing litigation matters.

Information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, (713) 295-6371.

Filed: December 17, 1981, 7:41 a.m.
Doc. No. 819178

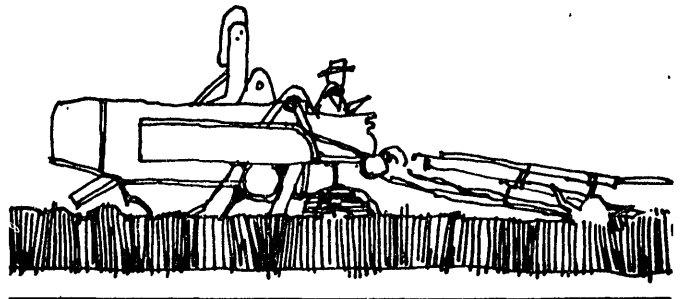
Texas Cosmetology Commission

Saturday and Sunday, January 16-17, 1982, 1 p.m. and 9 a.m., respectively. The Texas Cosmetology Commission will meet at the Greenwood Inn, 6950 North Stemmons Freeway, Dallas. Items on the Saturday agenda include a joint meeting between the State

Board of Barber Examiners and the commission; a proposal by the Dallas Independent School District to begin a program for shampoo specialists; interpretation of Rule .110, General Rules and Regulations, as it pertains to field trips; and the examination committee report. The Sunday agenda consists of a show cause hearing on A & C College of Beauty and Gus Ball.

Information may be obtained from Ron Resech, 1111 Rio Grande, Austin, Texas 78701, (512) 475-3304.

Filed: December 15, 1981, 1:44 p.m.
Doc. No. 819099



Texas Education Agency

Tuesday, December 29, 1981, 10 a.m. The Select Committee on Public Education Subcommittee on Alternative Instructional Arrangements including magnet schools and varying graduation requirements of the Texas Education Agency will meet in Senator Grant Jones' office, Room 328, State Capitol. Items on the agenda include a report concerning the current status of alternative instructional arrangements including magnet schools and varying graduation requirements and discussion of research questions and development of a timetable for research.

Information may be obtained from Victoria Bergin, 201 East 11th Street, Austin, Texas 78701, (512) 475-8693.

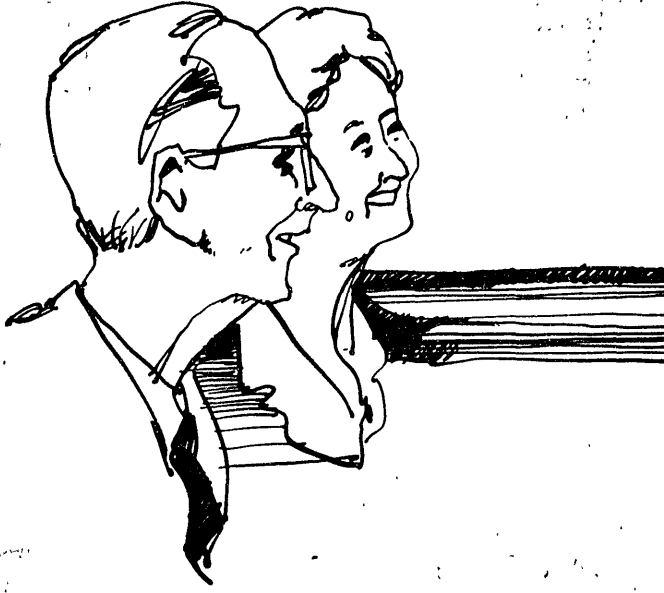
Filed: December 15, 1981, 2:38 p.m.
Doc. No. 819105

Texas Employment Commission

Wednesday, December 23, 1981, 9 a.m. The Texas Employment Commission will meet in Room 644, Texas Employment Commission Building, 15th and Congress, Austin. Items on the agenda summary include prior meeting notes; review of fiscal year 1982 funding levels and staffing; U. I. replenishment ratio; and agenda items for the January 5, 1982, meeting. An executive session for consideration of personnel, premises, and litigation matters will also be held.

Information may be obtained from Pat Joiner, TEC Building, Room 656, Austin, Texas, (512) 397-4514.

Filed: December 15, 1981, 3:57 p.m.
Doc. No. 819123



Texas Department of Health

Saturday, January 9, 1982, 9:30 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet in the conference room at 1212 East Anderson Lane, Austin. According to the agenda summary, the board will consider approval of minutes of December 6, 1981, meeting; election of officers for 1982; a report from the Rules Committee on fees rules, wireline services rules and low-level waste rules; program reports from the Bureau of Radiation Control, Division of Environmental Programs, Division of Compliance and Inspection, and Division of Licensing, Registration, and Standards which includes program activities and an update on proposed rules under development; reports from Radiography Committee, Medical Committee, and radiopharmaceutical consultant; requested appearance of Nuclear Monitoring Systems and Management Corporation on new system for waste management; receipt of public comments on agenda items, if requested; and establishment of date and location of next meeting.

Information may be obtained from David M. Cochran, 1100 West 49th Street, Austin, Texas, (512) 458-7542.

Filed: December 16, 1981, 1:43 p.m.
Doc. No. 819162

Tuesday, January 19, 1982, 9 a.m. The Texas Department of Health will conduct a hearing in city council chambers, city hall, 317 West College, Grand Prairie. The department will consider and determine the issue of land use in the vicinity of the City of Grand Prairie's Type I municipal solid waste disposal site (Permit 998) located 0.8 mile south of I.H. 20, and immediately northeast of the intersection of Corn Valley Road and Camp Wisdom Road (Duncanville-Florence Hill Road) in Grand Prairie, Dallas County.

Information may be obtained from Hector H. Mendieta, 1100 West 49th Street, Austin, Texas, (512) 458-7271.

