

## CHAPTER 93

### Subchapter A. Common Terms

§93.101. Scope; Definitions; Severability.

(a) This chapter **provides for an efficient and uniform system of practice and procedure before the Department. This chapter governs the institution, conduct, and determination of adjudicative proceedings, required or permitted by law, whether instituted by the Department or by filing of an application, notice, or any other pleading. This chapter does not enlarge, diminish, modify, or otherwise alter the jurisdiction, powers, or authority of the Department, or the substantive rights or any person or agency. All contested case hearings will be conducted by the State Office of Administrative Hearings and will be governed by Title 1, Chapter 155 of the Texas Administrative Code and this chapter. [is applicable to contested cases arising under the Texas Credit Union Act.]**

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

(1) ADR -- alternative dispute resolution.

(2) ALJ -- administrative law judge employed by the State Office of Administrative Hearings.

(3) APA [Application] -- **The Administrative Procedure Act (Texas Government Code, Chapter 2001). [Shall have the same definition as in 91.101 (Definitions and Interpretations)].**

(4) [5] **Applicant -- Any person seeking a certificate, charter, or approval of an application from the Department. [Contested case or proceeding -- a proceeding in which the legal rights, duties, or privileges of a party are to be determined by the commissioner or the Commission after an opportunity for adjudicative hearing. A contested case at the Department commences upon the filing of a proper and timely request for hearing.]**

(5) [4] **Contested case or proceeding -- a proceeding in which the legal rights, duties, or privileges of a party are to be determined by the commissioner or the Commission after an opportunity for adjudicative hearing. A contested case at the Department commences upon the filing of a proper and timely request for hearing.**

(6) [5] **Party -- A person admitted to participate in a contested case. [an applicant, a protestant, a respondent, or department staff, who is admitted as a party].**

(7) **Person -- Any individual, credit union, or other legal entity, including a state agency or government subdivision.**

(8) [6] **PFD -- a proposal for decision issued by an ALJ.**

(9) **Respondent -- A credit union or other person against whom a sanction is directed by the Department.**

(10) **Sanction -- Any administrative penalty, disciplinary action, or enforcement action imposed by the Department.**

(11) [7] **SOAH -- the State Office of Administrative Hearings.**

(12) [8] **TAC -- Texas Administrative Code.**

(c) **The same rules of construction that apply to interpretations of Texas statutes and codes, the definitions in the APA Section 2001.003, and the definitions in subsection (b) of this section govern the interpretation of this chapter.** If any section of this chapter is found to

**conflict with an applicable and controlling provision of other state or federal law, the section involved shall be void to the extent of the conflict without affecting [be invalid, the invalidity shall not affect]** the validity of any other provision of this chapter.