

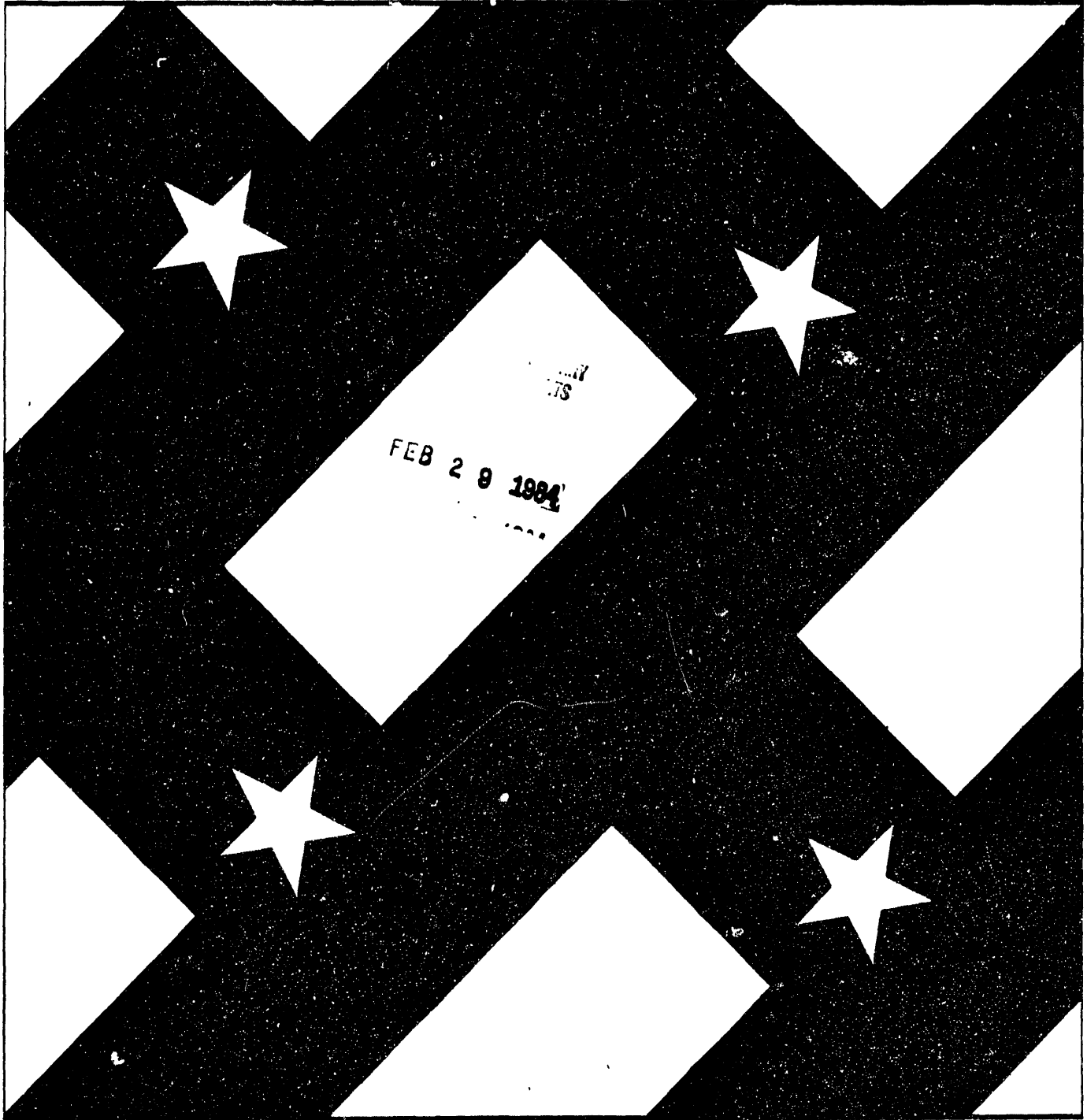
500.6
263
7

FILE COPY

Texas Register

Volume 9, Number 14, February 24, 1984

Pages 1115 - 1174



Highlights

The State Purchasing and General Services Commission proposes an amendment concerning purchasing. Earliest possible date of adoption - March 26 page 1121

The Texas Education Agency proposes amendments concerning rules of the agency. Proposed date of adoption - April 14 page 1123

The General Land Office proposes amendments concerning oil and gas leases and mineral classified lands. Earliest possible date of adoption - March 26 page 1139

**Office of
the Secretary
of State**

How To Use the Texas Register

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

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

Information Available: The ten sections of the *Register* represent various facets of state government. Documents contained within them include

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, quarterly, and annual indexes to aid in researching material published.

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "9 Tex-Reg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 Tex-Reg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code* (explained below), rule number, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below),

TAC stands for the *Texas Administrative Code*,
27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet) No. 10, December 1982

Table of TAC Titles

TITLE 1	ADMINISTRATION
TITLE 4	AGRICULTURE
TITLE 7	BANKING AND SECURITIES
TITLE 10	COMMUNITY DEVELOPMENT
TITLE 13	CULTURAL RESOURCES
TITLE 16	ECONOMIC REGULATION
TITLE 19	EDUCATION
TITLE 22	EXAMINING BOARDS
TITLE 25	HEALTH SERVICES
TITLE 28	INSURANCE
TITLE 31	NATURAL RESOURCES AND CONSERVATION
TITLE 34	PUBLIC FINANCE
TITLE 37	PUBLIC SAFETY AND CORRECTIONS
TITLE 40	SOCIAL SERVICES AND ASSISTANCE
TITLE 43	TRANSPORTATION



John W. Fainter, Jr.
Secretary of State

Texas Register Staff Charlotte Scroggins, Director

Dee Wright
Virginia Gregory
Dave Harrell
Sue Bumpous
Donna Peacock
Roberta Knight
Jane Hooks
Richard Salinas

Kristine Hopkins Mohajer
Richard Kallus
Cynthia Cooke
Carol Banks-ton
Jeff Richardson
Christine K. Schulze
Kathy Kincade

Contents

The Governor

Appointments Made February 10

- 1118 Governor's Advisory Committee on Minority Business Enterprise
- 1118 Angelina and Neches River Authority

The Secretary of State

Opinion Issued January 24

- 1119 Election Law Opinion JWF-27

Opinion Issued February 10

- 1119 Election Law Opinion JWF-29

Emergency Rules

Credit Union Department

- 1120 Chartering, Operations, Mergers, Liquidations

Proposed Rules

State Purchasing and General Services Commission

- 1121 Central Purchasing Division

Credit Union Department

- 1122 Chartering, Operations, Mergers, Liquidations

Texas Education Agency

- 1122 Budgeting, Accounting, and Auditing

- 1123 Rules and the Rule-Making Process

Structural Pest Control Board

- 1124 Introductory Provisions

- 1125 Procedure and Practice at Public Hearings

- 1127 Proceedings After Permit Application Hearings

- 1128 Additional Provisions

- 1129 Grounds for Revocation

- 1130 General Provisions

- 1132 Licenses

- 1134 Compliance and Enforcement

- 1136 Unlawful Acts and Grounds for Revocation

- 1137 Treatment Standards

State Board of Insurance

- 1138 Rating and Policy Forms

- 1138 Minimum Standards and Benefits and Readability for Accident and Health Insurance Policies

General Land Office

- 1139 Legal Division

Texas Water Development Board

- 1140 Consolidated Permits

Texas Commission for the Deaf

- 1141 General Rules of Practice and Procedure

Withdrawn Rules

Credit Union Department

- 1147 Chartering, Operations, Mergers, Liquidations

Adopted Rules

Credit Union Department

- 1148 Chartering, Operations, Mergers, Liquidations

- 1157 Texas Share Guaranty Credit Union

- 1157 Commission Policies and Administrative Rules

Texas Education Agency

- 1158 Instructional Resources

Commission on Jail Standards

- 1159 New Construction Rules

State Board of Insurance

- 1160 Notification Pursuant to Insurance Code, Chapter 5, Subchapter L

Open Meetings

- 1162 Texas Commission on Alcoholism

- 1162 State Board of Barber Examiners

- 1162 State Board of Dental Examiners

- 1162 Texas State Board of Examiners of Dietitians

- 1163 Texas Education Agency

- 1163 Texas Employment Commission

- 1163 Office of the Firemen's Pension Commissioner

- 1163 Texas Health and Human Services

- Coordinating Council

- 1163 Texas Historical Commission

- 1163 Texas Commission on Human Rights

- 1163 State Board of Insurance

- 1164 Lamar University

- 1164 Board of Law Examiners

- 1165 North Texas State University

- 1165 Public Utility Commission of Texas

- 1165 Railroad Commission of Texas

- 1166 Texas State University System

- 1166 Texas Tech University

- 1167 Texas Water Commission

- 1167 Regional Agencies

In Addition

Banking Department of Texas

- 1169 Applications To Acquire Control of State Banks

- 1169 Public Hearing

Comptroller of Public Accounts

- 1169 Decision 14,604

Texas Commission for the Deaf

- 1170 Correction of Error

Texas Education Agency

- 1170 Public Hearings

Texas Health Facilities Commission

- 1171 Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

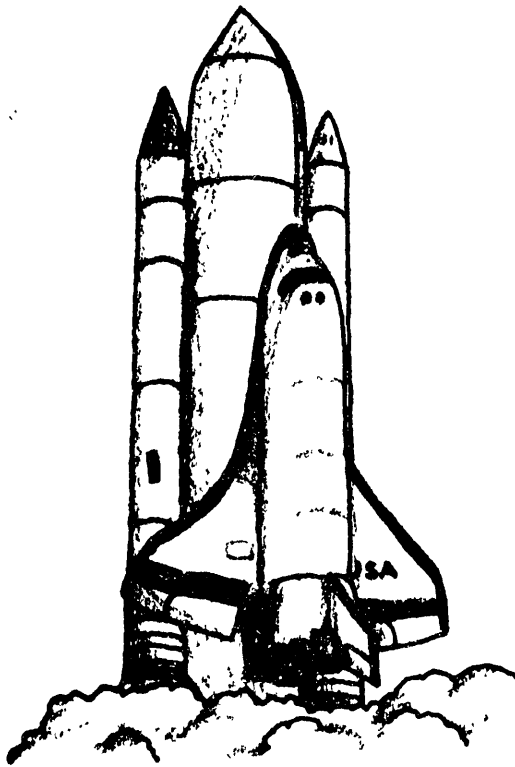
Houston-Galveston Area Council

- 1172 Request for Proposals

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Register* publishes executive orders issued by the Governor of Texas. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order.

Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 475-3021.



Appointments Made February 10

Governor's Advisory Committee on Minority Business Enterprise

For terms to continue at the pleasure of this governor:

Philip Parker
9111 Rustley Creek
San Antonio, Texas

Dr. Howard Childs
7105 Tumbleweed
Austin, Texas 78723

Issued in Austin, Texas, on February 10, 1984.

TRD-841952 Mark White
Governor of Texas

Angelina and Neches River Authority

To the Board of Directors for a term to expire September
5, 1989:

Salah Craig
1011 South Main
Henderson, Texas 75652

Mr. Craig is replacing W. A. (Bill) Turner of Crockett,
whose term expired.

Issued in Austin, Texas, on February 10, 1984.

TRD-841953 Mark White
Governor of Texas

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

Under provisions of Texas Civil Statutes (Article 6252-9c, §14A), the secretary of state is authorized to issue advisory opinions in response to written requests based on a real or hypothetical situation that relates to Article 6252-9c.

These opinions are summarized for publication in the *Register*.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.

The Secretary of State

Opinion Issued January 24

Election Law Opinion JWF-27. Request from Dolly Bailey, Brazoria County Clerk, Angleton, regarding absentee voting by a convicted felon whose conviction is pending appeal.

Summary. A person confined in the Texas Department of Corrections, convicted of a felony, but whose conviction is on appeal, may vote absentee by mail if he or she is otherwise qualified to vote under the Texas Election Code, Article 5.02. An absentee

voting clerk does not need written proof of the expiration date of an appeal from a felony conviction to send ballot materials to be voted by mail by a person confined to the Texas Department of Corrections.

TRD-842028

Opinion Issued February 10

Election Law Opinion JWF-29. Request from Paul J. Derkowski, Houston, regarding the permissibility and reportability under the Texas Election Code, Chapter 14, of a Texas general purpose political

committee contribution to a federal candidate or officeholder.

Summary. It is permissible under the Texas Election Code, Chapter 14, for a Texas general purpose political committee to make a contribution to a federal candidate or officeholder. If made as a disbursement from the Chapter 14 contributions of the committee, it would be reportable under Chapter 14 by the committee as a "payment that is not an expenditure." Contributions to a federal candidate or officeholder are subject to the requirements of federal law.

TRD-842029

Emergency Rules

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

An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The submission must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency adoption. Following each published emergency document is certification information containing the effective and expiration dates of the action and a telephone number from which further information may be obtained.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

The following emergency rules submitted by the Credit Union Department will be serialized beginning in the February 28, 1984, issue of the *Texas Register*. The effective date of the documents is March 8, 1984.

Organizational Procedure
§§91.11-91.18
(repeal)

Powers of Credit Unions
§§91.21-91.25
(repeal)

Audits and Bond Requirements
§§91.31-91.34
(repeal)

Loans
§§91.41-91.43
(repeal)

Investments
§91.51, §91.52
(repeal)

Reserves and Dividends
§91.61, §91.62
(repeal)

Change in Corporate Status
§91.71
(repeal)

Capital-Deposit Accounts
§§91.91, 91.92, 91.94-91.96
(repeal)

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *Register* at least 30 days before any action may be taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

The proposal, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals (required to comply with the rule); a request for public comments; a statement of statutory authority under which the proposed rule is to be adopted (and the agency's interpretation of the statutory authority); the text of the proposed action; and a certification statement. The certification information, which includes legal authority, the proposed date of adoption or the earliest possible date that the agency may file notice to adopt the proposal, and a telephone number to call for further information, follows each submission.

Symbology in amended rules. New language added to an existing rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

Proposed Rules

TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

1 TAC §113.2

The State Purchasing and General Services Commission proposes an amendment to §113.2, concerning definitions, by including a definition of "written data" as that term is used in Texas Civil Statutes, Article 601b, §3.11(e).

Herb Gersbach, purchasing director, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Gersbach also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification of commission procedures in the handling of written data in the processing and evaluation of bids. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James H. Quick, General Counsel, P.O. Box 13047,

Austin, Texas 78711, (512) 475-5966 or STS 822-5966.

The amendment is proposed under Texas Civil Statutes, Article 601b, §3, which provide the commission with the authority to establish a centralized purchasing program for state agencies.

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

Written data—As that term is used in Texas Civil Statutes, Article 601b, §3.11(e), data which is expressly required in an invitation for bids to be used for evaluation purposes in determining whether or not a particular bid meets the specifications required. The expressed requirement of such written data shall be followed by this statement or one of similar import: "Failure to provide the required information with the bid response will automatically disqualify the bid from consideration for award in connection with this transaction."

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

Issued in Austin, Texas, on February 16, 1984.

TRD-842025 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Earliest possible date of adoption.

March 26, 1984

For further information, please call (512) 475-5966 or STS 822-5966.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Chartering, Operations, Mergers, Liquidations

The following proposals submitted by the Credit Union Department will be serialized beginning in the February 28, 1984, issue of the *Texas Register*. The earliest possible date of adoption for the documents is March 26, 1984.

Organizational Procedure

§§91 11-91 18

(repeal)

Powers of Credit Unions

§§91.21-91 25

(repeal)

Audits and Bond Requirements

§§91 31-91 34

(repeal)

Loans

§§91 41-91 43

(repeal)

Investments

§91 51, §91 52

(repeal)

Reserves and Dividends

§91 61, §91 62

(repeal)

Change in Corporate Status

§91 71

(repeal)

Capital-Deposit Accounts

§§91 91, 91.92, 91.94-91.96

(repeal)



TITLE 19. EDUCATION

Part II. Texas Education Agency

Chapter 109. Budgeting, Accounting, and Auditing

Subchapter D. Adoptions by Reference

19 TAC §109.61

The Texas Education Agency proposes an amendment to §109 61, concerning the adoption by reference of the *Financial Accounting Manual*, Bulletin 679.

The amendment will update procedures for accounting for federally-funded grant programs to recognize revenue as earned, therefore deferring cash advances. This gives a realistic zero fund balance on end-of-year financial statements, as unearned advances revert to the grantor agency at the close of a program or project period. The amendment also will update procedures to ensure conformity with statements of the National Council on Governmental Accounting, which are recognized as generally accepted accounting principles, and amend the official school budget form to present information in the identical format required in the annual audit report. Changes should make the budget easier to prepare and explain. The amendment will expand procedures on cooperative programs to offer guidance to fiscal agents and participating school districts on their responsibilities related to budgeting, accounting, auditing, and reporting. Editorial changes will provide greater clarity in the text, and the inclusion of a sample audit report is also proposed.