Filed: December 16, 1981, 1:42 p.m.
Doc. No. 819163

State Board of Insurance

Tuesday, January 5, 1982, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, to consider a request of Monarch Life Insurance Company for an amendment to variable life insurance regulations.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

Filed: December 16, 1981, 8:52 a.m.
Doc. No. 819151

Thursday, January 7, 1982, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 414, 1110 San Jacinto Street, Austin, concerning the appeal of Albert Gray from Commissioner's Order 81-3054.

Information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

Filed: December 16, 1981, 8:53 a.m.
Doc. No. 819154

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, on the following dates. According to the submitted agendas, the board will consider the fire marshal's report.

Wednesday, January 6, 1982, 2 p.m.

Wednesday, January 13, 1982, 2 p.m.

Wednesday, January 27, 1982, 2 p.m.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: December 16, 1981, 8:53 a.m.
Doc. Nos. 819153, 819158, and 819161.

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin, on the following dates. According to the submitted agendas, the board will discuss the commissioner's report and meet in executive session to discuss personnel matters.

Tuesday, January 5, 1982, 2 p.m.

Tuesday, January 12, 1982, 2 p.m.

Tuesday, January 26, 1982, 2 p.m.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas, (512) 475-2950.

Filed: December 16, 1981, 8:53 a.m.
Doc Nos 819152, 819157, and 819160

Friday, January 8, 1982, 9 a.m. A designate of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider the plea to the jurisdiction filed by Texas Catastrophe Property Insurance Association in the matter of Glenn McGehee and wife, Carmen McGehee v. TCPIA.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: December 16, 1981, 8:53 a.m.
Doc No. 819155

Monday, January 11, 1982, 9 a.m. A designate of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San

Jacinto Street, Austin, to consider the appeal of Anthony A. Endres from the decision of the Texas Catastrophe Property Insurance Association.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: December 16, 1981, 8:54 a.m.
Doc. No. 819156

Wednesday, January 20, 1982, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda include the commissioner's report and the fire marshal's report. An executive session for consideration of personnel matters will also be held.

Information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: December 16, 1981, 8:55 a.m.
Doc. No. 819159

Texas Advisory Commission on Intergovernmental Relations

Friday, January 8, 1982, 8:30 a.m. The Committee on Operations and Funding of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119, Stephen F. Austin Building, 17th and Congress, Austin, to review fiscal year 1982 projects and funding arrangements and consider potential new projects for the agency's 1982 work program.

Information may be obtained from Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701 (512) 475-3728.

Filed: December 17, 1981, 8:48 a.m.
Doc. No. 819179

Friday, January 8, 1982, 9:30 a.m. The Texas Advisory Commission on Intergovernmental Relations will meet in Room 118, Stephen F. Austin Building, 17th and Congress, Austin. Items on the agenda summary include the executive director's report; report of the Special Committee on Operations and Funding; review of the sunset report, Parts I and III; preliminary report on local government debt; staff report on changes in federal aid to state and local governments, including block grants; progress report on manual for water district directors; staff report on *Model Rules* supplement; and the final version of municipal government audiovisual presentation.

Information may be obtained from Jay G. Stanford, 407 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701 (512) 475-3728.

Filed: December 17, 1981, 8:48 a.m.
Doc. No. 819180

Texas Commission on Jail Standards

Wednesday, December 16, 1981, 8:30 a.m. and 11 a.m. The Texas Commission on Jail Standards held an emergency meeting in Room 206 of the Law Center, 1414 Colorado, Austin. Items on the agenda

summary included: roll call of subcommittee members; reading of October 1981 meeting minutes; director's report; old business concerning Camp Val Verde, Potter, Webb, Randall and Crockett Counties; proposed definitions—§253.1 (217.02.00.001); adopted disciplinary plan—§283.1 (217.18.00.001); adopted grievance plan—§283.2 (217.18.00.002); proposed privileges plan—§291.1 (217.22.00.001); supervision—§§275.1-275.6 (217.14.00.001-.006); new business concerning Collin, Delta, Dimmit, Fannin, Fisher, Gonzalez, Jim Hogg, Jim Wells, Parker, Wilson, and Zavala Counties; and applications for variance for Armstrong, Caldwell, Crane, Crockett, Dawson, Grayson, Kendall, Lamb, and Nolan Counties. An executive session was also held. The emergency status of the meeting was necessary because of a lack of a quorum. A subcommittee of those present met to consider the agenda items and make recommendations on the items for the next scheduled commission meeting.

Information may be obtained from Robert O. Viterna, 411 West 13th Street, Austin, Texas 78711, (512) 475-2716.

Filed December 15, 1981, 3:25 p.m. and
December 16, 1981, 8:56 a.m.
Doc. Nos. 819122 and 819148

Public Utility Commission of Texas

Thursday, January 28, 1982, 1 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference in Docket 4210—inquiry into the rates of Bavarian Hills Water Company, Inc.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed December 15, 1981, 1:45 p.m.
Doc. No. 819100

Friday, January 29, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a second prehearing conference in Docket 4202—application of West Texas Utilities Company for authority to increase electric rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 17, 1981, 9:06 a.m.
Doc. No. 819186

Tuesday, February 2, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4202—application of West Texas Utilities Company for authority to increase electric rates.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 17, 1981, 9:06 a.m.
Doc. No. 819187

Friday, February 19, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing on the merits in Dockets 4167 and 4201—application of Continental Telephone Company of Texas and Continental Telephone Company of the West, respectively, for a rate/tariff revision related to the expensing of station connections.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 17, 1981, 9:07 a.m.
Doc. Nos. 819188 and 819189

Thursday, February 25, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing on the merits in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4180—application of Central Telephone Company of Texas for approval of measured service rates for the Humble Exchange.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 17, 1981, 9:06 a.m.
Doc. No. 819190

State Purchasing and General Services Commission

Wednesday, December 16, 1981, 10:45 a.m. The State Purchasing and General Services Commission held an emergency meeting at the Executive Inn, 3232 West Mockingbird Lane, Ambassador Room, second floor, Dallas. The commission considered a request for action on matters concerning the plan for design and construction of the William B. Travis Building and met in executive session to discuss personnel matters relating to a vacant position. The emergency status of the session was necessary to enable the commission to finalize plans for the William B. Travis Building in accordance with Texas Civil Statutes, Article 601b, and the current appropriations bill.