The Audit (AUD) and Special Programs (SPG) sections of the bulletin will be effective beginning with the audits for the 1983-1984 school year. The rest of the changes will be effective beginning with the 1983 school year.

Richard Bennett, finance associate commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is conformity of the *Financial Accounting Manual* for school districts with generally accepted accounting principles, and clearer and easier procedures for school districts to understand. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §11.52(d), which authorizes the commissioner of education to prescribe uniform systems of forms, reports, and records necessary to secure information from county school officers and local school districts.

§109.61. *Financial Accounting Manual*.

(a) The rules for financial accounting are described in the official Texas Education Agency bulletin, *Financial Accounting Manual*, Bulletin 679, as amended March

1984 [1983], which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a. m. to 5 p. m., except holidays, Saturdays, and Sundays, at the Texas Education Agency (headquarters) Building, 201 East 11th Street, Austin, Texas 78701.

(b) (No change.)

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

Issued in Austin, Texas, on February 17, 1984

TRD-842031 Raymon L. Bynum
Commissioner of Education

Earliest possible date of adoption.

March 26, 1984

For further information, please call (512) 475-7077.

Chapter 173. Rules and the Rule-Making Process

Subchapter A. Rules of the Texas Education Agency

19 TAC §173.6

The Texas Education Agency proposes amendments to §173.6, concerning a petition for adoption or amendment of a rule. The Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a, provides that any interested person may petition an agency requesting the adoption of a rule. An agency must respond to such a petition within 60 days either by starting the rule-making process or by denying the petition, giving reasons for the denial.

At present, §173.6 contains no clear provision for State Board of Education review of petitions submitted under the APTRA. Where the commissioner of education recommends that a petition be granted, the recommendation comes to the board in the form of a proposed rule change, but there has been no provision for board review in cases where a petition is denied.

The proposed amendments provide such a procedure, while ensuring that the agency continues to be able to respond to petitions within the 60 days required by law.

Richard Bennett, finance associate commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Dr. Beverly J. Bardsley, policy development director, and Mr. Bennett have determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clear provisions for State Board of Education review of petitions for the adoption or amendment of a rule. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Dr. Beverly J. Bardsley, Director for Policy Development, 201 East 11th Street, Austin, Texas 78701, (512) 475-7077. All requests for a public hearing on proposed sections submitted in accordance with the APTRA must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Article 6252-13a, which direct state agencies to prescribe, by rule, the procedure for submission, consideration, and disposition of petitions for the adoption of agency rules.

§173.6. *Petition for Adoption or Amendment of a Rule.*

(a) Any interested person may petition for the adoption or amendment of a rule by filing a petition on a form approved by the commissioner of education [A form for petitions may be secured from the associate commissioner for policies and services and] The petition shall be submitted to the commissioner of education [him or her]. In consultation with the persons in the Central [Texas] Education Agency who are responsible for the area with which the rule is concerned, the commissioner of education shall evaluate the merits of the proposal to determine whether to recommend [initiate] that rule-making proceedings be initiated or that [to deny] the petition be denied. [Within 60 days after submission of a petition, the petition shall either be denied in writing, with reasons for the denial stated, or rule-making proceedings shall be initiated.]

(b) In accordance with Texas Civil Statutes, Article 6252-13a, §11, the agency must respond to a petition for the adoption or amendment of a rule within 60 days.

(1) Where possible, the commissioner's recommendation concerning the petition shall be placed on the board agenda, and the board shall act on the petition within the 60-day time limit.

(2) Where the time required to review the petition or the scheduling of board meetings will not permit the board to act on the petition within the required 60 days, the commissioner of education shall respond to the petitioner within the required 60 days, notifying the petitioner of the commissioner's recommendation concerning the petition and the date of the board meeting at which the recommendation will be presented to the board for action.

(c) The State Board of Education will review the petition and the recommendation of the commissioner and will either direct the commissioner to begin the rule-making process or deny the petition, giving reasons for the denial.

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

Issued in Austin, Texas, on February 16, 1984

TRD-842024 Raymon L. Bynum
Commissioner of Education

Proposed date of adoption

April 14, 1984

For further information, please call (512) 475-7077.

TITLE 22. EXAMINING BOARDS Part XXV. Structural Pest Control Board

The Structural Pest Control Board proposes the repeal of §§591.1-591.5, 591.11-591.15, 591.21-591.23, 591.31, 591.41-591.44, 593.1-593.7, 593.21-593.23, 593.31, 593.32, 593.41-593.43, 593.51-593.56, 593.71-593.76, 593.91, 593.92, 595.1, 595.11, 597.1, 597.2, 597.11, 597.21, 597.31, 597.41, and 599.1-599.5, and new §§591.1-591.9, 591.21, 593.1-593.9, 595.1-595.5, 595.21-595.23, 597.1-597.3, 599.1, and 599.11. The repeals are being proposed to eliminate redundant language. The new sections are being proposed to present the board rules in a more organized and concise manner and to provide the public with a clear explanation of the Structural Pest Control Board's authority and responsibility under Texas Civil Statutes, Article 135b-6. This will enable the board to develop a more uniform compliance and enforcement program and establish uniform procedures for reviewing and investigating consumer complaints. The board believes that the proposed new regulations will conform more closely with the Texas Administrative Code.

David A. Ivie, executive director, has determined that for the first five-year period the repeal and new rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal and of enforcing or administering new §§591.1-591.9, 591.21, 595.1-595.5, 595.21-595.23, and 597.1-597.3. There will be fiscal implications as a result of enforcing or administering new §§593.1-593.9, 599.1, and 599.11.

For §§593.1-593.9, the effect on state government for the first five-year period the rules will be in effect will be an estimated reduction in cost of \$12,000 each year from 1985-1987, \$10,000 in 1988, and \$8,000 in 1989. There will be an estimated loss in revenue of \$12,000 each year in 1985 and 1986, \$10,000 in 1987, \$8,000 in 1988, and \$6,000 in 1989. There is no anticipated effect on local government or small businesses.

For §599.1 and §599.11, there is no anticipated effect on state or local governments. The cost of compliance with the rules for small businesses will be \$300 per year. The board estimates that the cost of compliance for small businesses and large businesses will be \$2.50 for each \$100 in sales for structural fumigation jobs, which comprise about 5.0% of the total business.

Mr. Ivie also has determined that for each year of the first five years the repeal and new rules as proposed are in effect the public benefit anticipated as a result of the repeal and of enforcing the rules as proposed is better qualified licensed structural pest control applicators operating under more stringent safety procedures, which will provide more protection to public health, property, and the environment, and a better understanding of how to comply with the Structural

Pest Control Board law and how to obtain the board's services. There is no anticipated economic cost to individuals who are required to comply with the repeal and new rules as proposed.

Comments on the proposal may be submitted to David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752.

Chapter 591. Introductory Provisions

The Board

22 TAC §§591.1-591.5

(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 Structural Pest Control Board, Suite 250, Building C, 1300 East Anderson Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§591.1. *Origin and Purpose of the Board.*

§591.2. *Composition of the Board.*

§591.3. *Office of the Board.*

§591.4. *Location of Board Meetings.*

§591.5. *Seal.*

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841916

David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption:

March 26, 1984

For further information, please call (512) 835-4066.

Rules

22 TAC §§591.11-591.15

(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 Structural Pest Control Board, Suite 250, Building C, 1300 East Anderson Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§591.11. *Purpose of Rules.*

§591.12. *Incorporation by Reference.*

§591.13. *Use and Effect of Rules.*

§591.14. Suspension of Rules.

§591.15. Amending of Rules.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841917 David A. Ivie
 Executive Director
 Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.

§591.31. Definitions of Terms.

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

Issued in Austin, Texas, on February 13, 1984

TRD-841919 David A. Ivie
 Executive Director
 Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.

Records

22 TAC §§591.21-591.23

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§591.21. *Records Shall Be Public.*

§591.22. *Copies and Certification.*

§591.23. *Minutes of the Board.*

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841918 David A. Ivie
 Executive Director
 Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.

Licenses

22 TAC §§591.41-591.44

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§591.41. *Persons Required to Secure Licenses.*

§591.42. *License Application.*

§591.43. *Requirements—Examinations for Certified Applicator Licenses.*

§591.44. *License Expiration and Renewal.*

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841920 David A. Ivie
 Executive Director
 Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.

Definition of Terms

22 TAC §591.31

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

**Chapter 593. Procedure and Practice
at Public Hearings
Hearings and Meetings**

22 TAC §§593.1-593.7

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room

503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

- §593.1. *Board May Order Public Hearings.*
- §593.2. *Place of Hearings.*
- §593.3. *Regular Hearings.*
- §593.4. *Special Hearings.*
- §593.5. *Regular Meetings.*
- §593.6. *Special Meetings.*
- §593.7. *All Hearings Public.*

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841921 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.



Written Protests

22 TAC §§593.21-593.23

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

- §593.21. *Protests.*
- §593.22. *Protest Requirements.*

§593.23. *Dismissal of Protests.*

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841922 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.

General Rules

22 TAC §§593.31, §593.32

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

- §593.31. *Rules of Procedure.*
- §593.32. *Time Limit.*

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841923 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.

Appearance

22 TAC §§593.41-593.43

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

- §593.41. *Who May Appear.*

§593.42. *Broadening the Issues.*

§593.43. *Failure to Appear.*

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

Issued in Austin, Texas, on February 13, 1984

TRD-841924 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption
March 26, 1984

For further information, please call (512) 835-4066.

Evidence

22 TAC §§593.51-593.56

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§593.51. *Admissibility, Generally.*

§593.52. *Reporting of Hearings.*

§593.53. *Investigation Reports.*

§593.54. *Stipulation.*

§593.55. *Testimony Shall Be Pertinent.*

§593.56. *Limiting Number of Witnesses.*

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

Issued in Austin, Texas, on February 13, 1984

TRD-841925 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption
March 26, 1984

For further information, please call (512) 835-4066.

Exhibits

22 TAC §§593.71-593.76

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control

Board with the authority to test, license, and regulate the structural pest control industry.

§593.71. *Documents in Board Files.*

§593.72. *Official Records.*

§593.73. *Entries in Regular Course of Business.*

§593.74. *Abstracts of Documents.*

§593.75. *Excluding Exhibits.*

§593.76. *Exhibits Offered After Hearing.*

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

Issued in Austin, Texas, on February 13, 1984

TRD-841926 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption
March 26, 1984

For further information, please call (512) 935-4066.

Arguments and Briefs

22 TAC §§593.91, §593.92

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§593.91. *Oral Argument.*

§593.92. *Briefs.*

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

Issued in Austin, Texas, on February 13, 1984

TRD-841927 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption
March 26, 1984

For further information, please call (512) 835-4066.

Chapter 595. Proceedings After Permit Application Hearings Action After Hearing

22 TAC §595.1

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be ex-

amined in the offices of the Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§595.1. Action After Hearing.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841928 David A Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption:

March 26, 1984

For further information, please call (512) 835-4066.

amined in the offices of the Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§597.1. Preliminary Examination.

§597.2. Acceptance for Filing.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841930 David A Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption:

March 26, 1984

For further information, please call (512) 835-4066.

Appeal

22 TAC §595.11

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§595.11. Appeal.

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

Issued in Austin, Texas, on February 13, 1984

TRD-841929 David A Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption

March 26, 1984

For further information, please call (512) 835-4066.

Change of Address and Transfers

22 TAC §597.11

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§597.11. Change of Address.

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

Issued in Austin, Texas, on February 13, 1984

TRD-841931 David A Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption

March 26, 1984

For further information, please call (512) 835-4066.

Chapter 597. Additional Provisions Filing of Instruments

22 TAC §597.1, §597.2

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be ex-

Complaints

22 TAC §597.21

amined in the offices of the Structural Pest Control

Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§597.21. Specific Complaint.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841932 David A. Ivie
 Executive Director
 Structural Pest Control Board

Earliest possible date of adoption:

March 26, 1984

For further information, please call (512) 835-4066.

250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§597.41. Contracts.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841934 David A. Ivie
 Executive Director
 Structural Pest Control Board

Earliest possible date of adoption:

March 26, 1984

For further information, please call (512) 835-4066.

Pesticide Use Records Required To be Kept

22 TAC §597.31

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§597.31. Pesticide Use Records

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841933 David A. Ivie
 Executive Director
 Structural Pest Control Board

Earliest possible date of adoption:

March 26, 1984

For further information, please call (512) 835-4066.



Chapter 599. Grounds for Revocation

22 TAC §§599.1-599.5

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite 250, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§599.1. Grounds for Revocation, Suspension, Reprimanding, Refusal To Examine, Refusal To Issue or Renew Licenses.

§599.2. Suspension.

§599.3. Exemptions.

§599.4. Penalty.

§599.5. Licensing of Persons with Criminal Backgrounds.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841935 David A. Ivie
 Executive Director
 Structural Pest Control Board

Earliest possible date of adoption:

March 26, 1984

For further information, please call (512) 835-4066.

Contracts

22 TAC §597.41

(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 Structural Pest Control Board, 1300 East Anderson Lane, Building C, Suite

Chapter 591. General Provisions

22 TAC §§591.1-591.9, 591.21

The new sections are proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§591.1. Origin and Purpose of the Board. The board will carry out the right and duty of the state to protect the health and welfare of its citizens, to protect the environment against the misuse of pesticide, and to promote a more professional standard for the structural pest control industry.

§591.2. Rule Making. The board may adopt, repeal, or amend rules under the authority of the Act at anytime; provided, however, that notice of such amendment or new rule shall be given in the manner of such amendment or new rule shall be given in the manner required by law. When there are proposed changes to regulations, there shall be at least one public member and one *ex officio* member present at the board meeting when such proposed changes are made.

§591.3. Suspension of Rules. The board may suspend or waive any rule, in whole or in part, for good cause shown, when the particular facts or circumstances justify.

§591.4. Board Office. The office of the board will be located in Austin, Texas.

§591.5. Board Meetings.

(a) The board shall hold at least four regular meetings each year as authorized by the chairman. A special meeting shall be called when two or more members petition the chairman, in writing, to call such meeting.

(b) All board meetings will be held in Austin, Texas, in the office of the board, unless a change of place is determined by the board.

(c) The executive director shall notify each board member of the date and place of meeting at least seven days prior to the date.

(d) There shall be a majority of board members present at any board meeting in order to have a quorum to transact business. All decisions of the board will be by simple majority of board members present.

(e) The minutes of the board shall be kept in such form and manner as the board may prescribe.

§591.6. Board Seal. The seal of the board shall be a circle with the words "The Texas Structural Pest Control Board" circularly arranged about the inner edge, and in the center of the circle, there shall be a five-pointed star, together with the live oak and olive branches common to other official state seals.

§591.7. Board Records.

(a) All official records of the board, except files relating to applications for employment, or confidential records of investigations or other sensitive records, shall be public records open to inspection at any reasonable time by any person; but such records shall not be taken from the board office.

(b) Copies of official records may be made and certified by the chairman, vice-chairman, or the executive

director, the expense thereof to be borne by the person or party requesting same.

§591.8. Board Acceptance of Documents.

(a) All instruments, correspondence, and material delivered to the board will be stamped or marked "Received" and the date thereof clearly indicated. On any application or petition requiring board action for acceptance or filing, a preliminary examination will be conducted by the staff to determine if the application or petition is in proper form and accompanied by the necessary fee.

(b) Any instrument requiring board action will not be formally accepted for filing until it is received in proper form accompanied by those fees and data required by law and applicable board rules. Instruments, applications, and petitions which do not conform with these requirements shall be returned for necessary amendments and revision. Upon express written approval of the applicant, any employee of the board may make minor administrative changes in any documents submitted to the board by the applicant. If the filing fees are insufficient, the instrument may be held pending receipt of the necessary fee.

§591.9. Board Hearings.

(a) The board may order a public hearing on any pending matter where the public interest would be best served thereby.

(b) The hearings of the board on any matter shall, unless otherwise ordered, be held in Austin, Texas.

(c) Notice for meetings and hearings will be in accord with the Administrative Procedure and Texas Register Act.

(d) In the event anyone should desire to protest or oppose any matter pending before the board, a written protest shall be filed with the board on or before the date and time of hearing. Protests should be filed at least five days before the hearing date in order to receive adequate consideration, and comply in a substantial manner with the following requirements:

(1) each protest shall show the name and address of the protestant;

(2) there shall be an allegation of injury to protestant which could result from the proposed action on the matter to be considered by the board;

(3) there shall be an allegation of interference with some present right of protestant's claim of right. A protest may be dismissed as insufficient if it fails to comply in a substantial manner with the board's requirements.

(e) Hearings will be conducted in such manner as the board deems most suitable to the particular case. The technical rules of legal and court procedure need not be applied. It is the purpose of this board to obtain all the relevant information and testimony pertaining to the issue before it as conveniently, inexpensively, and expeditiously as possible without prejudicing the rights of the protestant.

(f) Applications, motions, exceptions, communications, requests, briefs, or other papers or documents required or permitted to be filed under these rules or by law must be received at the board's office in Austin, Texas, within the time limit, if any, for such filing.