Information may be obtained from Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211.

Filed: December 15, 1981, 1:16 p.m.
Doc. No. 819098

Texas Real Estate Research Center

Saturday, January 9, 1982, 3:30 p.m. The Advisory Committee of the Texas Real Estate Research Center will meet at the Hilton Inn in the Pearl Room, Austin. Items on the agenda include opening remarks by the chairman; approval of minutes; communications, research and education division reports; fiscal year budget review; plan of work; and other business.

Information may be obtained from Richard L. Floyd, Texas A&M University, College Station, Texas (713) 845-2031.

Filed December 16, 1981, 8:52 a.m.
Doc. No. 819150

Texas Southern University

Friday, January 8, 1982. The Texas Southern University Board of Regents and committees of the board will meet in Room 203 of the Student Life Center and Room 117 of Hannah Hall (respectively), Texas Southern University, 3100 Cleburne, Houston. The times and agendas of those meetings follow.

9 a.m. The Finance Committee will consider monthly financial reports and approval of short-term investments.

9:45 a.m. The Faculty and Curriculum Committee will receive enrollment and curricula data from the administration.

10:30 a.m. The Building and Grounds Committee will consider approval of contracts for payment, acquisition of real estate, and awarding of contracts.

2 p.m. The Board of Regents will consider fiscal and curriculum reports from the administration and approval of short-term investments as recommended by the Finance Committee.

Information may be obtained from Everett O. Bell, 3100 Cleburne, Texas Southern University, Houston, Texas, (713) 529-8911.

Filed: December 17, 1981, 9:03 a.m.
Doc. Nos. 819182-819185

Texas Water Commission

Wednesday, January 13, 1982, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin, to consider adjudication of all claims of water rights in the Brazos I segment excluding the Salt Fork and Double Mountain Fork Watersheds of the Brazos River Basin and adjudication of all claims of water rights in the Salt Fork and Double Mountain Fork Watersheds of the Brazos I segment of the Brazos River.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: December 16, 1981, 3:07 p.m.
Doc. No. 819166

Wednesday, January 20, 1982, 10 a.m. The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider application by Burger King Corp., for water quality Permit 02509 to discharge wastewater not to exceed an average of 3,500 gallons per day into the Cypress Creek, San Jacinto River Basin, Harris County, and application for renewal of Permit 02219 by M. J. Wootan to authorize the disposal of agricultural wastes from a commercial swine feeding operation in Llano County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: December 16, 1981, 3:07 p.m.
Doc. No. 819167

Wednesday, January 27, 1982, 10 a.m. The Texas Water Commission will conduct a hearing in Room 118, Stephen F. Austin

Building, 1700 North Congress Avenue, Austin, on Application 4174 of Gaynard and Elaine Wigginton. The applicants seek a permit to maintain an existing reservoir on an unnamed tributary of Porters Creek, tributary of Mustang Creek, tributary of the Navidad River, tributary of Lavaca River, Lavaca River Basin, for irrigation purposes in Wharton County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: December 15, 1981, 3:18 p.m.
Doc. No. 819113

Thursday, January 28, 1982, 10 a.m. The Texas Water Commission will conduct hearings in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, to consider the following.

Application 3713A of L. H. Meeker, Julian Wade Meeker, and First National Bank of Fort Worth, co-trustees, for an amendment to Permit 3432 to authorize the diversion of 100 acre-feet of water per annum for recreational and livestock purposes and at various points on Rufe Evans Hollow, tributary South Fork Trinity River, tributary of Clear Fork Trinity River, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, in Parker County.

Application 4175 of Elton Bommer, et al for a permit to maintain an existing dam and 402 acre-foot capacity reservoir on Otter Creek, tributary of Beaver Creek, tributary of Catfish Creek, tributary of Trinity River, Trinity River Basin, for livestock watering and recreational purposes in Anderson County.

Petition for organization of Harris—Fort Bend County Municipal Utility District 3 containing 166.4720 acres.

Application 4173 of James H. Buckley, et al for a permit to maintain a dam and reservoir on an unnamed tributary of Marys Creek, tributary of Clear Fork Trinity River, tributary of West Fork Trinity River, Trinity River Basin, and impound 14 acre-feet of water to be used for recreational, domestic, and livestock purposes in Tarrant County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: December 15, 1981, 3:17 p.m.
Doc. Nos. 819114-819117

Regional Agencies

Meetings Filed December 15, 1981

The Austin-Travis County MH/MR Center, Finance and Control Committee, met at 1800 Houston Street, Austin, on December 18, 1981, at noon. Information may be obtained from Ann Meyer, (512) 447-4141.

The Region 1 Education Service Center, Board of Directors, met in the Ming Room of the Echo Hotel, Edinburg, on December 16, 1981, at noon. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas, (512) 383-5611.

The Lower Colorado River Authority, Power and Energy Committee and Board of Directors, met at 3700 Lake Austin Boulevard, Austin, on December 16, 1981, at 3:30 p.m. and December 17, 1981, at 9 p.m., respectively. Information may be obtained from Eloy H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

Doc. No. 819097

Meetings Filed December 16, 1981

The Leon County Central Appraisal District, Board of Directors, will meet at the Leon County Courtroom, Centerville, on January 5, 1982, at 6:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75733, (214) 536-2911.