(g) Any person whose interest is affected in a proceeding may appear at such proceeding. At the discretion of the board, anyone not such a party may also appear. An appearance may be made individually, by an attorney, or by authorized agents.

(h) Except for unusual and extenuating circumstances, the protestants, his attorney, or his duly authorized agent shall be present at the public hearing. Failure to so appear will be grounds for withholding consideration of the protest.

(i) Evidence will be admitted pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13a.

(j) The testimony shall be confined to the subject matter contained in the application or pleadings. In the event a party at a hearing shall pursue a line of interrogation of a witness which is clearly irrelevant, incompetent, or immaterial, such interrogation will be terminated.

(k) The board reserves the right to limit the number of witnesses appearing at any proceeding where it appears that their testimony may be merely cumulative or repetitious of evidence previously received.

(l) Any matter of official record in the board files may be incorporated by reference by the board or interested parties to the proceeding provided that:

(1) it is identified sufficiently to put all parties on notice;

(2) it is material and relevant; and

(3) no party at interest is deprived of the right of cross-examination.

(m) Official records may be entered in evidence; provided, however, that the board may waive all requirements for certification when it appears there is no valid reason to doubt the authenticity of the document presented.

(n) When documents are numerous, the board may elect to receive in evidence only those which are typical and representative; and it may require the abstracting of the relevant data from the documents and the presentation of the abstracts in the form of an exhibit; provided, however, that before making such requirements, the board shall see that all interested persons are given the right to examine the documents from which such abstracts are made.

(o) In the event an exhibit has been identified, objected to, and excluded, the presiding board member shall determine whether or not the party offering the exhibit withdraws the offer. If withdrawn, the exhibit will be returned. If the excluded exhibit is not withdrawn, it shall be identified and included in the record for the purpose of preserving the objection to the exclusion.

(p) Unless specifically directed by the board, no exhibit will be permitted to be filed as part of the proceeding in any matter pending before the board after the conclusion of the public hearing held thereon. The board may hold the record open for the purpose of receiving additional written evidence.

(q) Oral arguments may be allowed by the board upon request, but a reasonable time limit shall be fixed.

(r) Prior to the closing of the hearing, the board may allow the presentation of briefs at a later date. The order and time for filing briefs shall be determined by the board following consultation with counsel.

(s) The procedure for appeal from any ruling, order, decision, or act of the board is controlled by the provisions of the Act, §9(b), and the Administrative Procedure and Texas Register Act, Article 6252-13a.

(t) All testimony given at any public hearing shall be recorded by some person appointed by the board. In those instances where any proper party at such hearing requests it, the testimony will be reduced to writing. Copies of any hearing thus transcribed may be obtained from the Structural Pest Control Board and paid for at the rate of \$1.00 per page.

§591.21. Definitions of Terms. In addition to the definitions set out in the Act, §2, the following words, names, and terms shall have the following meanings, unless the context clearly indicates otherwise.

Act—The Texas Structural Pest Control Act, Texas Civil Statutes, Article 135b-6, as amended

Applicant—Any person making application for a license or credentials from the board.

Board—The Structural Pest Control Board.

Category—The type of service or services a person or business entity is authorized to perform.

Chairman—An individual appointed board member elected by the board, who presides at the board meeting.

Contract—A binding agreement between two or more persons or parties that spells out in writing the terms and conditions of such agreement, and will include, but not be limited to, warranties or guarantees for pest control work.

Employee—Any person employed by a business licensee to engage in pesticide applications, maintain or utilize structural pest control devices, make sales presentations, or identify pest infestation or damage. The term employee shall not mean those individuals whose sole duties are clerical, or janitorial, or are completely disassociated with the control of arthropods (insects, spiders, mites, ticks, and related pests), wood-infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals which may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures, or the contents thereof, or the immediate adjacent outside area.

Executive director—The person employed by the board who administers the provisions of this Act and the rules and regulations promulgated by the board.

Investigator—A structural pest control investigator employed by the board.

License—A document issued by the board to a person authorizing the practicing and/or supervising of the professional service or services indicated thereon.

Licensee—The holder of a valid license.

Revoke—To cancel a license issued under authority of the pest control act. When a business license is revoked, the holder of said license must acquire a new license by completing a new application and paying the required fee. In the case of the certified applicator, the holder of such certified applicators license must acquire a new license by completing a new application, paying the required fee, and being re-examined in each category desired by said person.

Suspend—To cease operations for a period of time as specified by the board.

Vice-chairman—An individual appointed board member elected by the board, who presides at the board meeting in the absence of the chairman.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841938 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.

Chapter 593. Licenses

22 TAC §§593.1-593.9

The new sections are proposed under Texas Civil Statutes, Article 136b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§593.1. Persons Required To Secure License. Any person engaged in structural pest control operations must secure a business license from the board for each business location, including branch offices, in accordance with the Act and the regulations. Each business license holder shall have a certified applicator who is not also serving as a certified applicator for another business licensee. No person shall advertise in any manner to render services or solicit business within the meaning of the Act without first obtaining a license.

§593.2. License Application.

(a) The application for a business license and a certified applicator license shall be submitted on a regular form furnished by the board.

(b) The application for an endorsement of license will be the same as used for regular business license or regular certified applicators license, and such applications shall be furnished by the board. In order to qualify for an endorsement of license, the test or tests taken in a state other than Texas must meet Texas standards. If the test or tests does not meet Texas standards, then the director is authorized to prepare an exam for said person. The exam or exams will be given as directed by the board.

(c) An application for a license must contain an address where the licensee may be located. The address of an answering service or post office box will not meet the requirements of this section.

§593.3. Insurance Requirements. Each business license applicant must submit with the application an insurance policy or certificate of coverage in the amount of not less than \$25,000 in bodily injury coverage and \$5,000 in property damage coverage insuring him against liability for damage to persons or property occurring as a result of operations performed in the course of the business of structural pest control to premises or any other property under his care, custody, or control. No new business li-

cence will be issued until insurance requirements are met. This policy shall contain a cancellation provision whereby notification of cancellation is received by the board not less than 30 days prior to cancellation.

§593.4. Resident Agent.

(a) License applicants who reside outside the state shall designate in writing a resident agent for service of process in actions taken in the administration and enforcement of the Act.

(b) Each resident agent shall be a citizen of the state and maintain a permanent address within the state.

(c) Instead of designating a resident agent, the applicant may designate the secretary of state as the recipient of service of process for the applicant.

§593.5. Examinations.

(a) Except as provided in §593.6(d) of this title (relating to License Expiration and Renewal), an individual who has previously qualified by written exam in a category shall receive a certified applicators license for the qualified category without re-examination. Each individual not previously qualified by written examination in the category or categories for which a license is requested must secure a certified applicators license by passing an exam administered by the board.

(b) In order to qualify to take the Structural Pest Control Board test for obtaining a certified applicators license, the applicant must have verifiable employment in the pest control industry under the supervision of a licensed certified applicator for at least 12 months out of the past 24 months.

(1) The proof of previous employment or experience in the industry shall be furnished by the applicant in the form of a notarized statement.

(2) The following persons with less than 12 months verified employment may apply to the board for permission to take the test:

(A) an applicant with a degree in the biological sciences from an accredited college or university;

(B) an applicant with technical field experience from a previous occupation; and

(C) an applicant who qualifies under the hardship clause outlined in these regulations.

(c) The testing procedure will be as follows.

(1) Examinations will be given at the discretion of the board at least once each quarter based on the calendar year.

(2) A fee of \$25 shall be charged for each category in which an applicant is examined.

(3) All examination fees are payable by personal check or money order and payment should be submitted with the completed application.

(4) All examinations shall be maintained and administered by the board. Complete examinations shall be retained by the director for a period of two years.

(5) The applicant shall take an examination which shall be in written form and, in general, cover the subject of the services designated in the application, except those covered by endorsement of license.

(6) A grade of 70% will be the minimum grade required for passing.

(7) The applicant must be able to read and write the English language.

(8) All examinations will be given in Austin, Texas, unless otherwise designated by the board and the applicants so notified.

(9) An applicant who gives or receives unauthorized assistance during an examination shall be dismissed from the examination and his results shall be voided.

(10) Applicants who do not make a passing grade on an exam will not be allowed to retake the same category exam until the second exam date after failure.

(11) Applicants who do not take a scheduled exam may not receive a refund of their exam fee unless they notify the board 10 days in advance of the test date. Exceptions may be granted if there is an emergency such as a death or serious illness in the family.

(12) Categories in which examinations are to be given for which licenses will be issued are as follows:

(A) Termite control—Inspection and/or control of termites and other wood-destroying organisms. This category includes persons engaged in the inspection and/or control of termites, beetles, or other wood destroying organisms by means other than fumigation in buildings, including homes, warehouses, stores, docks, or any other structures.

(B) Pest control—Inspection and/or control of pests in and around homes, businesses, and industries. This category shall include persons engaged in the inspection and/or control of insect pests or pest animals which may invade homes, restaurants, stores, and other buildings, attacking their contents or furnishings or being a general nuisance, but do not normally attack the building itself, as for example, roaches, silverfish, ants, flies, mosquitoes, rats, mice, etc.

(C) Lawn and ornamental—Inspection and/or control of pests of ornamental plants, shade trees, and lawns. This category includes persons engaged in the inspection and/or control of pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street.

(D) Fumigation—This category includes persons engaged in pest inspection and/or control through fumigation of structures, food stuffs, warehouses, ships, railroad cars, etc.

(E) Weed control—This category includes persons engaged in the inspection and/or control of weeds around homes and industrial environs.

(F) Wood preservation—That phase of pest control that involves the addition of preservatives to wood to extend the life of wood products by protecting them from damage caused by insects, fungi, and marine borers. Such wood products will include, but not be limited to, crossties, poles, and posts. This category is intended only for use by those persons using wood preservatives that may be classified as restricted-use.

§593.6. License Expiration and Renewal.

(a) Licenses shall expire December 31 of each calendar year and must be renewed by submitting an application to the board, paying the required fee, and meeting any additional requirements of the board under subsection (d) of this section, on or before December 31 of each calendar year. The board may grant to an untimely applicant for renewal a structural pest control business license

or a certified applicators license, if such applicant pays a late renewal fee of \$25 and if his or her application is filed with the board not more than 30 days after the expiration of said license. If such application is received between 31 and 60 days after the expiration of the applicant's license, the board may grant the renewal of license when said application is accompanied by a late renewal fee of \$50. An applicant who applies for the renewal of a certified applicators license more than 60 days after the expiration of said license must be re-examined by the board.

(b) Licenses and employee identification cards issued by the board are not transferable.

(c) Whenever a licensed operator desires a change made in his mailing address or business location, he shall notify the board in writing within 30 days of the effective date of the change and submit the required fee for the change of the business location.

(d) Pursuant to the Act, §7(e), the board, in determining whether additional testing or training shall be required of current licensees before renewal of their applicator license, may consider changes in technology, pesticide related problems, or the performance of individual applicators. If general retraining and/or retesting is required for all applicators in a category or subcategory, the board will publish notice at least six months in advance of the license renewal date. If individual retraining and/or retesting is required as a result of the applicant's performance, the board may give notification and set a time and place of retraining.

§593.7. Fees. Applicants and licensees will be charged the following fees for board services:

- (1) \$75 for an original or renewal of a business license;
- (2) \$20 for an original or renewal of a certified applicators license;
- (3) \$10 for an original, renewal, or duplicate employee identification card;
- (4) \$20 for a duplicate business or certified applicators license when the original has been lost or destroyed;
- (5) \$20 for reissuing a business license or certified applicators license due to a name change in the license or a change of address;
- (6) \$25 for administering exams in each category;
- (7) \$25 for late renewal fee for up to 30 days late;
- (8) \$50 for late renewal fee for 31-60 days late.

§593.8. Loss of Certified Applicator or Business Owner. In the event of a disability, incapacity, or death of the business owner or certified applicator, if they are the same person, upon application of heir or license holder wishing to continue the business, the board may require their presence at the next scheduled board meeting for the purpose of allowing the prospective licensee the opportunity to show that the policies and services will continue substantially as before with due protection to the public and the environment and state or federal regulations. The board may issue a temporary hardship license to be valid for a period not to exceed six months. If a certified applicator for a business licensee leaves the employment of the business licensee, the business licensee may request the board to allow the company to continue until the next state examination date. The business licensee

must notify the board on the date of the loss of his or her certified applicator.

§593.9. Licensing of Persons with Criminal Backgrounds.

(a) The board may revoke, suspend, annul, or amend an existing valid license, disqualify a person from receiving or renewing a license, or deny to a person the opportunity to be examined for a license because of a person's conviction of a felony or a misdemeanor, if the crime directly relates to the performance of the occupation or activity for which the license is issued and the prior criminal conviction directly affects such person's present fitness to perform such occupation or activity. No currently incarcerated person will be eligible to obtain or renew a pest control license.

(b) In determining whether a criminal conviction directly relates to the performance of a licensed occupation or activity, the board shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

(c) In making a determination in a particular case, the crimes which the board considers as likely to be directly related to the performance of the licensed occupation or activity include, but are not limited to:

- (1) any felony or misdemeanor of which fraud, dishonesty, or deceit is an essential element;
- (2) any criminal violation of Texas Pest Control Act (Texas Civil Statutes, Article 135b-6);
- (3) any criminal violation of statutes regulating the particular occupation or activity for which licensing is sought;
- (4) any crime involving moral turpitude;
- (5) murder;
- (6) burglary;
- (7) robbery;
- (8) rape;
- (9) theft; and
- (10) child molesting.

(d) In determining whether a criminal conviction directly affects a person's present fitness to hold a license under the Structural Pest Control Act, the board shall consider the factors listed in Texas Civil Statutes, Article 6252-13c(4)(c);

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person at the time of the commission of the crime;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person prior to and following the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;

(6) other evidence of the person's present fitness, including letters or recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff and chief of police in the community where the person resides; and any other persons in contact with the convicted person.

(e) It shall be the responsibility of the applicant to the extent possible to secure and provide to the board the recommendations of the prosecution, law enforcement, and correctional authorities. The applicant shall also furnish proof in such form as may be required by the board that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841939 David A Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption.
March 26, 1984

For further information, please call (512) 835-4066.

Chapter 595. Compliance and Enforcement

22 TAC §§595.1-595.5, 595.21-595.23

The new sections are proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§595.1. License Display.

(a) All structural pest control licenses shall be displayed in a conspicuous place of the business of the license holder. In the case of a nonresident license holder, the license shall be displayed in a conspicuous place of the residence or place of business of the license holder's resident agent. All structural pest control licenses shall be presented for visual inspection upon request of a board investigator.

(b) The business license number shall be prominently displayed on all vehicles used in the company business, but shall not be required on unmarked management vehicles. Vehicles of a company may have more than one licensee number; provided, however, notice is made in writing to the board and the board approves the license number used in such cases. The numbers and letters must be permanently affixed to the vehicle in a prominent place on each front fender and/or front door panel in two-inch letters in a color which would contrast to the background color of the truck or vehicle and shall be designated as: Texas Pest Control License (number). This may be ab-

abbreviated to Texas PCL (number) or TPCL (number). Any numbers or letters that adhere to vehicle by way of magnetic device or magnets are not considered to be permanently affixed.

§595.2. Employee Registration.

(a) It shall be the duty of the business licensee to inform the board in writing of the employment of all employees, as the term employee is defined in the rules.

(b) Such notice shall be furnished on the date of employment and shall include the full name and home address of the employee, the date of employment, and, if applicable, the branch office at which he will be employed, and other information as may be required.

(c) Within 90 days of such employment, the business licensee shall obtain from the board an identification card for such employee. It shall be the responsibility of every business licensee to collect all identification cards from terminated employees and mail them to the Structural Pest Control Board within 10 days after termination of employment. If, for any reason, such cards cannot be collected, the Structural Pest Control Board shall be so notified in writing. Any registration fee paid for an employee shall not be refundable or transferred to another employee.

§595.3. Employee Supervision.

(a) The certified applicator is responsible to supervise the use of pesticides by uncertified employees of a pest control business.

(b) In order to provide adequate supervision, the certified applicator must have daily or frequent personal contact with the licensed business office and/or the employees being supervised. The business employee must reside within the normally accepted commuting area of the licensed business office in order to personally report in daily or frequently to receive instructions.

(c) Uncertified employees may not schedule and perform pest control work unless verifiable instructions for the type of work to be done are obtained from the certified applicator.

(d) The business license holder will be responsible for actions of employees when they are performing pest control work.

§595.4. Pest Control Use Records. The business licensee shall keep and maintain a record of all uses of pesticides and devices for a period of two years. Said records will be kept on the premise of either the business licensee or the certified applicator licensee; however, a designation will be made as to who will keep the records on the application for a business license or certified applicator license or renewal of such license. The records will include, but are not limited to, routine operational data, which include the name and address of the customer, the name of pesticides or devices used, the amounts of pesticides or devices used, the purpose for which the pesticides or devices were used, the date the pesticides or devices were used, and the location where the pesticides or devices were used, and shall be kept in a clear and concise manner. These records shall be made available to the board or its authorized agents in accordance with the Act as amended.

§595.5. Contracts.

(a) In each written contract in which a licensee under the Act agrees to perform structural pest control services in this state, the licensee shall include the mailing address and telephone number of the board and a statement: "The board has jurisdiction over individuals licensed under the Structural Pest Control Act."

(b) The requirement in subsection (a) of this section shall be on the face of the contract, warranty, or guarantee issued by the pest control operator.

(c) The requirement in subsection (a) of this section shall be legible and printing shall be in at least seven-point type.

§595.21. Entry and Access.

(a) Authorized employees of the board may conduct investigations of structural pest control activities of any person in this state to determine compliance with the Act and board rules.

(b) In conducting these investigations, the employees may, with proper permission:

(1) enter the premise of a licensee during normal business hours to examine records, question witnesses, inspect pesticides and equipment used for pest control, and collect samples;

(2) enter premises where licensees are performing pest control operations to inspect the use of pesticides and devices, check employee credentials, collect samples, identify pests, and inspect equipment;

(3) on public property, inspect pesticides and equipment and question employees of persons suspected of conducting structural pest control activities.

§595.22. Investigation of Complaints.

(a) Any person with cause to believe that any provision of the Act or this chapter has been violated or who has experienced adverse effects from the actions of a person engaged in structural pest control may file a written complaint with the board. The board will furnish complaint forms for this purpose.

(b) Upon receipt of a complaint, the board will conduct an investigation and issue a report as soon as possible.

§595.23. Investigation Reports.

(a) Written reports and documented evidence submitted by board investigators as the result of any investigation may be admitted, at the board's discretion, as evidence in any hearing, or used to support other enforcement actions taken by the board or its authorized staff.

(b) A copy of the investigation report resulting from a complaint will be made available to the complaining party and the party complained against upon request.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841940 David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 835-4066.

Chapter 597. Unlawful Acts and Grounds for Revocation

22 TAC §§597.1-597.3

The new sections are proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§597.1. Grounds for Revocation, Suspension, Reprimanding, Refusal To Examine, Refusal To Issue Or Renew Licenses. Any such action may be accomplished by a vote of the board, after notice and hearings, as provided for by Texas Civil Statutes, Article 135b-6, and the Administrative Procedure and Texas Register Act. No revocation, suspension, annulment, or withdrawal of any license is effective unless, prior to the institution of agency proceedings, the agency gave notice by personal service or by registered or certified mail to the licensee of facts or conduct alleged to warrant the intended action, and the licensee was given an opportunity to show compliance with all requirements of law for the retention of the license. The following are grounds for revocation, suspension, reprimanding, refusal to examine, refusal to issue or renew licenses:

- (1) misrepresentation for the purpose of defrauding; deceit or fraud; the making of a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their damage;
- (2) intentional misrepresentation in any application for a license;
- (3) fraudulent or misleading advertising or advertising in an unauthorized category;
- (4) has been convicted or has pled guilty to a violation of this Act as amended, or any regulation adopted hereunder, or any of the laws or regulations of this state, another state, or the United States relating to the licensing of pest control operators and pesticide use;
- (5) has been convicted of, or has pled guilty to a felony or misdemeanor involving moral turpitude, under the law of this state and other states of the United States within seven years prior to the date of application, provided that when the applicant is a defendant in any action in which the defendant is charged with a felony or a misdemeanor involving moral turpitude, the board may delay processing of the application until final disposition of any such criminal proceedings;
- (6) has a criminal background as explained in §593.9 of this title (relating to Licensing of Persons with Criminal Backgrounds);
- (7) failure of the licensee to supply the board or its authorized representative, upon request, with true and accurate information concerning methods and materials used, or work performed, or other information essential to the public health and welfare and to the administration and enforcement of this Act;
- (8) engaging in pest control practices in a manner that could be injurious to the public health, safety, or to the environment;
- (9) failure to comply with contract specifications;
- (10) performing work in a category for which the certified applicator licensee is not certified;

(11) failure of business licensee to register employees or failure to pay license fees for employees;

(12) making a pesticide application inconsistent with the labeling of any pesticide as registered by the Environmental Protection Agency, the United States Department of Agriculture, or the state registration for that pesticide, or in violation of any condition or restriction placed upon the use of that pesticide by the Environmental Protection Agency, the United States Department of Agriculture, or the state;

(13) failure to make records of pesticide use and keep them available as required by the Act, as amended, and §595.4 of this title (relating to Pest Control Use Records);

(14) failure of business licensee to notify the board when a certified applicator leaves their employment;

(15) failure of business licensee to put identifying letters and numbers on vehicles as required by regulations;

(16) failure to print in proper size type the address and telephone number of the board and the statement that the board has jurisdiction over individuals licensed by the board and the Act;

(17) failure of business licensee to notify the board of a change of address of their company;

(18) failure of business licensee to give the board an address where licensee may be located; and

(19) failure of the certified applicator or business licensee to adequately supervise employees engaged in pest control activities.

§597.2. Suspension. Suspension of any license under the provisions of §597.1 of this title (relating to Grounds for Revocation, Suspension, Reprimanding, Refusal To Examine, Refusal To Issue or Renew Licenses) shall not be for less than 10 days nor more than two years at the discretion of the board. If a license is suspended or revoked under the provisions thereof, the licensee shall, within five days of such suspension or revocation, surrender all licenses and identification cards issued thereunder to the director or his authorized representative.

§597.3. Unlawful Acts. In addition to the offenses listed in the Act, §10(A), §597.1(1)-(3) and (7)-(18) of this title (relating to Grounds for Revocation, Suspension, Reprimanding, Refusal To Examine, Refusal To Issue or Renew Licenses) are unlawful acts. Any person who commits an unlawful act is subject to the criminal and civil penalties provided by the Act as well as the remedies provided in this section.

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

Issued in Austin, Texas, on February 13, 1984.

TRD-841941

David A. Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption
March 26, 1984

For further information, please call (512) 835-4066.



Chapter 599. Treatment Standards

22 TAC §599.1, §599.11

The new sections are proposed under Texas Civil Statutes, Article 135b-6, which provide the Structural Pest Control Board with the authority to test, license, and regulate the structural pest control industry.

§599.1. Termite Control. It will be illegal to use materials, products, and/or methods for termite control that are not approved by the board.

(1) Each pesticide product or device registered by the United States Environmental Protection Agency and/or the Texas Department of Agriculture for termite control will be automatically approved by the board as long as the product is applied according to the instructions on the label or labeling.

(2) Products or devices not subject to Environmental Protection Agency or Texas Department of Agriculture registration may be approved by the board if the manufacturer submits a request for approval to the board. The request should contain the following information:

(A) the name and address of the applicant and the name and address of the person whose name shall appear on the product label, if not the applicant's;

(B) the name of the product or device;

(C) a complete copy of all labeling to accompany the product or device and a statement of all claims to be made for it, including the directions for use;

(D) the complete formula of the product, including active and inert ingredients;

(E) a full description of the tests made and the results of the tests on which claims are based. These tests should be made by a recognized testing agency or institution and support, to the board's satisfaction, the efficacy and safety of the product when used as directed; and

(F) all available toxicology information, including the antidote or effective treatment.

§599.11. Structural Fumigation Requirements.

(a) Fumigation shall be performed only under the direct on-site supervision of a certified applicator licensed by the board in the category of fumigation. Direct on-site supervision shall mean that the certified applicator exercising such supervision shall be present at the site of

the fumigation during the entire time the fumigants are being released, the time ventilation is commenced, and at the time property is released for occupancy.

(b) Fumigation shall be performed in compliance with all label requirements applicable to state, county, and city laws and ordinances and all applicable laws and regulations of the United States.

(c) Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the space under fumigation and shall not be removed until fumigation and ventilation has been completed, and the premises determined safe for reoccupancy. Ventilation shall be conducted with due regard for the public safety.

(d) Local police, fire, and health authorities shall be notified prior to introduction of the fumigant and at the time the structure is released for occupancy.

(e) The space to be fumigated shall be vacated by all occupants prior to the commencement of fumigation. The space to be fumigated shall be sealed in such manner to assure concentration of the fumigant released has been retained in compliance with the manufacturer's recommendations.

(f) Warning signs shall be printed in red on white backgrounds and shall contain the following statement in letters not less than two inches in height: "Danger—Fumigation." They shall also depict a skull and crossbones, not less than one inch in height, the name of the fumigant, the date and time fumigant was introduced, and the name, address, and telephone number where the licensee performing the fumigation may be reached 24 hours a day.

(g) If the structure that has been fumigated has an attic, or if the area underneath such structure is accessible to inspection for purposes of structural pest control, the licensee who performed the fumigation shall, immediately upon completion, post a durable sign adjacent to the electric meter or in a conspicuous place. This shall be a durable sign not less than one inch by two inches in size. It shall have the name of the licensee, date of fumigation, type of fumigant used, and the purpose for which it was fumigated.

(h) A licensee performing fumigation shall use adequate warning agents with all fumigants which lack such properties. When conditions involving abnormal hazards exist, the person exercising direct on-site supervision shall take such safety precautions in addition to those prescribed to protect the public health and safety.

(i) The licensee shall also post a security guard at the location from the time the fumigant is introduced until released for occupancy.

(j) For the purpose of maintaining proper safety and establishing responsibility in handling the dangerous gasses used in fumigation, the licensee shall compile and retain for a period of at least two years a report for each fumigation job and/or treatment. The report for each fumigation job or treatment shall contain the following information:

(1) name and address of pest control company;

(2) name and address of property and owner;

(3) type of structure as to details of roofing;

(4) cubic feet fumigated;

(5) target pest or pest controlled;

- (6) kind of fumigant or fumigants used and amount;
- (7) name of warning agent and amount used;
- (8) type of sealing method;
- (9) weather conditions as to temperature and wind;
- (10) time gas introduced and ventilated (date and hour);
- (11) name of licensee (certified applicator introducing fumigant);
- (12) list of any extraordinary safety precautions taken;
- (13) time released for occupancy (signed by certified applicator); and
- (14) the date and hour police, fire departments, and health authorities were notified.

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

Issued in Austin, Texas, on February 13, 1984

TRD-841942 David A Ivie
Executive Director
Structural Pest Control Board

Earliest possible date of adoption.
March 26, 1984

For further information, please call (512) 835-4066.

TITLE 28. INSURANCE

Part I. State Board of Insurance

(Editor's note: Because the State Board of Insurance's rules have not yet been published in the Texas Administrative Code (TAC), they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register numbers. However, the rules will be published under the agency's correct TAC title and part.)

Rating and Policy Forms Applications to Inland Marine Insurance, Rain Insurance or Hail Insurance on Farm Crops; Definitions; Rates and Rating Plans Filed; Policy Forms; Checking Offices

The following proposals submitted by the State Board of Insurance will be serialized beginning in the February 28, 1984, issue of the *Texas Register*. The earliest possible date of adoption for the documents is March 26, 1984.

059 05 53 001
(repeal)

059.05.53 002
(repeal)

059.05.03.004
(repeal)

059.05.53.008
(repeal)

059.05.53.009
(repeal)

059.05 53 011
(repeal)

059.05.53 012, .013, .014
(repeal)

Minimum Standards and Benefits and Readability for Accident and Health Insurance Policies

059.37.01.053

The State Board of Insurance proposes an amendment to Rule 059.37.01.053, concerning nonduplication of benefits provisions in individual accident and health insurance policies. Under nonduplication of benefits provisions, an insurer sometimes excludes or reduces the benefits payable under its policy if the insured holds another insurance policy with the same coverage. The Insurance Code, Article 3.51-6B, 68th Legislature, 1983 (House Bill 464), provides that no policy of an individual accident and sickness insurance, except an individual policy designed to fully integrate with other policies through a variable deductible, may be delivered, issued for delivery, or renewed in this state if the policy excludes or reduces the payment of benefits to or on behalf of the insured because benefits are also payable under a supplemental policy of accident and health insurance that is individually underwritten and individually issued as a hospital confinement indemnity, specified disease, or limited benefit plan of coverage.

Subsection (a) of Rule 059.37.01.053 is amended to add a new paragraph (6) to the rule, which will substantially track that prohibition. This amendment will make it clear that the board's rules are in compliance with current statutory law.

Grace Crutchfield, Individual Accident and Health Section manager, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Crutchfield also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarity that the rule complies with statutory law. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Grace Crutchfield, Manager, Individual Accident and Health Section, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas, 78786.

The amendment is proposed under the Insurance Code, Article 3.70-1, which provides the State Board of Insurance with the authority to enact minimum standards and benefits and readability for individual accident and health insurance policies.

.053. *Nonduplication of Benefits Provision.*

(a) The following instructions apply to insurers who issue policies which contain provisions for nonduplication of benefits:

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

(6) **No policy of individual accident and sickness insurance, except an individual policy designed to fully integrate with other policies through a variable deductible, may be delivered, issued for delivery, or renewed in this state if the terms of the policy exclude or reduce the payment of benefits to or on behalf of an insured or enrollee because benefits are also payable or have been paid under a policy of accident and health insurance that is individually underwritten and individually issued as a hospital confinement indemnity, specified disease, or limited benefit plan of coverage.**

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

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

Issued in Austin, Texas, on February 15, 1984

TRD-842043 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 475-2950.



TITLE 31. NATURAL RESOURCES
AND CONSERVATION
Part I. General Land Office
Chapter 11. Legal Division
Oil and Gas Leases, Mineral Classified
Lands

31 TAC §11.12

The General Land Office proposes amendments to §11.12, concerning assignments of oil and gas leases. Assignments of leases must be filed in the General Land Office. The section requires assignments of Relinquishment Act leases and leases administered by the School Land Board to be filed within 90 days. Assignments filed late incur double the prescribed billing fee. In lieu assignments will no longer be filed.

Jim Phillips, legal services deputy commissioner, has determined that there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government for the first five-year period the rule will be in effect will be an estimated increase of \$1,200 for 1984, \$1,000 for 1985, \$800 for 1986, and \$400 for 1987. There is no anticipated increase in 1988. There is no anticipated effect on local government.

The effect on small businesses will be the same as the cost for individuals and large businesses. The cost of compliance per employee and cost per hour of labor will be no different for small businesses and the largest business affected by the proposed rule

Mr. Phillips also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is lower school taxes due to increased revenues to the permanent school fund from the more efficient administration of oil and gas leases filed in the General Land Office. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$25 for each assignment that is filed late.

Comments on the proposal may be submitted to Jim Phillips, Deputy Commissioner for Legal Services, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701

The amendments are proposed under the Natural Resources Code, §31.051 and §52.171, which provides the commissioner of the General Land Office with the authority to adopt rules governing the leasing of lands for oil and gas

§11.12. *Assignments.*

(a) Relinquishment Act leases, and oil and gas leases administered by the school land board.

(1) A lessee may assign an oil and gas lease at any time. However, the assignment must be recorded in each county in which all or part of the lease is located. An original recorded assignment or a certified copy of each assignment shall be filed in the General Land Office within 90 days after the execution of the assignment, accompanied by the prescribed [statutory] filing fee pur-

suant to §1.91 of this title (relating to Fees) for each lease [,] or file affected. [An original recorded assignment will also be acceptable.]

(2) If any such assignment is not [so] filed within 90 days after its execution, a late filing fee in an amount equal to double the prescribed filing fee shall be paid at the time the assignment is filed in the General Land Office. If an assignment has not been timely filed, the rights acquired under such lease shall be subject to forfeiture at [by] the discretion of the commissioner of the General Land Office [land commissioner].

(3) For the purposes of this section, the date of execution in the case of multiple execution dates is the last date of execution as shown by the instrument.

(4) In lieu assignments will not be accepted or filed in the records of the General Land Office.

(b) Oil and gas lease of lands administered by the School Land Board. An original recorded assignment or certified copy of same shall be filed in the General Land Office within 90 days after the date of its execution accompanied by the statutory filing fee (for each lease or file affected). Any such assignment received after such date, or the period specified in the lease will not be officially filed, but may be retained for information purposes only. However, an in-lieu assignment which complies with the above rule may be officially filed.]

(b)(c) Oil and gas leases of lands of state departments, boards, and agencies. All rights may be assigned. All assignments must be recorded in the county or counties where the area is located, and the recorded assignment or a certified copy of the same shall be filed in the General Land Office within 100 days from the date of the first acknowledgment [thereof], accompanied by \$.10 per acre for each acre assigned and the prescribed filing fee; and, if not so filed and payment made, the assignment shall not be effective.

(d) Oil and gas leases of University of Texas lands. All rights purchased may be assigned in quantities of not less than 40 acres, unless there are less than 40 acres remaining out of the tract originally leased (under Texas Education Code, §66 73), in which case the lesser area may be assigned. All assignments shall be filed in the General Land Office within 100 days after the date of the first acknowledgment thereof, accompanied by \$.10 an acre for each acre assigned and the statutory filing fee; and if not so filed and payment made, the assignment shall be ineffective. Either the original recorded assignment or a certified copy may be so filed.]