Doc. No. 819149

Meetings Filed December 17, 1981

The Comal County Appraisal District, Board of Directors, met at 130 East Mill Street, New Braunfels, on December 21, 1981, at 7 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Lubbock Regional MH/MR Center will meet at 3800 Avenue H, Lubbock, on December 22, 1981, at 4:30 p.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213.

Doc. No. 819181

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.

Texas Air Control Board Requests for Proposals

This request for proposals is not filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency. The last day for receipt of offers shall be January 27, 1982. The contract shall become effective after it has been signed by the executive director of the TACB and the selected firm. It shall terminate on August 15, 1982. Funds expended under this contract for these services shall not exceed \$150,000.

Description of Services. The purpose of this contract will be to investigate and identify specific causes (industrial processes) of odor problems associated primarily with petrochemical and petroleum facilities (VOC, sulfur compounds). Such services will include:

(1) twenty site-specific studies at locations identified by TACB in Regions 7 and 10 (Houston and Beaumont/Port Arthur, respectively), including identification of specific processes, process types, and/or operations responsible for odor problems; investigation of chemical classes or compounds identified by TACB, and the degree to which these chemical classes or compounds are associated with specific processes or operations that are responsible for odor problems; and identification of conditions (internal and external to facility operations) which may cause or contribute to the odor problems;

(2) investigation of specific malodorous processes and/or operations to identify existing TACB rules, regulations, or permit conditions which are applicable to them; to determine current compliance status of each of these processes or operations; and to identify control methods not currently required which would reduce odor conditions, directly or indirectly; and

(3) evaluation of the cost and availability of additional controls to facilities in Texas where such controls might be applied.

Procedure for Selecting Consultant. The TACB shall select and award such contracts and engage such services on the basis of demonstrated competence and qualifications such as, but not limited to, history of similar work, references, ability to complete the work in the designated time frame, key personnel assignable to the project, and reasonableness of cost estimates.

Contact. Parties interested in providing the described services should contact Jim Reed, Abatement Requirements and Analysis

Division, TACB, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, for a copy of the statement of work.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819134 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: December 16, 1981, 9:19 a.m.
For further information, please call (512) 451-5711,
ext. 354.

This request for proposals is not filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency. The last day for receipt of offers shall be January 27, 1982. The contract shall become effective after being signed by the executive director of TACB and the selected firm. It shall terminate on August 15, 1982. Funds expended under this contract for these services will not exceed \$80,000.

Description of Services. Contractor shall develop and implement a data base structure on TACB Burroughs equipment which will optimize data classification, retrieval, and statistical analysis capabilities for a specified data set consisting of state, city, and contractor data collected between May 1 and October 31, 1981, in the Harris County area. TACB data processing and data analysis staff will provide cooperation and assistance to the contractor in performance of this work. This data set includes: continuous pollutant and meteorological data from 18 monitoring stations, continuous hydrocarbon species data (38 organic compounds) from three sites, approximately 250 hydrocarbon grab samples, intermittent mixing height data (pibals), and airborne monitoring data (18 flights, 6 parameters collected continuously at one-minute intervals plus spatial information). The data base also must integrate siting and quality assurance information.

Using statistical routines developed for or applied to this data base, contractor shall generate graphical representations of data and relationships to be specified in the contract statement of work, including scatterplots, three dimensional plots of various parameters, frequency distributions, and various types of printed data summaries. This demonstration of retrieval and output capabilities will be required as a test of the system prior to final acceptance.

The contractor shall also assure and demonstrate that the data base structure is consistent with long-term TACB data processing needs by including integration of a self-interpreting data screening and storage system which will qualify and flag all ambient air quality data based on quality assurance and statistical criteria to be specified by TACB in the statement of work. The system also should be capable of sorting and retrieving data and feeding standard statistical programs (as included in packages such as SPSS and BMDP) on the basis of a range of properties including, but not limited to the following: measured observables and relationships to other observables, location, time and duration of sampl-

ing, laboratory analytic technique, precision and accuracy information, and sampling device used.

Procedure for Selecting Consultant. The TACB shall select and award such contracts and engage such services on the basis of qualifications, history of similar work, references, ability to complete the work in the designated time-frame, key personnel assignable to the projects, and reasonableness of cost estimates.

Contact. Parties interested in providing the described services should contact Jim Reed, Abatement Requirements and Analysis Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, for a copy of the statement of work.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819135 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: December 16, 1981, 9:19 a.m.
For further information, please call (512) 451-5711, ext. 354.

This request for proposals is not filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide technical services to the agency. The last day for receipt of offers shall be January 27, 1982. The contract shall become effective after being signed by the executive director of TACB and the selected firm. It shall terminate on July 15, 1982. Funds expended under this contract for these services will not exceed \$75,000.

Description of Services. The purpose of this contract is to characterize TSP and particulate lead on source sampling and ambient monitoring filters in El Paso County by microscopic analysis of these filters. The contractor will determine the microscopic properties of particles generated by emission sources in the El Paso area based on a set of approximately 35 emission source oriented samples collected by the TACB. The contractor will then use the microscopic characteristics of the particles from individual sources to determine the quantitative contributions of these sources to the TSP and lead on a selected set of approximately 65 ambient filters, which will be supplied to the contractor by the TACB. A copy of a detailed statement of work to be performed is available from TACB.

Procedure for Selecting Consultant. The TACB shall select and award such contracts and engage such services on the basis of qualifications, history of similar work, references, ability to complete the work in the designated time frame, key personnel assignable to the projects, and reasonableness of cost estimates. The proposal shall be considered a public document after January 31, 1982.

Contact. Parties interested in providing the described services should contact Jim Reed, Abatement Requirements and Analysis

Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, for a copy of the statement of work.