(c)(e) Oil and gas leases of lands of Texas A&M, Texas A&I University, and Texas Tech University. All rights purchased may be assigned. All assignments shall be filed in the General Land Office within 100 days from the date of first acknowledgment [thereof], accompanied by \$.10 per acre for each acre assigned and the prescribed [statutory] filing fee, and if not so filed and payment made, the assignment shall not be effective. Assignments of leases of lands of Texas A&M University may be made only with the consent of lessor. Either the original recorded assignment or a certified copy may be so filed.

(d)(f) Partial assignments of oil and gas leases.

(1) Partial payments of oil and gas leases shall be filed in the same manner as complete assignments.

[Horizontal assignments of University of Texas oil and gas leases may be approved and filed in the Land Office.]

(2) Horizontal assignments of oil and gas leases covering state fee lands administered by the School Land Board, and/or those issued by any state department, board, or agency shall [may] be filed in the General Land Office [land office]; however, the assignor of any horizontal assignment will remain liable to the state [will look to the original lessee] in the event of a breach of any covenant and/or condition of the lease.

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

Issued in Austin, Texas, on February 16, 1984.

TRD-842033 Garry Mauro
 Commissioner
 General Land Office

Earliest possible date of adoption
March 26, 1984

For further information, please call (512) 475-5661.

Part X. Texas Water Development Board

Chapter 341. Consolidated Permits Application for Permit

31 TAC §341.152, §341.153

The Texas Department of Water Resources proposes amendments to §341.152 and §341.153, concerning who applies for a permit and the contents of application for permit. These amendments will clarify the responsibilities of owners of permitted facilities when those facilities are operated by another person.

The current §341.153 requires that applicants include in their application a map and a list showing ownership of tracts of land within a reasonable distance of the proposed activity. This amendment would specify that applicants for an underground injection permit must also submit the names and addresses of all operators of producing wells within the area of review. This will enable the department to give mailed notice of the application to these potentially affected persons.

These sections were first proposed on September 23, 1983, *Texas Register* (8 TexReg 3788). Comments were received from the mining industry and some governmental agencies. Due to the comments received, substantive changes have been made to the sections. Therefore, these sections were withdrawn in the February 17, 1984, issue of the *Register* and are re-proposed here for additional public comments.

A public hearing to receive public comments followed a seminar to discuss the sections and changes to the sections held at 9 a.m. on February 21, 1984, in the University Suite, Student Union Building, El Paso. The public comment period will close April 1, 1984.

Mike Hodges, Fiscal Services Section chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Hodges also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is greater assurance that responsible parties are aware of their responsibilities under the rules of the Texas Department of Water Resources. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Savannah Robinson, Staff Attorney, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

The amendments are proposed under the Texas Water Code, Chapter 27, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to regulate underground injections and to promulgate rules.

§341.152. Who Applies.

(a) It is the duty of the owner of a facility to submit an application for permit; except if a facility is owned by one person and operated by another, it is the duty of the operator to submit an application for permit.

(b) **This section is no way relieves an owner or operator of a facility from liability for unpermitted acts or discharges, which violate the laws of the State of Texas and rules of the Texas Department of Water Resources.**

§341.153. Contents of Application for Permit. Forms for permit applications will be made available by the department. Each application for permit shall include the following:

- (1) (No change.)
- (2) the ownership status as federal, state, private, public, or other entity, **and the owner's name if different from the applicant's name;**
- (3)-(6) (No change.)
- (7) a topographic map, ownership map, county highway map, or a map prepared by a registered professional engineer or a registered surveyor which shows the facility and each of its intake and discharge structures and any other structure or location regarding the regulated facility and associated activities. Maps must be of material suitable for a permanent record, and shall be on sheets 8½ inches by 14 inches or folded to that size, and shall be on a scale of not less than one inch equals one mile. The map shall depict the approximate boundaries of the tract of land owned or to be used by the applicant and shall extend at least one mile beyond the tract boundaries sufficient to show the following:

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

(E) **information as required by §353.121 of this title (relating to Class I Wells) or §353.122 of this title (relating to Class III Wells), and the name and address of the operators of any producing well within the applicable area of review;**

(F)(E), such other information that may reasonably be requested by the executive director;

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

(10) supplementary technical report. When requested by the executive director, a supplementary technical report shall be submitted in connection with an application. The report shall be prepared either by a registered professional engineer, or by a qualified person who is competent and experienced in the field to which the application relates, who is thoroughly familiar with the operation or project for which the application is made. The report shall include the following:

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

(C) such other information as may be reasonably required for an adequate understanding of the project or operation, and which is necessary to provide the department an adequate opportunity to make the considerations required by §353.121 of this title (relating to Class I Wells) and §353.122 of this title (relating to Class III Wells), for injection well permits, and rules to be promulgated for solid waste permits, [and] for waste discharge permits, **and §361.7 of this title (relating to Preapplication Activities) for drilled or mined shafts;**

(11) (No change.)

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

Issued in Austin, Texas, on February 15, 1984

TRD-841954 Susan Plettman
General Counsel
Texas Department of Water
Resources

Earliest possible date of adoption:
March 26, 1984

For further information, please call (512) 475-7841.

(Editor's note: Due to publication errors in the February 10, 1984, issue of the Texas Register (9 TexReg 816), new 40 TAC §181.20 is republished here for clarity. Earliest possible date of adoption is March 9, 1984.)

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VI. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedure Operations

40 TAC §181.20

The Texas Commission for the Deaf proposes new §181.20, concerning the operation of the Board for Evaluation of Interpreters of the Texas Commission for the Deaf.

Fred R. Tammen, executive director, has determined that there will be fiscal implications as a result of en-

forcing or administering the rule. The effect on state government will be an estimated additional cost of \$12,329 in 1985, \$18,000 in 1986, \$24,000 in 1987, \$30,000 in 1988, and \$36,000 in 1989. There is no anticipated effect on local government or small businesses.

Mr. Tammen has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the clarification of the operations of the Board for Evaluation of Interpreters, and greater assurances of continued quality of interpreter services provided by the Texas Commission for the Deaf through the certification program.

The anticipated economic cost to individuals who are required to comply with the rule as proposed is a certification evaluation fee and a validation/maintenance fee of \$20 for each individual certified by the Texas Commission for the Deaf.

Comments on the proposal may be submitted to Kristy Godinich, Texas Commission for the Deaf, P.O. Box 12904, Austin, Texas 78711.

The new section is proposed under the Human Resource Code, Chapter 81, §81.007, which provides the Texas Commission for the Deaf with the authority to establish a program for the certification of interpreters who have reached varying levels of proficiency in manual communication skills.

§181.20. Operations of the Board of Evaluation of Interpreters.

(a) Board function. The Board for Evaluation of Interpreters of the Texas Commission for the Deaf is responsible for developing a program for certification of interpreters for the deaf in the State of Texas. The board shall also:

- (1) recommend to the commission any rules which are reasonably necessary for the proper performance of its duties and which are consistent with the laws of this state;
- (2) establish levels of certification, determine skill levels of interpreters, train and evaluate evaluators, administer and supervise the evaluations conducted by teams of evaluators, and certify interpreters for the deaf for the State of Texas;
- (3) determine and establish method of application, method of evaluation, necessary evaluation materials, appropriate criteria for the evaluation teams, the term of the certification, procedures for grievance, procedures for revocation, suspension, or cancellation of certification, procedures for certification renewal, and any other pertinent activities relevant to the certification of interpreters;
- (4) have the authority and responsibility to make recommendations to the commission for approval regarding the charging of fees for the evaluation and renewal of certification of interpreters for the deaf;
- (5) recommend, for commission approval, committees, advisory groups, or task forces to assist in the consideration of pertinent matters. These groups shall make recommendations to the board for their consideration and vote.

(b) Board organization. The board is organized as a unit under the Texas Commission for the Deaf, and operates according to policies approved by the commission. The board's decision-making process is independent of the administrative staff of the commission.

(1) Term of members. The first board shall consist of one member appointed for a one-year term from March 1980, through March 1981; one member appointed for a two-year term from March 1980, through March 1982; and one member appointed for a three-year term from March 1980, through March 1983. Two additional members shall be appointed for terms beginning July 1, 1981. One member shall be appointed for a term from July 1981, through March 1983, and one member appointed from July 1, 1981, through March 1984. At the expiration of the term of each member, the Texas Commission for the Deaf shall appoint a successor for a term of three years. A member of the board who is appointed for a full three-year term is ineligible for reappointment for a period of three years following the expiration of that term. The commission shall fill any declared vacancies for the length of the unexpired term. Announcements of vacancies on the board will be published in the *Texas Register*; nominations or applications may be filed with the Texas Commission for the Deaf in response to the announcements.

(2) Qualifications of members. Each member of the board shall be certified at either Level III, Level IV, or Level V of the certification program of the Texas Commission for the Deaf; be a resident of the State of Texas; and be an interpreter who has engaged in the profession of interpreting for deaf people for a period of at least three years out of the immediate past five years. The commission shall appoint at least two members who are deaf and at least one member who is actively engaged in the profession of provision of interpreting services to deaf people at the time of appointment.

(3) Vacancies. A vacancy on the board will be created through expiration of term, resignation of board member, incapacity of board member to the extent that the member is unable to fulfill the obligations of the position, or absence of a member of the board for three consecutively scheduled and announced meetings.

(4) Compensation. Each member of the board shall receive reimbursement for actual and necessary expenses in performing the duties of his or her office subject to current funding patterns of the commission.

(5) Meetings. The board shall hold regular meetings as is deemed necessary to fulfill the mandates and functions expected of it by the commission. The board shall annually select from its members a chairperson and vice-chairperson. *Robert's Rules of Order* (newly revised) shall govern the proceedings of the board unless those rules are in conflict with state law or commission rules. Notice of board meetings shall be posted in a form and format consistent with the Texas Open Meetings Act. Attendance of three of the five board members shall constitute a quorum.

(6) Reports. At each commission meeting, the chairperson of the board shall submit a written report of the activities of the board and of the evaluation teams.

(7) Location and maintenance of records. The board shall maintain its offices within the offices of the

Texas Commission for the Deaf. The board shall preserve a record of its proceedings and minutes to be maintained in the offices of the Texas Commission for the Deaf. The board shall also maintain, in the offices of the Texas Commission for the Deaf, a record of evaluations. The record shall show the name of the evaluatee, address, phone number, date and place evaluated, evaluation team, and any other information deemed pertinent and necessary by the board. The record shall indicate whether the applicant was rejected or the level of certification awarded. This record, along with other pertinent data, will be used by the Texas Commission for the Deaf to compile a directory of certified interpreters for the deaf which will be made available to courts, hospitals, agencies, organizations, individuals, or other groups as deemed necessary by the Board for Evaluation of Interpreters or the Texas Commission for the Deaf.

(8) Nondiscrimination policy. The board shall make no decision in the discharge of its responsibilities with regard to any candidate's race, religion, color, handicap, sex, or national origin.

(c) Board membership. The board is composed of five persons appointed by the commission.

(d) Board certification procedures.

(1) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(A) Board—The Board for Evaluation of Interpreters.

(B) Commission—The Texas Commission for the Deaf.

(C) Deaf person—A person who has a hearing impairment, regardless of whether the person also has a speech impairment that inhibits the person's comprehension of the proceedings or communication with others.

(D) Interpreter—A person representing himself/herself to be an interpreter or transliterator or who performs services for the public in the capacity of an interpreter and/or transliterator between one or more deaf persons and one or more hearing persons.

(E) Intermediary interpreter—A deaf person who functions as an interpreter providing assistance to another interpreter to ensure that accurate communication is facilitated between the deaf person and the hearing person by means of an interpreter.

(F) Validation—The process by which an interpreter's credentials are checked prior to certification.

(G) Test and examination—The actual skills test or written test taken by interpreters for interpreter certification at designated levels

(H) Evaluation—The process by which the board or its designees evaluate the skills tests taken by interpreters for interpreter certification at designated levels.

(I) Evaluation team—A group of interpreters who have applied to be members of a team and have been interviewed, tested, evaluated, trained, and appointed by the board for the purpose of conducting evaluations of skill to determine the qualifications of interpreters for the deaf. The evaluation team functions under the supervision of the board.

(2) Certification procedures. The Board for Evaluation of Interpreters has established a certification

process involving five levels of certification. The requirements for certification and the process for becoming certified are as follows:

(A) For Level I, the Board for Evaluation of Interpreters shall:

- (i) receive application forms;
- (ii) validate certifications held by the interpreter from the Texas Society of Interpreters for the Deaf at the level of General Interpreting Skills Certification (GISC), or equivalent certification from appropriate organizations as determined by the board;
- (iii) collect a fee for certification; and
- (iv) grant certification at Level I; or
- (v) receive application forms;
- (vi) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting;
- (vii) administer a written test;
- (viii) evaluate tests;
- (ix) collect a fee for certification; and
- (x) grant certification at Level I, depending upon test performance.

(B) For Level II, the Board for Evaluation of Interpreters shall:

- (i) receive application forms;
- (ii) validate certifications held by the interpreter from the Registry of Interpreters for the Deaf at the Interpretation Certification (IC) level, Transliteration Certificate (TC) level, and/or Reverse Skills Certificate (RSC-hearing person) level; or validate successful completion of a two-year intensive training program offered by a post-secondary institution in the State of Texas or in other states or countries with such intensive training program being approved by the Texas Commission for the Deaf on the recommendation of the board. Individuals having successfully completed such a program shall also be required to submit evidence of having completed interpreting assignments in various situations totaling not less than 50 hours of actual interpreting during the 12-month period preceding the date of application.
- (iii) collect a fee for certification; and
- (iv) grant certification at Level II; or
- (v) receive application forms;
- (vi) validate certification held by the interpreter at Level I from the Texas Commission for the Deaf, certification held by the interpreter from Texas Society of Interpreters for the Deaf at the General Interpreting Skills Certification (GISC) level, or equivalent certification from appropriate organizations as determined by the board;
- (vii) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting;
- (viii) administer a written test;
- (ix) evaluate tests;
- (x) collect a fee for certification; and
- (xi) grant certification at Level II, depending upon test performance.

(C) For Level III, the Board for Evaluation of Interpreters shall:

- (i) receive application forms;
- (ii) validate certifications held by the interpreter from the Registry of Interpreters for the Deaf at

the Comprehensive Skills Certificate (CSC) level, Reverse Skills Certificate (RSC-deaf person) level, or equivalent certification from appropriate organizations as determined by the board;

- (iii) collect a fee for certification; and
- (iv) grant certification at Level III; or
- (v) receive application forms;
- (vi) validate certification held by the interpreter at Level I or Level II from the Texas Commission for the Deaf, certification held by the interpreter from the Texas Society of Interpreters for the Deaf at the General Interpreting Skills Certification (GISC) level, or equivalent certification from appropriate organizations as determined by the board;

(vii) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting;

- (viii) administer a written test;
- (ix) evaluate tests;
- (x) collect a fee for certification; and
- (xi) grant certification at Level III or Level II, depending upon test performance.

(D) For Level IV, the Board for Evaluation of Interpreters shall:

- (i) receive application forms;
- (ii) validate certification held by the interpreter from the Registry of Interpreters for the Deaf at the Comprehensive Skills Certificate (CSC) level, Reverse Skills Certificate (RSC-deaf person) level, or certification held by the interpreter at Level III from the Texas Commission for the Deaf, or equivalent certification from appropriate organizations as determined by the board;

(iii) administer a test of proficiency in sign-to-voice interpreting;

- (iv) administer a written test;
- (v) evaluate tests;
- (vi) collect a fee for certification; and
- (vii) grant certification at Level IV or Level III, depending upon test performance; or

(viii) receive application forms;

(ix) validate certification held by the interpreter from the Registry of Interpreters for the Deaf at the Specialist Certificate: Legal (SC:L) level or Masters Comprehensive Skills Certificate (MCSC) level;

- (x) collect a fee for certification; and
- (xi) grant certification at Level IV.

(E) For Level V, the Board for Evaluation of Interpreters shall:

- (i) receive application forms;
- (ii) validate certification held by the interpreter from the Registry of Interpreters for the Deaf Comprehensive Skills Certificate (CSC) level, Reverse Skills Certificate (RSC-deaf person) level, Masters Comprehensive Skills Certificate (MCSC) level, Specialist Certificate: Legal (SC:L) level; or certification held by the interpreter at Level IV from the Texas Commission for the Deaf; or equivalent certification from appropriate organizations as determined by the board;

(iii) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting;

- (iv) administer a written test;
- (v) evaluate tests;

(vi) collect a fee for certification;

(vii) grant certification at Level V, Level IV, or Level III, depending upon test performance.

(3) Examples of interpreting situations recommended for each skill level. Examples of interpreting situations appropriate for each skills level may be obtained by contacting the Texas Commission for the Deaf at P.O. Box 12904, Austin, Texas 78711, or by telephoning (512) 475-2492.

(4) Certificate information. The Board for Evaluation of Interpreters shall award certificates of skill level to interpreters based on validation of certification or testing and evaluation. The certificate shall state the level of certification acquired and the date of expiration. Certificates shall be granted by the Board for Evaluation of Interpreters and issued by the Texas Commission for the Deaf. Certificates shall be signed by the chairperson of the Board for Evaluation of Interpreters, the executive director of the Texas Commission for the Deaf, and the chairperson of the Texas Commission for the Deaf.

(5) Certification fees. Payment of certification evaluation fees and certification renewal fees will be received by the Texas Commission for the Deaf.

(A) The fees for each level of certification are as follows:

- (i) Level I—\$10.
- (ii) Level II—\$10.
- (iii) Level III—\$10.
- (iv) Level IV—\$15.
- (v) Level V—\$15.

(B) Certification fees and certification validation/maintenance fees are to be paid at the time of filing of the certification application form or certification validation/maintenance form. The fees for certification and validation/maintenance of certification are nonrefundable.

(C) Interpreters are eligible to retake the interpreter certification test at any level after a period of not less than six months from the date of notification of not having passed the test for certification.

(6) Validation/maintenance requirements. The Texas Commission for the Deaf interpreter certification shall be valid for a five-year period, provided that the following requirements are met:

(A) Level I:

(i) maintenance of a valid TSID General Interpreting Skills Certificate (GISC) or equivalent certification from appropriate organizations as determined by the board, if such certification was the basis for Texas Commission for the Deaf Level I certification;

(ii) filing of TCD interpreting certificate validation/maintenance form yearly; and

(iii) payment of validation/maintenance fee.

(B) Level II:

(i) maintenance of a valid Registry of Interpreters for the Deaf Interpretation Certificate (IC), Transliteration Certificate (TC), Reverse Skills Certificate (RSC-hearing person), or any combination of the three; or equivalent certification from appropriate organizations as determined by the board, if such certification was the basis for the Texas Commission for the Deaf Level II certification;

(ii) filing of TCD interpreting certificate validation/maintenance form yearly; and

(iii) payment of validation/maintenance fee.

(C) Level III:

(i) maintenance of a valid Registry of Interpreters for the Deaf Comprehensive Skills Certificate (CSC) or Reverse Skills Certificate (RSC), or equivalent certification from appropriate organizations as determined by the board, if such certification was the basis for the Texas Commission for the Deaf Level III certification;

(ii) filing of TCD interpreting certificate validation/maintenance form yearly; and

(iii) payment of validation/maintenance fee.

(D) Level IV:

(i) maintenance of a valid Registry of Interpreters for the Deaf Masters Comprehensive Skills Certificate (MCSC), or Specialist Certificate: Legal (SC:L), or equivalent certification from appropriate organizations as determined by the board, if such certification was the basis for the Texas Commission for the Deaf Level IV certification;

(ii) filing of TCD interpreting certificate validation/maintenance form yearly; and

(iii) payment of validation/maintenance fee.

(E) Level V:

(i) filing of TCD interpreting certificate validation/maintenance form yearly; and

(ii) payment of validation/maintenance fee.

(7) Yearly interpreting certification validation/maintenance fees.

(A) Level I—\$10

(B) Level II—\$10.

(C) Level III—\$10.

(D) Level IV—\$10.

(E) Level V—\$10.

(8) Validation/maintenance of certification.

(A) All requirements for validation/maintenance of certification are to be satisfied on a yearly basis from the date the certificate was issued.

(B) Reminder notices of certification validation/maintenance will be sent to certified interpreters at least 30 days prior to the validation deadline.

(C) A certification card indicating level of certification and validation expiration date will be issued with each certificate; new certification cards indicating level of certification and the next validation expiration date will be issued yearly to each interpreter satisfying the validation/maintenance requirements.

(D) A grace period of 30 days will be allowed for an interpreter who satisfies the requirements and submits the validation/maintenance fee after the expiration date but within 30 days after the validation deadline.

(E) An interpreter who satisfies the requirements of certification validation/maintenance within 60 days after the 30-day grace period shall pay a late validation fee:

(i) Level I—\$20.

(ii) Level II—\$20.

(iii) Level III—\$20.

(iv) Level IV—\$20.

(v) Level V— \$20.

(F) The board shall revoke the certificate of any interpreter who has not satisfied the requirements of certification validation/maintenance within 90 days after the validation deadline.

(i) The board shall notify the interpreter of its intention to revoke the certificate and shall give the holder an opportunity to show compliance with certification validation/maintenance requirements.

(ii) The board shall revoke an invalid certificate by a majority vote at a regular meeting.

(iii) Upon revoking an interpreter's certification for failure to validate, the board shall notify the person by certified mail of the revocation; notification will also be sent to service providers and consumers of interpreter services.

(iv) When a certificate has been revoked, an interpreter, to be certified again, must reapply by submitting a new application, paying the required fees, and passing the test for certification at the appropriate level.

(e) Standards of ethical behavior of the Texas Commission for the Deaf.

(1) The code of ethics of the Registry of Interpreters for the Deaf shall be used as the basis for the Texas Commission for the Deaf standards of ethical behavior.

(2) The standards of ethical behavior apply to interpreters certified by the Texas Commission for the Deaf.

(3) This basic standard is as follows:

(A) Interpreters/transliterators shall keep all assignment-related information strictly confidential;

(B) Interpreters/transliterators shall render the message faithfully, always conveying the content and spirit of the speaker, using language most readily understood by the person(s) whom they serve;

(C) Interpreters/transliterators shall accept assignments using discretion with regard to skills, setting, and the consumer involved;

(D) Interpreters/transliterators shall not counsel, advise, or interject personal opinions;

(E) Interpreters/transliterators shall request compensation for services in a professional and judicious manner;

(F) Interpreters/transliterators shall function in a manner appropriate to the situation;

(G) Interpreters/transliterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interaction with professional colleagues, and reading of current literature in the field;

(H) Interpreters/transliterators shall strive to maintain high professional standards in compliance with the standards of ethical behavior.

(f) Appeals procedure for interpreters. The appeals procedure for interpreters shall serve as a means of recourse for interpreters to express dissatisfaction, objection, complaint, or grievance resulting from Board for Evaluation of Interpreters testing results.

(1) Procedure for filing a complaint with the board.

(A) The complainant may file a written complaint with the Board for Evaluation of Interpreters within 30 days from receipt of test results, stating why the deci-

sion of the board is not reasonable. The written, signed complaint shall be filed with the chairperson of the board.

(B) Upon receipt of the written complaint, the board must, within 30 days, review all tapes and test materials relevant to issues filed by the complainant.

(C) After reviewing all pertinent facts and materials, the board shall render a decision regarding the complaint. Such decision shall be provided in written form to the complainant within 60 days following receipt of the original complaint.

(2) Procedure for filing an appeal with the commission.

(A) If the complainant is dissatisfied with the decision rendered by the board, an appeal can be filed by the dissatisfied person with the chairman of the Texas Commission for the Deaf within 30 days of receipt of the board decision. Such appeal should be fully explained in writing, clearly postmarked, and mailed to Chairman, Texas Commission for the Deaf, P. O. Box 12904, Austin, Texas 78711.

(B) The commission shall consider the appeal, review the previous decision, and determine whether all facts involved in the case have received appropriate attention and have been dealt with fairly.

(C) The commission shall hold a hearing to review all pertinent facts and receive additional comments

or evidence from the board and/or the complainant. The commission shall notify in writing the chairman of the board and the complainant 30 days in advance of such scheduled hearing that a hearing will be held. The hearing will be scheduled no later than the next regularly scheduled commission meeting.

(D) The complainant may, if he so chooses and at the expense of the complainant, have legal representation at the hearing.

(E) Within 30 days of the hearing by the commission, the chairman of the commission shall prepare a decision which will be made available to the chairman of the board and the complainant.

(F) The decision of the Texas Commission for the Deaf is final.

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

Issued in Austin, Texas, on January 26, 1984.

TRD-841091

Fred R Tammen
Executive Director
Texas Commission for the Deaf

Earliest possible date of adoption.

March 9, 1984

For further information, please call (512) 475-2492.

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is generally effective immediately upon filing with the *Register*.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register*. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal of an identical or similar rule following normal rulemaking procedures.

Withdrawn Rules

**TITLE 7. BANKING AND
SECURITIES**
Part VI. Credit Union Department
**Chapter 91. Chartering, Operations,
Mergers, Liquidations**
Organization Procedures
7 TAC §91.205

The Credit Union Department has withdrawn from consideration for permanent adoption proposed new

§91.205, concerning organization procedures. The text of the new section as proposed appeared in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5490).

Issued in Austin, Texas, on February 14, 1984

TRD-841974 Harry L. Elliot
Staff Services Officer
Credit Union Department

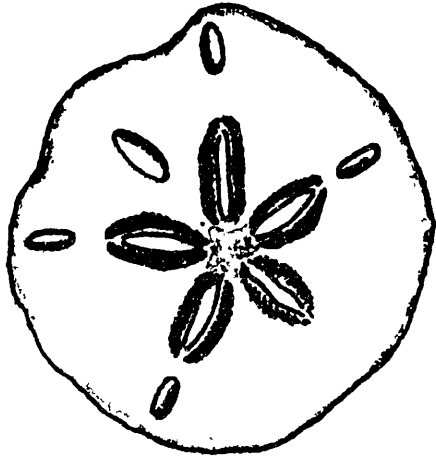
Filed: February 16, 1984
For further information, please call (512) 837-9237.

Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which explain the legal justification for the rule; how the rule will function, contain comments received on the proposal, list parties submitting comments for and against the rule, explain why the agency disagreed with suggested changes, and contain the agency's interpretation of the statute under which the rule was adopted.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.



TITLE 7. BANKING AND SECURITIES Part VI. Credit Union Department Chapter 91. Chartering, Operations, Mergers, Liquidations Definitions 7 TAC §91.1

The Credit Union Department adopts the repeal of §91.1, without changes to the proposal published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5487).

The section is replaced by a similar section under the department's new section numbering system.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 2461, §11 07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority

Issued in Austin, Texas, on February 15, 1984.

TRD-841962 John P. Parsons
Commissioner
Credit Union Department

Effective Date March 8, 1984
Proposal publication date, December 30, 1983
For further information, please call (512) 837-9236.

The Credit Union Department adopts new §91.1, with changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5488).

This new section helps define and clarify terms used in Credit Union Department rules. The wording was changed in two definitions, "control" and "CUSO," by the Credit Union Commission. The definition of ti-

tle was added, due to its numerous appearances throughout the spectrum of department rules.

No comments were received regarding adoption of the new section.

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

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

Act—The Texas Credit Union Act (Texas Civil Statutes, Article 2461-1 01 *et seq.*)

Business entity—Any agency, association, company, network, stock company, mutual association, mutual company, membership association, membership company, partnership, joint venture, or trust company.

Commission—The Credit Union Commission.

Commissioner—The credit union commissioner.

Community credit union—A credit union incorporated to serve, and whose members consist of, residents of a recognizable community within a well defined geographical area.

Control—Holding or owning, directly or indirectly or through one or more subsidiaries, the power to vote, or proxies representing, more than 10% of the voting shares or rights of any business entity, or the ability to elect or appoint a majority of the directors or trustees of a business entity, or operating as a general partner in or contributing more than 10% percent of the capital of a business entity, or acting as a trustee of a business entity which is a trust.

CUSO—A business entity, the membership or ownership of which is confined or restricted to credit unions and their members or organizations of credit unions, which entity is designed primarily to serve or otherwise assist credit union operations and of which any one credit union has control.

Department—The Credit Union Department.

Extension of a loan—Modification of a loan whereby the maturity of a note is extended for one calendar month or more. A change of due date is not an extension of a loan if the maturity of a note has been extended less than one calendar month.

Manufactured home—A vehicle without automotive power, designed for human habitation and for carrying persons and property upon its own structures and primarily designed for being drawn by a motor vehicle.

Motor home—A vehicle with self-contained automotive power designed for human habitation and for carrying persons and property upon its own structure.

Nonresidential improved property—All improved property not classified as "residential improved property" consisting of land on which is located any building of a permanent nature (such as an apartment house, office building, hospital, shopping center, warehouse, commercial garage, or other similar permanent structure), or any building, lot or site which, by reason of installations and improvements that have been completed in accordance with applicable governmental requirements and with general practice in the community, is a building lot

or site ready for the construction of any building of a permanent nature.

Open-end credit—Credit extended to or for the benefit of a credit union member on a credit union account pursuant to a plan under which the credit union may permit a member to make purchases or obtain loans, from time to time, directly from the credit union or indirectly by the use of a credit card, draft, or other device, as the plan may provide. The term does not include negotiated advances under an open-end real estate mortgage or a letter of credit.

Property improvement loans—A loan, the proceeds of which are to be used exclusively for improvement of real property or for the maintenance, repair, modernization, or equipment of real estate.

Recognizable community—A geographical area which possesses such characteristics that the residents of the area share a sense of identification with each other which may be based upon mutual interests, goals, community pride, or other similar elements.

Refinancing of a loan—A modification or renewal of a loan brought about by the execution of a new note, based upon a new application for a loan (with or without additional loan advances or security).

Residential improved property—Real property consisting of a residential dwelling having one to four dwelling units, at least one of which is occupied by the owner of the property. This term shall also include one to four unit dwellings occupied in whole or in part by the owner on a seasonal basis.

Residents—Residents include:

(A) all natural persons living or employed in the community;

(B) associations whose memberships are composed of natural persons of whom at least a majority are eligible for membership in the community credit union; and

(C) a proprietorship, partnership, corporation or other legal entity which has its primary place of business located in the community.

Secured loan—A loan made upon an assignment of an interest in collateral pursuant to applicable state laws so as to make the enforcement or promise more certain than the mere personal obligation of the debtor or promisor. Any such assignment may include interest in personal property or real property or a combination thereof.

Shares and deposits—All shares, share accounts, deposit accounts, certificates of deposit, certificates of indebtedness, and notes payable of a credit union.

Title—The phrase "of this title" refers to Title 7 of the Texas Administrative Code (TAC), "Banking and Securities." This volume of the TAC contains all of the Credit Union Department's rules.

TSGCU—The Texas Share Guaranty Credit Union.

Unimproved property—Real property in a raw or natural state.

Unsecured loan—A loan upon the general credit and financial standing of the borrower. The term shall include loans supported by the signature of a comaker, guarantor, or endorser.

Well-defined geographical area—A city, town, or county or other geographical area with established boundaries or limits.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841963 John P. Parsons
 Commissioner
 Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841973 John P. Parsons
 Commissioner
 Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

Regulatory Body

7 TAC §§91.81, 91.82, 91.84-91.86

The Credit Union Department adopts the repeal of §§91.81, 91.82, and 91.84-91.86, without changes to the proposal published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5489).

No comments were received regarding adoption of the repeal.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841971 John P. Parsons
 Commissioner
 Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

7 TAC §91.206

The Credit Union Department adopts new §91.206, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5491).

This new section establishes the method to be used to request amendments to articles of incorporation of a credit union and the recourse available if such request is denied.

No comments were received regarding adoption of the new section

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841975 John P. Parsons
 Commissioner
 Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

Organization Procedures

7 TAC §91.203

The Credit Union Department adopts new §91.203, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5489)

This new section establishes the requirements relative to incorporating a credit union and the recourse available when a charter is desired.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit

7 TAC §91.209

The Credit Union Department adopts new §91.209, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5491).

This new section establishes the requirement for the filing of annual reports, the cost for this filing, and the penalty assessed when reports are received late.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit

Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841976 John P. Parsons
 Commissioner
 Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

7 TAC §91.211

The Credit Union Department adopts new §91.211, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5492)

The need existed for a method which would permit out-of-state credit unions to establish branch offices in Texas, and this rule will provide all of the requirements which must be met for these credit unions to establish branch offices in Texas

No comments were received regarding adoption of the new section

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841977 John P. Parsons
 Commissioner
 Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.



Powers of Credit Unions

7 TAC §91.401

The Credit Union Department adopts new §91.401, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5493).

This section establishes restrictions on a credit union's authority to purchase, lease, or sell property to protect the public's savings by curtailing possible unwise investments.

No comments were received regarding adoption of the new section.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841978 John P. Parsons
 Commissioner
 Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

7 TAC §91.402

The Credit Union Department adopts new §91.402, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5493).

Credit unions must be provided a retention period for their records to ensure that a complete financial audit trail is available to the auditors, credit union examiners, and other interested state and federal agencies.

No comments were received regarding adoption of the new section.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984.

TRD-841979 John P. Parsons
 Commissioner
 Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

7 TAC §91.403

The Credit Union Department adopts new §91.403, with changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5494).

This new section establishes the requirement that credit unions advise the regulatory agency when entering into an electronic data processing agreement or contract and amplifies the confidentiality of each member's financial records. The commission added subsection (b)(5), which does not pose any significant changes.