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819136 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: December 16, 1981, 9:19 a.m.
For further information, please call (512) 451-5711,
ext. 354

This request for proposals is not filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Notice of Invitation for Proposals. The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering services to the agency. The last day for receipt of offers shall be January 27, 1982. The contract shall become effective after being signed by the executive director of the TACB and the selected firm. It shall terminate on September 30, 1982. Funds expended under this contract for these services will not exceed \$50,000.

Description of Services. The purpose of this contract is to assess emissions and sources of emissions of CO, SO₂, TSP, and lead in El Paso County area to characterize the frequency, duration, and concentrations of such contaminants which would be typical for the El Paso area. The contractor shall evaluate the extent to which El Paso air quality is also influenced by sources in Mexico. In addition, the contractor shall conduct needed investigations and analyses to:

- (1) define comparability and appropriate application of existing air quality information collected in the El Paso area, based on quality assurance information;
- (2) characterize ambient concentrations of CO, SO₂, TSP, and lead in the El Paso area; and
- (3) assess the potential for improvement based on identification of source contributions, status of existing controls, and feasibility of additional control methods or operations.

This analysis will be based upon ambient and source monitoring data relevant to the El Paso area collected by the TACB, City of El Paso, Environmental Protection Agency, Mexico, New Mexico, and other organizations in 1979, 1980, and 1981 as appropriate and available. In addition, under a separate contract, microscopic analysis will be performed on a selective set of approximately 100 filters to characterize the TSP and lead particulate on these filters. The contractor shall include in the study analysis of the results of the microscopic study. A copy of a detailed statement of work to be performed is available from TACB.

Procedure for Selecting Consultant. The TACB shall select and award such contracts and engage such services on the basis of qualifications, history of similar work, references, ability to complete the work in the designated time-frame, key personnel assignable to the project, and reasonableness of cost estimates. The proposal will be considered a public document after January 31, 1982.

Contact. Any private consultant interested in providing the described services should contact Jim Reed, Abatement Requirements and Analysis Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, for a copy of the statement of work.

Issued in Austin, Texas, on December 14, 1981.
 Doc. No. 819137 Bill Stewart, P.E.
 Executive Director
 Texas Air Control Board

Filed: December 16, 1981, 9:19 a.m.
 For further information, please call (512) 451-5711, ext. 354.

Governor's Budget and Planning Office Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Governor's Budget and Planning Office (BPO) announces this proposal request to deliver the services described herein.

BPO is soliciting proposals to conduct a survey with the purpose of obtaining information about illegal aliens/undocumented workers in the State of Texas. It is anticipated that the undocumented workers will be contacted and interviewed in areas of the state that provide the most likely opportunity for their employment—either at their place of employment or elsewhere. This could include the major labor market areas of Dallas/Fort Worth, Houston, San Antonio, El Paso, and the South Texas valley area. In addition, it is expected that some representation of a West Texas labor market area (e.g., Amarillo or Lubbock) be included. Within labor market areas, subject populations should be selected so that employers with large, medium, and small numbers of employees are represented. Hence, within urban and rural labor market areas and for firms of different sizes, it is expected that a sufficient number of interviews will be conducted to obtain reliable statistical data. Information about employers and assistance in obtaining access will be provided by the Budget and Planning Office. It is required that the proposer submit a copy of the questionnaire to be used in the interview with the proposal; this questionnaire should include, but not necessarily be limited to, questions to obtain information on the following data elements:

- (1) marital status, including location of spouse and children;
- (2) household composition;
- (3) perceptions of treatment by previous employers;
- (4) whether relied upon middle man to enter the country;
- (5) age;
- (6) jobs held in the United States and Mexico or other country of origin;
- (7) place and state of country of origin;
- (8) reasons for coming to Texas;
- (9) entry point;
- (10) length of stay;
- (11) whether they intend to or would like to seek U. S. citizenship;
- (12) income, wages;
- (13) amount of money sent home;

- (14) number of times that they entered U. S.;
- (15) yearly entry cycles; and
- (16) social service utilization and whether social security and income tax withheld from earnings.

The contractor will be required to:

- (1) develop methodology for survey (including specification of number of interviews and the distribution of the proposed interviews by geographical area of the state);
- (2) plan and conduct field work to include field test of questionnaire;
- (3) conduct data analysis to include at a minimum frequency distribution for each data element and cross tabulation for each pair of data elements;
- (4) prepare final reports by May 15, 1982;
- (5) prepare a computer data tape and sufficient documentation so that BPO can readily access the data;
- (6) provide assurance of adequate protection of confidentiality of respondents and employers;
- (7) conduct 1,500 interviews with a defensible stratification of the sample; and
- (8) provide preliminary summary data of survey by March 31, 1982.

Qualifications. Proposers must have the capability to accomplish the requested services, and proposals must include specific documentation of this capability. Any selected consultant will be expected to assume responsibility for delivery of services, as required by BPO. Proposals must include documentation of proposer's legal authority to contract with BPO to provide the requested services. The contract may be awarded to a public or private organization or agency engaged in survey research. The contract will not be made to an individual or group of individuals who are not representing an organization or agency. Each proposer shall include in its proposal a list of all persons employed by the proposer who have been employed by BPO or by another state agency at any time during the two years preceding the date of the proposal request. The proposals must include a detail budget breakdown by major categories of expense.

Selection Procedures. Criteria for evaluation of the proposal will include:

- (1) consultant's demonstrated ability to collect, analyze, and evaluate demographic data;
- (2) availability, competence, and related experience of key personnel who would be responsible for contract performance;
- (3) previous experience with similar projects;
- (4) consultant's overall understanding of the nature of the project, which includes the feasibility, cost, and timeliness;
- (5) the adequacy of the quality control of the interviewing;
- (6) the design of the proposed questionnaire; and
- (7) the adequacy of the proposed interviewer's ability to obtain reliable statistical data.

Additional Information. Specific verbal details of the project may be obtained from Jarvis Miller, deputy director, Governor's Budget and Planning Office, P. O. Box 13561, Austin, Texas 78711, or the Sam Houston Building, seventh floor, 201 East 14th Street, (512) 475-2427.

Deadline for Submission of Proposals. This proposal request will

close at 5 p.m. on January 13, 1982, except for those proposals received postmarked on or before January 11, 1982. Ten copies of the proposal must be sent before the deadline date.

General Information. BPO reserves the right to accept or reject any or all proposals submitted. BPO is under no legal requirement to execute a resulting contract, if any, on the basis of this notice, and intends the material provided herein only as a means of generally identifying the services desired by BPO. BPO intends to use responses hereto as a basis for further negotiations of specific project details with potential contractors. In the event that BPO selects a contractor to provide the delivery of service provided herein, this request does not commit BPO to pay for any costs incurred prior to execution of a contract. Issuance of this material in no way obligates BPO to award a contract or to pay any costs incurred in the preparation of a response to this notice.

Contact. For further information regarding this notice, please contact Jarvis Miller, Governor's Budget and Planning Office, (512) 475-2427.

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819146 Jarvis Miller,
Deputy Director
Governor's Budget and Planning Office

Filed: December 16, 1981, 9:24 a.m.
For further information, please call (512) 475-3021.



Texas Health Facilities Commission Show Cause Hearing

*Clint Hospital Authority for El Paso del Norte Hospital, El Paso
FH75-0616-005 (112581)*

The hearing concerns a request by Eastwood Hospital of El Paso, to forfeit Exemption Certificate AH75-0616-005 previously issued to the Clint Hospital Authority for El Paso del Norte Hospital, El Paso. It is alleged by Eastwood Hospital that the certificate holder has failed to proceed with reasonable diligence toward completion of the authorized project and/or the certificate holder has failed to comply with the conditions contained in the exemption

certificate. A hearing will be conducted at 9 a.m. on Wednesday, January 27, 1982, in the offices of the Texas Health Facilities Commission, Suite 305, Jefferson Building, 1600 West 38th Street, Austin, to permit the certificate holder to show cause why Exemption Certificate AH75-0616-005 should not be forfeited pursuant to the provisions of commission rules (§§523.3-523.7).

Issued in Austin, Texas, on December 16, 1981.

Doc. No. 819147 John R. Neel
General Counsel
Texas Health Facilities Commission

Filed: December 16, 1981, 9:16 a.m.
For further information, please call (512) 475-6940.

State Board of Insurance Official Order 81-4512, Issued December 3, 1981

Subject Considered: Exemption from approval of acquisition of American Lloyds Insurance Company, Dallas; Bankers Standard Fire and Marine Company, Dallas; INA of Texas, Dallas; and INA County Mutual Insurance Company, Hye.

General Remarks and Official Action Taken: On this day, came on for consideration by the commissioner of insurance the application of Connecticut General Corporation, a Connecticut business corporation; INA Corporation, a Pennsylvania business corporation; and North American General Corporation, a Delaware business corporation; pursuant to Texas Insurance Code, Article 21.49-1, §5(g)(3), for an order exempting from all the provisions of said §5 of the Insurance Holding Company System Regulatory Act, the proposed acquisition of control of American Lloyds Insurance Company, Dallas; Bankers Standard Fire and Marine Company, Dallas; INA of Texas, Dallas; and INA County Mutual Insurance Company, Hye; hereinafter collectively referred to as "domestic companies," said application evidenced under holding company, §14619.

Summary of Application: On November 6, 1981, Connecticut General Corporation, INA Corporation, and North American General Corporation signed an agreement and plan of merger which provides for a business combination of Connecticut General Corporation and INA Corporation on a merger-of-equals basis. Pursuant to the agreement, North American General Corporation, which is a newly formed holding company jointly owned by Connecticut General Corporation and INA Corporation, will create two wholly-owned subsidiaries; T-1 and B-1. T-1 will be merged with and into Connecticut General Corporation, and INA Corporation will be merged with and into B-1, the mergers to occur simultaneously. As a result of the combination, the stock of Connecticut General Corporation and INA Corporation will be exchanged according to predetermined ratios for stock of North American General Corporation; and North American General Corporation will become a publicly held company having Connecticut General Corporation and B-1, the successor of INA, as its wholly owned subsidiaries.

Pursuant to the agreement the four shareholders of Connecticut General Corporation and INA Corporation would possess, after the combination, approximately 51.6% and 48.4%, respectively, of the total voting power of North American General Corpora-

tion. After the combination, North American General Corporation will be managed by a board of directors composed half of Connecticut General Corporation designees and half of INA Corporation designees to be selected by Connecticut General Corporation and INA Corporation in consultation with the other, and by a management group drawn from the ranks of Connecticut General Corporation and INA Corporation managements.

Simultaneously with the execution of the agreement, Connecticut General and INA Corporation each granted to the other reciprocal options giving the other the right to acquire in the aggregate up to approximately 16.5% of the grantor's presently outstanding shares of common stock, at an exercise price per share equal to the closing sales price of the grantor's common stock on November 6, 1981. The options are only exercisable in the event of a third party bid for at least 40% of the grantor's outstanding common stock. The shares subject to the option are part of the authorized but unissued stock of both Connecticut General Corporation and INA Corporation. The options are not transferable.

Conclusions of Law: The proposed acquisition of "domestic companies" will not be made for and will not have the effect of changing or influencing the control of "domestic companies." The proposed option agreement between Connecticut General Corporation and INA Corporation, involving authorized but unissued stock, is not comprehended within the purpose of said §5 of the Insurance Holding Company System Regulatory Act. After considering the effect of this proposal on the present position of "domestic companies" as controlled insurers and the means by which such control is now exercised, the commissioner of insurance finds that the acquisition by North American General Corporation does not have the effect of changing or influencing such control.