No comments were received regarding adoption of the new section

This new section is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to the Act and, from time to time, to amend the same.

§91.403. EDP and Confidentiality of Member Records.

(a) Electronic data processing. Upon entering into a contract or arrangement to initiate a program of processing records by means of electronic data processing, a credit union authorized to do business under the Act shall notify the commissioner in writing, giving the name and address of the processor

(b) Confidentiality of members' accounts. In accordance with recent practice in the federal government and to protect the individual rights of citizens of Texas, the following restrictions are hereby imposed on all credit unions authorized to do business under the Act, in order to enable such credit unions to promote and carry on their purposes. No credit union officer, director, committee member, or employee may disclose to any person, other than the member, or to any company or governmental body the individual savings, shares, or loan records of any credit union member, contained in any document or system, by any means, unless specifically authorized to do so in writing by such members, except as follows:

(1) reporting credit experience to a bona fide credit reporting agency, another credit union, or any other bona fide credit-granting business and/or merchants' information exchange, provided that applicable state and federal laws and regulations pertaining to credit collection and reporting are followed;

(2) furnishing copies of reports and/or data to a duly constituted government agency or taxing authority, or any subdivision thereof, including law enforcement agencies;

(3) furnishing reports and/or data, orally or in written form, in response to the order of a court of competent jurisdiction or pursuant to other processes of discovery duly issuing from a court of competent jurisdiction;

(4) furnishing reports of loan balances to co-makers and guarantors of loans of a member and of account balances and related transactions to joint account holders; or

(5) furnishing information to and receiving information from check and draft reporting, clearing, cash-

ing, and authorization services relative to past history of a member's draft and checking accounts at the credit union.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority

Issued in Austin, Texas, on February 15, 1984

TRD-841980 John P. Parsons
Commissioner
Credit Union Department

Effective date March 8, 1984

Proposal publication date December 30, 1983

For further information, please call (512) 837-9236.

Direction of Affairs

7 TAC §91.503

The Credit Union Department adopts new §91.503, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5494).

This new section establishes the procedure for the election of the board of directors and how a director can be recalled if warranted.

No comments were received regarding adoption of the new section.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841981 John P. Parsons
Commissioner
Credit Union Department

Effective date March 8, 1984

Proposal publication date December 30, 1983

For further information, please call (512) 837-9236

7 TAC §91.506

The Credit Union Department adopts new §91.506, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5495).

The new section establishes provisions whereby directors and committee members can have some of their expenses paid when participating in specific credit union functions and the bonding requirements of credit unions based upon the size of assets.

No comments were received regarding adoption of the new section.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841982 John P. Parsons
Commissioner
Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

7 TAC §91.507

The Credit Union Department adopts new §91.507, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5496).

This new section establishes the requirement for credit unions to audit and verify the individual member's financial records to insure that they are properly posted and that no discrepancy exists.

No comments were received regarding adoption of the new section.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984.

TRD-841983 John P. Parsons
Commissioner
Credit Union Department

Effective date March 8, 1984
Proposal publication date December 30, 1983
For further information, please call (512) 837-9236.

Capital Accounts

7 TAC §91.601

The Credit Union Department adopts new §91.601, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5496).

This new section amplifies the authorization for credit unions to have deposit accounts and establishes them as capital for regulatory purposes.

No comments were received regarding adoption of the new section.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841984 John P. Parsons
Commissioner
Credit Union Department

Effective date March 8, 1984
Proposal publication date: December 30, 1983
For further information, please call (512) 837-9236.

7 TAC §91.602

The Credit Union Department adopts new §91.602, with changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5496).

The new section defines three different types of deposit accounts that are authorized and establishes specific controls on their implementation.

The Credit Union Department combines subsection (b)(3)(A) and subsection (b)(3)(B) into subsection (b)(3). Also, subsection (c)(2)(B) is deleted. None of these changes were considered significant modifications to the rule and its intent.

No comments were received regarding adoption of the new section.

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

§91.602. *Deposit Accounts.*

(a) Types of deposit accounts. Deposit accounts may be made in the following classifications:

- (1) transaction deposit accounts;
- (2) certificate of deposit accounts; and
- (3) remote withdrawal deposit accounts.

(b) Transaction deposit accounts (TD or passbook accounts).

(1) Definition. Transaction deposit accounts (herein called TD accounts) consist of savings of members separate from share accounts, certificate accounts, and remote withdrawal deposit accounts, which may have funds deposited or withdrawn at any time, in accordance with policies established by the board of directors.

(2) Interest rates. Interest on TD accounts shall be established from time to time by the board of direc-

tors. Interest rates may be varied for each different class of TD accounts; however, all TD accounts of the same class shall be paid the same interest rates. Interest payments on TD accounts may be earned and computed as authorized by the board of directors and shall be accrued monthly.

(3) Transaction limits. The board of directors of each credit union shall establish written policies setting such conditions and limitations as they deem appropriate, not inconsistent with these rules or the Texas Credit Union Act, to provide transaction deposit accounts for members in a prudent manner and consistent with responsible industry practices.

(c) Certificates of deposit accounts (CD accounts).

(1) Definition. Certificates of deposit accounts (herein called CD accounts) are savings of members accepted by agreement, for specific amounts, for specified periods of time, at agreed rates of interest.

(2) Other provisions. A certificate shall be issued to each depositor for a specified sum and may accumulate interest. Each certificate shall clearly show the term of the certificate, the maturity date, the interest rate stated in annual percentage rates, and penalties for redemption prior to maturity.

(A) The board of directors may establish a penalty to be imposed on the withdrawal of all or any portion of the funds represented by a certificate prior to maturity. Penalties may be waived by the board of directors for good cause

(B) At least one joint owner of each CD account shall be a member of the credit union, but all other joint owners need not be.

(C) Life savings insurance shall not be provided by credit unions on CD accounts.

(D) Interest on certificate of deposit accounts shall be accrued not less frequently than monthly and shall be reflected on the operating statement of the credit union in accordance with generally accepted accounting principles.

(3) Restrictions. No credit union shall issue certificates which would result in the total balance of CD accounts exceeding 70% of its total shares and deposits, unless prior written approval of the commissioner is received.

(d) Remote withdrawal deposit accounts (RWD accounts).

(1) Definition. Remote withdrawal deposit accounts (herein called RWD accounts) are special deposit accounts from which members are authorized to withdraw funds by means of drafts or checks or other procedures authorized by the board of directors

(2) Interest. Interest on RWD accounts shall be earned, computed, and paid as authorized by the board of directors, and shall be accrued daily, weekly, or monthly.

(3) Liquidity reserve. The credit union shall maintain a liquidity reserve against all RWD accounts in an amount not less than 7.0% of the total balance of all RWD accounts

(4) Accounting requirements. The credit union shall furnish a monthly statement to the holder of each RWD account for active accounts and a quarterly statement for accounts without activity during the quarter.

The statement must include opening and closing account balances, account number, and charges for the account service. The statement shall also show each deposit and withdrawal, and shall identify each transaction by amount, date, and source of transaction. A credit union shall reconcile transactions of RWD accounts monthly.

(5) Report requirements. The credit union president shall make a monthly written report to the board of directors on the activity and status of the credit union's RWD program

(6) Closure of accounts. An RWD account may be closed by the credit union at any time for good cause. All holders of any such closed RWD account shall be given notice of such closure by mail addressed to any such person's last known address within five working days. Account holders who are members of the credit union may appeal the closing of any such account to the board of directors.

(7) Commissioner sanctions.

(A) The credit union commissioner may order a credit union to discontinue offering RWD accounts when such action is reasonably deemed to be in the best interest of the members, pursuant to the authority granted to the commissioner under §5.09 of the Act.

(B) The commissioner may direct changes in a program and record keeping and require additional reports, in lieu of discontinuance of any RWD program.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority

Issued in Austin, Texas, on February 15, 1984

TRD-841985

John P. Parsons
Commissioner
Credit Union Department

Effective date March 8, 1984

Proposal publication date December 30, 1983

For further information, please call (512) 837-9236.

Loans

7 TAC §91.701

The Credit Union Department adopts new §91.701, without changes to the proposed text published in the December 30, 1983, issue of the Texas Register (8 TexReg 5497)

This new section establishes the types of loans which a credit union is authorized to make and the restrictions which apply to each type of loan. This new section restricts credit unions from overextending prudent lending practices to the point when the credit union's funds could be jeopardized

No comments were received regarding adoption of the new section

The new section is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate

general rules and regulations pursuant to this Act and, from time to time, to amend the same.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841986 John P. Parsons
Commissioner
Credit Union Department

Effective date March 8, 1984

Proposal publication date December 30, 1983

For further information, please call (512) 837-9236.



Investments

7 TAC §91.801

The Credit Union Department adopts new §91.801, with changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5499).

This new section authorizes credit unions to invest in Credit Union Service Organizations (CUSOs) with certain restrictions which limit ownership of CUSOs. This new section is designed to restrict any possible conflict of interest.

Minor changes were made in the wording of subsections (c) and (d); subsections (e), (f), and (g) were deleted; and a new subsection (e) was added by the Credit Union Commission at the January 31, 1984, meeting.

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

§91.801. Investments in CUSOs.

(a) A credit union may make an investment in a CUSO only after giving at least 15 days' advance written notice to the commissioner of its intention to make such investment. Such notice shall include the following:

- (1) the amount or value of the investment;
- (2) a description of the business of the CUSO;
- (3) the names and addresses and titles of the officers and directors of the CUSO;
- (4) a description of the ownership of the CUSO;
- (5) the location of the principal place of business of the CUSO;
- (6) a balance sheet and profit and loss statement of the CUSO for a period ending not more than 90 days prior to the date of the notice; and
- (7) any additional information reasonably requested by the commissioner.

(b) The total aggregate amount of all investments in all CUSOs by any one credit union shall not exceed 10% of the total assets of the credit union, unless the credit union receives the prior written approval of the commissioner.

(c) No credit union may invest in or exercise or acquire control of any credit union service organizations in which any officer, director, committee member, or employee of such credit union or any member of the immediate family of such persons controls or acts as a general or limited partner, joint venturer, or trustee in such credit union service organization.

(d) No officer, director, committee member, or employee of a credit union or any member of the immediate family of such persons shall invest in, acquire control of, or act as a limited partner or joint venturer in a CUSO in which such credit union has an ownership interest.

(e) The requirements of this rule apply only to investments made after the effective date of this rule.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984

TRD-841987 John P. Parsons
Commissioner
Credit Union Department

Effective date March 8, 1984

Proposal publication date December 30, 1983

For further information, please call (512) 837-9236.

7 TAC §91.803

The Credit Union Department adopts new §91.803, without changes to the proposed text published in the December 30, 1983, issue of the *Texas Register* (8 TexReg 5500)

This new section establishes investment limits in other financial institutions to insure that the liquidity of a credit union is not jeopardized by over-investing in any one institution.

No comments were received regarding adoption of the new section.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984.

TRD-841988 John P. Parsons
Commissioner
Credit Union Department

Effective date: March 8, 1984
Proposal publication date: December 30, 1983
For further information, please call (512) 837-9236.

Reserves and Dividends 7 TAC §91.901

The Credit Union Department adopts new §91.901, without changes to the proposed text published in the December 30, 1983, issue of the Texas Register (8 TexReg 5500).

The new section establishes those reserving requirements considered essential to providing a minimum, operational safety margin for uncollectable loans, economic depressions, and other unanticipated financial shortfalls.

No comments were received regarding adoption of the new section.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984.

TRD-841989 John P. Parsons
Commissioner
Credit Union Department

Effective date: March 8, 1984
Proposal publication date: December 30, 1983
For further information, please call (512) 837-9236.

7 TAC §91.902

The Credit Union Department adopts new §91.902, without changes to the proposed text published in the December 30, 1983, issue of the Texas Register (8 TexReg 5501).

The new section authorizes the payment of dividends as established by the board of directors, except for those credit unions under administrative sanctions.

No comments were received regarding adoption of the new section.

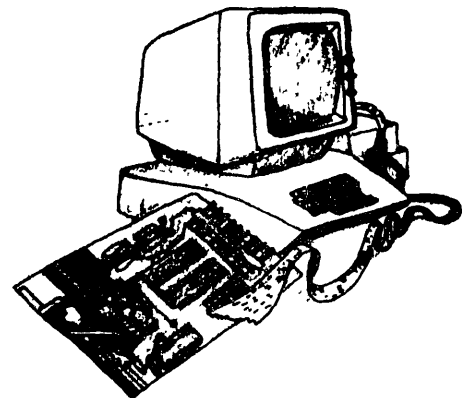
The new section is adopted under Texas Civil Statutes, Article 2461, §11.07, which provide the Credit Union Commission with the authority to promulgate general rules and regulations pursuant to this Act and, from time to time, to amend the same.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 15, 1984.

TRD-841990 John P. Parsons
Commissioner
Credit Union Department

Effective date: March 8, 1984
Proposal publication date: December 30, 1983
For further information, please call (512) 837-9236.



Change in Corporate Status 7 TAC §91.1004

The Credit Union Department adopts new §91.1004, with changes to the proposed text published in the December 30, 1983, issue of the Texas Register (8 TexReg 5501).

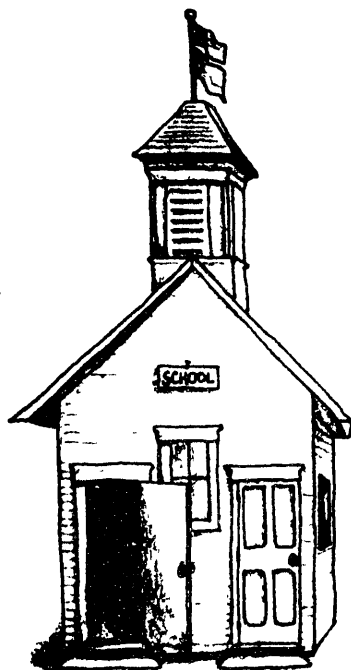
The section establishes the procedures to be followed by a credit union when it desires to convert its charter from either state to federal or federal to state.

No comments were received regarding adoption of the new section.

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

§91.1004. Conversion of Charter.

(a) State to federal. A credit union authorized to do business under the Act may convert to a federal credit union upon completion of the following requirements:



TITLE 19. EDUCATION
Part II. Texas Education Agency
Chapter 81. Instructional Resources
Subchapter D. State Textbook Program
Local Operations

19 TAC §81.152, §81.153

The Texas Education Agency adopts amendments to §81.152 and §81.153. Section 81.152 is adopted without changes to the proposed text published in the October 28, 1983, issue of the *Texas Register* (8 Tex-Reg 4466), and will not be republished. In Section 81.153, subsection (l) has been revised to delete the words "eighth grade and" in the second sentence, since these allocations do not come under statutory quotas.

These sections concern the provision of sample copies of textbooks to local school districts (§81.152), and selection of textbooks by local districts (§81.153). These sections incorporate recommendations which were made by the Public School Professional Personnel and Public School Boards of Trustees Advisory Committees.

Section 81.152 concerns sample copies of books on those subjects for which adoptions are made each year. The allocation formula for larger districts has been modified to provide 32 sets of books for districts with enrollments from 50,001-100,000 (rather than 200,000), and 75 (rather than 100) sets for districts with enrollments of 100,001 (rather than 200,001) and up. Samples of learning systems shall be available for review through the regional education service centers in accordance with §81.121 of this title, concerning special provisions regarding samples of learn-

ing systems and supplementary instructional materials.

Section 81.153 concerns the selection of textbooks by local school districts. The date by which the local textbook committee must be appointed has been changed from December 15 to December 1. New subsection (k) provides that, in general, requisitions for textbooks shall be based on maximum prior year enrollment plus 10%. However, in cases of rapid growth in enrollment or other unforeseen emergencies, supplemental requisitions for textbooks to meet demonstrated actual need shall be permitted. Amended subsection (a) provides for the distribution of high school textbooks to seventh or eighth grade students.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §12.16(c), which authorizes the State Board of Education to prescribe rules under which adopted textbooks shall be introduced or used by or in the public schools of the state; and the Texas Education Code, §12.16(b), which authorizes the board to make rules for the selection of textbooks.

§81.153 Selection of Textbooks by Local School Districts

(a) For purposes of multiple list selections, the county board of school trustees and the county superintendent have jurisdiction in each system of county schools or other schools subject to supervision by county boards of school trustees. The jurisdiction for each independent school district rests with the board of trustees and the superintendent of schools of that district.

(b) On or before December 1 of each year, each board of trustees and each county board shall appoint a local textbook committee composed of not fewer than five and not more than 15 members. The official minutes of each board at which the appointment of a textbook committee is made must include a record of the names of persons appointed to serve on the textbook committee.

(c) Appointments to the textbook committee are made by the board of trustees upon the recommendation of the superintendent of schools and by the county board upon the recommendation of the county superintendent. Should any board reject any recommendation, the superintendent is requested to present to the board another recommendation in lieu of the one rejected.