THEREFORE, pursuant to Texas Insurance Code, Article 21.49-1, §5(g)(3), the commissioner of insurance does hereby grant an exemption from the provisions of Texas Insurance Code, Article 21.49-1, §5, for the purpose herein described, to North American General Corporation; Connecticut General Corporation; and INA Corporation.

AND IT IS SO ORDERED.

E. J. Voorhis
Commissioner of Insurance

Issued in Austin, Texas, on December 11, 1981.

Doc. No. 819066 James W. Norman
Chief Clerk
State Board of Insurance

Filed: December 14, 1981, 9:40 a.m.
For further information, please call (512) 475-2950.

Texas State Library and Archives Commission Consultant Contract Award

The Texas State Library and Archives Commission has awarded a private consultant contract. The consultant proposal request was filed under the provisions of Texas Civil Statutes, Article 6252-11c, and was published in the October 23, 1981, issue of the *Texas Register* (6 TexReg 3927).

Description. The consultant will arrange, describe, and prepare for microfilming the Nacogdoches Archives, a group of official Spanish and Mexican government records for the period of 1733-1836. After the documents are microfilmed, the consultant will inspect the film for accuracy and legibility and assist in the preparation, editing, and publication of a descriptive pamphlet to accompany the microfilm.

Contractor. The name of the contractor is Dr. Gordon Douglas Inglis, Ph.D. His address is 2313 Tower Drive, Austin, Texas 78703.

Contract Value and Period. Total costs of the contract are not to exceed \$51,272. The beginning date of the contract is February 1, 1982, and completion date, August 31, 1983.

Due Date for Reports. The preparation of calendar entries and inspection of microfilm are due on or before August 31, 1983.

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819093 William D. Gooch
Assistant State Librarian
Texas State Library and
Archives Commission

Filed: December 15, 1981, 9:01 a.m.
For further information, please call (512) 475-6656.



Public Utility Commission of Texas Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas publishes this invitation for bids for consulting services.

Description. The Public Utility Commission of Texas intends to contract with a person for the performance of certain tasks which includes the following.

(1) Complete a study and evaluation of the feasibility of controlling high voltage air conditioning systems as a means of direct load management; evaluate the results of a pilot project (now underway) to determine the cost effectiveness of this type of technology.

(2) Evaluate existing studies, control technologies, and communications systems related to load management.

(3) Close out activities for PURPA grant and innovative rates grant; participate in load control project.

Terms. The contracted person is expected to work full time on these activities to completion, which is projected to be May 31, 1982. Payment for services under the contract will not exceed \$10,000. This invitation for bids is published because the total paid to the contracted person during fiscal year 1982, under this contract and previous agreements, may total more than \$10,000.

The consulting service desired is a continuation of a service previously performed by a private consultant. Unless a better offer is submitted, the commission anticipates awarding the contract to the private consultant who has been previously engaged in the project.

Experience Required. The contracted person should have a thorough knowledge of issues relating to electric utilities and should be familiar with state and federal legislation affecting utility regulation. Knowledge of the commission's existing load management project is preferred. Applicants must have the ability to write and communicate effectively. Strong academic background in related area is required; MBA preferred. The person selected will be chosen on the criteria shown above.

Contact. Mike Williams, Economic Research Division, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0202. Bids must be received no later than January 18, 1982.

Issued in Austin, Texas, on December 15, 1981.

Doc. No. 819104 Philip F. Ricketts
Secretary
Public Utility Commission
of Texas

Filed: December 15, 1981, 2:03 p.m.
For further information, please call (512) 458-0100.

Texas Tourist Development Agency Consultant Contract Award

This consultant service selection report is filed in accord with the provisions of Texas Civil Statutes, Article 6252-11c. The *Texas Register* citation of the consultant proposal request is in 6 TexReg 4020.

Description. The study will provide reliable statistical information concerning the annual volume of tourists to Texas, their geographical sources both international and domestic, trip purpose, and other relevant data that can be used for TTDA's marketing activities for calendar year 1982.

Contractor. The name and business address of the private consultant selected is Pannell Kerr Forster, 420 Lexington Avenue, New York, New York 10170.

Terms. The total value of the study is \$30,000. Contract is dated December 7, 1981. The project will commence January 1, 1982, and conclude December 31, 1982.

Due Dates of Study. Four quarterly reports for calendar year 1982 are to be submitted as soon as possible after the closing date of each period (March, June, September, December).

Issued in Austin, Texas, on December 14, 1981.

Doc. No. 819094 Frank Hildebrand
Executive Director
Texas Tourist Development Agency

Filed: December 15, 1981, 9:02 a.m.
For further information, please call (512) 475-4326.

Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of December 7-11, 1981.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711, (512) 475-1311.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Texas Department of Corrections (Retrieve Unit), Huntsville; domestic sewage facility; southwest of Angleton in Brazoria County; 10829-01; renewal

Pacific Gamble Robinson Company doing business as Pacific Fruit and Produce, La Feria; fresh vegetable processing plant; near Willow Street in the City of La Feria, Cameron County; 02536; new permit

City of Santa Anna, Santa Anna; wastewater treatment plant; in the vicinity of Lakes Sealy and San Tana in Coleman County; 10274-02; renewal

Browning-Ferris Industries, Houston; domestic sewage plant; northeast of Houston in Harris County; 12142-01; amendment

Goodyear Tire and Rubber Company, Houston; synthetic manufacturing plant; on the south side of La Porte Road in Harris County; 00520; renewal

Chown Investment Corp., Houston; wastewater treatment facility; north of Almeda-Genoa Road in Harris County; 12445; new permit

Harris County Fresh Water Supply District 51, Houston; activated sludge plant; 14701 Woodforest Drive in Harris County; 10032; amendment

Goodyear Tire and Rubber Company, Beaumont; petrochemical plant; southwest of Beaumont in Jefferson County; 00519; amendment

Friendswood Development Company (Kingwood Place), Kingwood; domestic sewage plant; south of River Ridge Drive in Montgomery County; 12434; new permit

Coastal States Petroleum Company, Houston; wastewater treatment plant; near Corpus Christi in Nueces County; 02540; new permit

Houston Christian Businessmen's Foundation, Huntsville; domestic sewage plant; northeast of New Waverly in Walker County; 11844-01; renewal

Cotija and Texas Corp., Wharton; wastewater treatment plant; 4900 Highway 59 bypass, north of Wharton in Wharton County; 02551; new permit

El Campo Aluminum Company, El Campo; industrial wastewater plant; at the corner of the extension of Gladys and Lilly Streets in the City of El Campo in Wharton County; 01280; renewal

Issued in Austin, Texas, on December 10, 1981.

Doc. No. 819071 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: December 14, 1981, 11:35 a.m.
For further information, please call (512) 475-4514.

Office of the Secretary of State Texas Register

Notice of Schedule Variations

Because of the Christmas holidays on Thursday, December 24, and Friday, December 25, no issue will be published on December 29. Publication resumes with the January 1 issue.

1982 Publication Schedule for the Texas Register

Listed below are the deadline dates for the 1982 issues of the *Texas Register*. For your reference, monthly deadline schedules will also be published during the year. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that issues published on January 29, May 4, July 30, and October 29 will be indexes; no other material will be published in these issues. The *Texas Register* will not be published on January 5, April 27, November 16, November 30, and December 28.

**FOR ISSUE
PUBLISHED ON:**

Friday, January 1
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Friday, January 8
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Tuesday, January 19
*Friday, January 22
Tuesday, January 26
Friday, January 29

**ALL COPY EXCEPT NOTICES OF
OPEN MEETINGS BY 10 A.M. ON:**

Monday, December 28
NO ISSUE PUBLISHED
Monday, January 4
Wednesday, January 6
Monday, January 11
Wednesday, January 13
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Wednesday, January 20

**ALL NOTICES OF OPEN
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Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

TAC Titles Affected in This Issue

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 43. TRANSPORTATION

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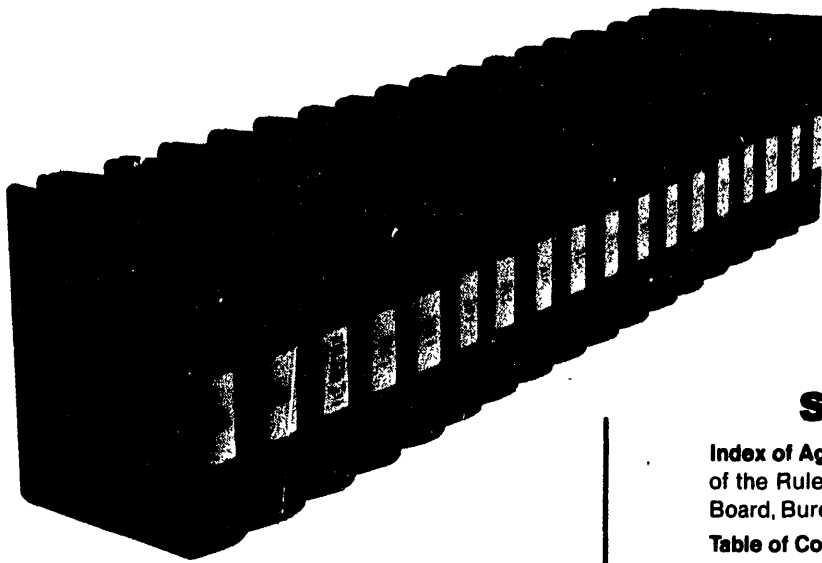
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The complete **Code** will comprise fifteen titles in twenty-six loose leaf volumes for ease in adding future supplements. Assembled in sturdy five-ring binders, the **Code** will be compiled in a uniform format, style, and numbering system. Tabs will ease reference to each title, its parts, and index.

Each complete set of the **Code** will include: an index to locate each agency's rules in the **Code**; a table of contents listing each title, with its parts, chapters, and subchapters; a series of tables listing the constitutional and statutory authority for each rule; the full text of the Administrative Procedure and Texas Register Act; and the full text of the Texas Administrative Code Act.

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Index of Agencies, listing the location in the Code of the Rules issued by each Agency, Department, Board, Bureau or Commission of the State of Texas.

Table of Contents for the entire Code and for each Title, Part, Chapter, and Subchapter of the Code.

Complete title contents for each title, listing all currently active pages contained in that title by page number, so as to insure completeness and accuracy. Detailed index for each title.

Parallel Reference Table for each title, showing the section number used in the Code to designate a Rule and, where applicable, the ten-digit identification number assigned to it by the Texas Register Division.

Tables of Authorities, listing every statute and constitutional authority contained in the Code, and the various components of the Code issued under each.

Authority Notes, containing a reference to the statutory or constitutional authority for each Title, Part, Chapter, Subchapter, and Section contained in the Code.

Source Notes, containing a reference to the date and, when applicable the citation to the *Texas Register* issue in which each Title, Part, Chapter, Subchapter, and Section of the Code was adopted and became effective

Cross References, showing every Part, Chapter, Subchapter, and Section of the Code cited in a Rule.

Editor's notes, containing clarifying comments or statements as appropriate.

Notes of Decisions, containing a summary of each court decision and Attorney General's opinion that construes a Rule.

For more information please contact:

In eastern Texas: Gayle Carpenter
806-797-4878

In western Texas: Marc McKonic
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