(d) The entire personnel of each textbook committee must be professional employees of the independent school district or of the county system of school districts. The majority of each committee must be classroom teachers. The superintendent or county superintendent is a member and serves as chairman of the committee.

(e) It is the duty of the local textbook committee to examine all books on the multiple lists adopted by the State Board of Education, to select the textbooks from these lists for use in its school system, and to recommend its selections to the board of trustees or county board for ratification.

(f) Each local textbook committee makes its selections at a meeting of the committee held not later than March 1. In the event selections recommended by the

committee are not ratified by the local board, the committee makes other selections at a meeting held as soon as possible following the meeting of the board at which time any of the previous selections were not ratified. The quorum of the committee for any meeting at which selections are made must consist of at least a majority of the members of the committee.

(g) If the board of trustees or the county board, by majority vote, fails to ratify any of the selections made by its textbook committee, the reasons therefor must be placed in its official minutes, and the board then directs the textbook committee to recommend another selection or selections from the multiple lists and to report its selection to the board for ratification. This procedure continues until the board ratifies all selections of the local textbook committee. Final selection must be recorded in the minutes of the board.

(h) After ratification by the board of trustees or county board, two copies of the textbook committee's report, carrying the signature of members of the committee who participated in the selection, the board president, and the board secretary, are sent by the superintendent or the county superintendent to the Textbook Division not later than March 31. Forms on which such reports are to be made shall be provided by the Textbook Division. Only those books recommended by the textbook committee and ratified by the board of trustees or the county board are furnished by the state for use in any school.

(i) The period between December 1 and March 1 is the only period for visitation of publishers' representatives (including executives, sales representatives, and educational consultants) with textbook committee members or other school district personnel on multiple list selections. The full cooperation of publishers' representatives and local school officials is requested so that an orderly procedure may prevail in multiple list selections.

(j) The selections as certified to the Textbook Division are final and, therefore, are not subject to reconsideration during the contract period or periods covering the books selected.

(k) Requisitions shall be developed and submitted in accordance with the Texas Education Code, §12.61, and this section. Except as otherwise provided by statute, requisitions shall be based on maximum prior year enrollment plus 10%; however, in cases of rapid growth in enrollment or other unforeseen emergencies, supplemental requisitions for textbooks to meet demonstrated actual need shall be permitted. Where two or more titles are selected from a multiple list, requisitions may be made for a combined total of the selected titles. After books which have been duly selected have been requisitioned and delivered to the school district, these books shall be continued in use during the contract period or periods. It is not permissible to return copies of one title in order to secure copies of another title on the same multiple list.

(l) High school textbooks may be distributed to seventh or eighth grade pupils enrolled in accelerated classes. The distribution of high school textbooks to high school students shall be based on subject enrollment subject to statutory quotas.

(m) Where selections have not been made from the multiple lists of prior adoptions, the current local text-

book committees may select such texts if the subjects are to be taught in their systems during the ensuing school term. Such selections are to be reported with other multiple list selections on the regular form where spaces are provided for indicating them. New selections are not permitted from multiple lists of texts which are readopted. School district officials must continue to use the texts previously selected.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on February 13, 1984

TRD-842026 Raymon L. Bynum
Commissioner of Education

Effective date: March 8, 1984
Proposal publication date: October 28, 1983
For further information, please call (512) 475-7077.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Commission on Jail Standards

Chapter 259. New Construction Rules

New Jail Design, Construction, and Furnishing Requirements

37 TAC §259.53

The Commission on Jail Standards adopts amendments to §259.53, without changes to the proposed text published in the January 17, 1984, issue of the *Texas Register* (9 TexReg 369)

The rule provides for a secure exercise area where recreational activities may be available to county jail inmates, and provides guidance for architects and planners as a new exercise area is built.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Title 18, Article 5115 1, which authorize the Commission on Jail Standards to promulgate rules affecting county jails.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on January 30, 1984

TRD-842044 Mrs. William Cree
Chairman
Commission on Jail Standards

Effective date: March 9, 1984
Proposal publication date: January 17, 1984
For further information, please call (512) 475-2716.

New Lock-Up Design, Construction, and Furnishing Requirements

37 TAC §259.127

The Commission on Jail Standards adopts amendments to §259.127, without changes to the proposed text published in the January 17, 1984, issue of the *Texas Register* (9 TexReg 370).

The rule provides sanitary facilities as well as telephone access and panels that add to the separation process and provide a secure processing area inside the security perimeter, rather than within the inmate-occupied area.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Title 18, Article 5115.1, which authorize the Commission on Jail Standards to promulgate rules affecting county jails.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on January 30, 1984.

TRD-842045 Mrs. William Cree
 Chairman
 Commission on Jail Standards

Effective date: March 9, 1984
Proposal publication date: January 17, 1984
For further information, please call (512) 475-2716.

State Board of Insurance Exempt Filings

State Board of Insurance Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual* (Rule 059.05.01.005), *Standard Provisions for Automobile Policies* (June 1, 1981, edition) (Rule 059.05.06.003), and the *Standard Provisions for Automobile Policies* (October 1, 1974, edition) (Rule 059.05.06.001) in the following respects.

In the *Texas Automobile Manual*, Rule 19, page 11, the reference to "Excess Indemnity Policy" in the parenthetical expression immediately below the title to the rule has been deleted and "Excess Liability Policy" substituted.

In Rule 29, page 18 and page 19, the rule has been revised to delete all references to age groups for private passenger autos with appropriate editorial and restructuring changes necessary in the rule because of such deletion.

In Rule 89, page 55, the present section D. and section E. have been redesignated E. and F., respectively, and a new section D., defining miscellaneous-type vehicles, has been added.

In the Symbol and Identification Section, page one and page two, the reference to "jeeps" in the fourth paragraph at the top of page one has been deleted. The rule titled "Automobiles of the Pickup Body, Sedan Delivery, Panel Truck, or Van Type" at the bottom of the right hand column on page two of the section has been amended to delete reference to "Sedan Delivery" vehicles and to replace it with "Jeep" type vehicles.

In Rule 89, page 55 and the Endorsement Supplement, Rule 89, Section F.5., has been amended to include rating provisions for false pretense coverage limits, and the endorsement supplement of the manual has been amended to include a new endorsement TX-10-96, titled "False Pretense Coverage-Amendment of Limit of Liability".

In Rule 76, Section B, page 51 has been amended to combine the nondealer automobile hazard two repair shop and service station classifications into one single repair shop/service station class with one set of rates applicable thereto.

The two standard provisions manuals have been amended to include the following general or special instructions.

All new and renewal automobile policies and renewal certificates issued to be effective on and after September 1, 1984, shall contain the following notice.

COMPLAINT NOTICE SHOULD ANY QUESTION OR DISPUTE ARISE ABOUT YOUR PREMIUMS OR A CLAIM YOU HAVE PREVIOUSLY FILED, FIRST CONTACT THE AGENT WHO ISSUED THIS POLICY OR WRITE THE COMPANY IF THE PROBLEM IS NOT RESOLVED, YOU MAY ALSO WRITE THE STATE BOARD OF INSURANCE, DEPARTMENT C, 1110 SAN JACINTO STREET, AUSTIN, TEXAS 78786

Such notice must be prominently displayed either by overprinting, stamping, or by attachment of a gummed label on the face or declarations page of the policy or renewal certificate

The amendments are effective at 12.01 a.m. on May 1, 1984.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the require-

ments of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on February 15, 1984

TRD-842030

James W. Norman
Chief Clerk
State Board of Insurance

Effective date: May 1, 1984

For further information, please call (512) 475-2950.

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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

Texas Commission on Alcoholism

Thursday, March 1, 1984, 10 a.m. The Texas Commission on Alcoholism (TCA) will meet in the conference room, 1705 Guadalupe Street, Austin. According to the agenda, the commission will approve minutes and a contract for vending machines; consider proposed policies, a proposed amendment to §153.41(b), and DWI Education Program standards and procedures, applications for certification, and requests for waivers regarding §153.36(a)(2)—program operation requirements, discuss the proposed TCA definition per Senate Bill 1, and hear the Finance Committee's and Executive Director's reports. The commission also will meet in executive session.

Contact: Becky Davis, 1705 Guadalupe Street, Austin, Texas 78701, (512) 475-2577.

Filed: February 17, 1984, 9:40 a.m.
TRD-842046

State Board of Barber Examiners

Tuesday, March 6, 1984, 8 a.m. The State Board of Barber Examiners will meet in Room C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will discuss the previous meeting minutes,

sign teacher certificates, interview out-of-state applicants and applicants for the inspector position with headquarters in Dallas, and consider letters and reports to the board by the executive director. The board also will meet in executive session.

Contact: Jo King McCrorey, 1300 East Anderson Lane, C-275, Austin, Texas 78752, (512) 835-2040.

Filed: February 17, 1984, 2:22 p.m.
TRD-842108

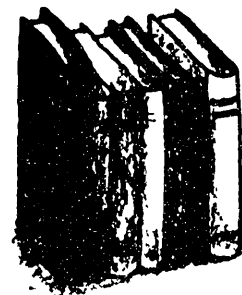
State Board of Dental Examiners

Thursday-Saturday, March 1-3, 1984, 8:30 a.m. daily. The State Board of Dental Examiners will meet in the Castilian A.B.C. meeting rooms, Shamrock Hilton Hotel, South Main and Holcombe, Houston. According to the agenda summary, the board will conduct disciplinary hearings; consider previously proposed rule amendments; and discuss rules with Dr. H. Mit Sorrels, appointments to the Dental Hygiene Advisory Committee and the Anesthesia Advisory Committee, a litigation suit, approval of anesthesia applications, 1984 examinations, board policy on extended sick leave, proposed legislation, dental employees and the

Texas Department of Corrections, the request of a dentist to have his probation terminated, an appointment to serve on the Title XIX EPSDT Advisory Board, the request of an applicant to take the exam for a fourth time, and the request of a foreign applicant to take the exam.

Contact: William S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443

Filed: February 17, 1984, 9:38 a.m.
TRD-842047



Texas State Board of Examiners of Dietitians

Tuesday, February 28, 1984, 9 a.m. The Texas State Board of Examiners of Dieti-

tians will meet in Room T-803, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will discuss and develop proposed rules pertaining to upgrading a provisional license, complaints and violations, and board approved preplanned professional experience program(s), review comments received at a public hearing and by the executive secretary, and set the next meeting date

Contact: Donna Hardin, 1100 West 49th Street, Austin, Texas, (512) 458-7531

Filed: February 17, 1984, 4:33 p.m.
TRD-842141

Texas Education Agency

Friday, February 17, 1984, 10 a.m. The Advisory Committee for Preservice Competency Remediation and Improvement of the State Board of Education of the Texas Education Agency (TEA) met in emergency session in Room 101-E, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee considered a charge by Commissioner Raymon Bynum and an overview of the State Testing Program, heard presentations on current efforts in Texas institutions by institutions represented on the committee, the University of Texas at Austin, and Southwest Texas State University, and discussed resources and strategies. The emergency status was necessary because it was past the filing deadline before it was determined that it would be possible to have a quorum present on February 17

Contact: Grace Grimes, 201 East 11th Street, Austin, Texas 78701, (512) 475-8691

Filed: February 16, 1984, 2:57 p.m.
TRD-842016

Friday, March 9, 1984, 8:30 a.m. The Committee for Vocational Education and High Technology of the State Board for Vocational Education of the Texas Education Agency (TEA) will meet in Room 101, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will conduct a public hearing on the proposed annual program plan for vocational education for fiscal year 1985 and the accountability report for fiscal year 1983

Contact: Paul W. Lindsey, 201 East 11th Street, Austin, Texas 78701, (512) 834-4298

Filed: February 17, 1984, 8:59 a.m.
TRD-842032

Texas Employment Commission

Tuesday, February 28, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 9, and set the date of the next meeting

Contact: Courtenay Browning, TEC Building, Room 608, Austin, Texas, (512) 397-4415.

Filed: February 17, 1984, 3:43 p.m.
TRD-842126

Office of the Firemen's Pension Commissioner

Wednesday, March 21, 1984, 9 a.m. The Administrative Division of the Office of the Firemen's Pension Commissioner will meet in Room 503-F, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the board of trustees for the Senate Bill 411 pension system as prescribed by Texas Civil Statutes, Article 6243e 3, will discuss the pension plan and elect new officers

Contact: Hal H. Hood, Sam Houston Building, Room 503-F, 201 East 14th Street, Austin, Texas, (512) 475-5879.

Filed: February 17, 1984, 10:58 a.m.
TRD 842072

Texas Health and Human Services Coordinating Council

Tuesday, February 28, 1984, 10 a.m. The Planning Committee of the Texas Health and Human Services Coordinating Council will meet in Room 102, Texas Law Center, 1414 Colorado, Austin. Items on the agenda include planning for the short-term, procedures for the consideration of issues; a proposal for council operational guidelines, and a research proposal on substitute care

Contact: Lynn H. Leverty, P O Box 12428, Austin, Texas 78711, (512) 475-1306.

Filed: February 16, 1984, 2:36 p.m.
TRD-842015

Texas Historical Commission

Monday, February 27, 1984, 11 a.m. The Sesquicentennial Committee of the Texas Historical Commission will meet in Suite 500, 750 North Saint Paul, Dallas. According to the agenda, the committee will consider the plans of the commission for the sesquicentennial.

Contact: Susan Willis, P O. Box 12276, Austin, Texas 78711, (512) 475-3092.

Filed: February 17, 1984, 1:39 p.m.
TRD-842087

Texas Commission on Human Rights

Monday, February 27, 1984, 1 p.m. The Texas Commission on Human Rights will meet in the Uranus Room, University of Houston Hilton Hotel, Houston. According to the agenda, the commission will approve the January 27, 1984, minutes; hear the executive director's report, the operations report, and the financial report concerning discussion of special budget appropriations; discuss possible criteria for determining which cases the commission takes to court to effectuate the purposes of the Act and discuss the upcoming open house, and consider the certification review of local commissions in Fort Worth, Austin, and Corpus Christi and unfinished business from the previous meeting

Contact: William M. Hale, P O Box 13493, Austin, Texas 78711, (512) 475-1178.

Filed: February 17, 1984, 10:26 a.m.
TRD-842055

State Board of Insurance

Tuesday, February 28, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto, Austin Rooms and dockets follow

In Room 342, Docket 7599—application of Elmer Eugene Ellis, Fort Worth, for a life, health, and accident insurance agent's license (Group II, Article 21 07)

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

Filed: February 17, 1984, 10:13 a.m.
TRD-842073

In Room 353, Docket 7606—application for amendment to articles of incorporation of

Texas Register

Family Service Life Insurance Company, Houston, to delete the company's authority to write the lines of accident and health insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1984, 10:13 a.m.
TRD-842074

Tuesday, February 28, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a decision on Jewelers Block filings by the Insurance Services Office; hear reports of the commissioner and fire marshal; consider personnel matters, board orders on several different matters, and a rule to require the Texas Catastrophe Property Insurance Association to notify any person or insurer dissatisfied with an act, ruling, or decision of the association of his right of appeal under the Insurance Code, Article 21.49-3, §9; and discuss internal procedure of the board respecting complaints or appeals of acts, rulings, or decisions of the Texas Catastrophe Property Insurance Association.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: February 17, 1984, 3:58 p.m.
TRD-842130

Tuesday, February 28, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 7580—application for original charter of Capital National Life Insurance Company, Austin.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1984, 10:13 a.m.
TRD-842075

Wednesday, February 29, 1984. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Times and dockets follow.

11 a.m. Docket 7589—whether the surplus lines agent's license held by Hull & Company General Agency, Inc., Houston, should be canceled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: February 17, 1984, 10:13 a.m.
TRD-842076

1:30 p.m. Docket 7548—whether the certificate of authority held by Zurich Insurance Company, Zurich, Switzerland, should be canceled or revoked.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: February 17, 1984, 10:13 a.m.
TRD-842077

3:30 p.m. Docket 7590—whether the surplus lines agent's license held by John Nichols Insurance Agency, New Caney, should be canceled or revoked.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1984, 10:13 a.m.
TRD-842078

Thursday, March 1, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 7601—whether the Group I and Group II insurance agent's licenses held by Barry Wayne Duncan, Dallas, should be canceled or revoked.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: February 17, 1984, 10:13 a.m.
TRD-842079

Thursday, March 1, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Items on the agenda include revision of the Texas exception to common general Rule 3 referral to company filed by the Insurance Services Office and a net rate crop hail filing, a farm saver package policy filing, and a Stroud 35-70 filing by the Prairie States Insurance Company.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: February 17, 1984, 3:59 p.m.
TRD-842131

Thursday, March 1, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 7597—application for original charter of Texas National Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: February 17, 1984, 10:13 a.m.
TRD-842080

Thursday, March 1, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 7602—application of Chris Alan Buhrow, Houston, for a legal reserve life insurance agent's license.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: February 17, 1984, 10:13 a.m.
TRD-842081

Monday, March 5, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will conduct a public hearing in Docket 7543—whether Independent Standard Insurance Company, Dallas, has complied with Commissioner's Order 84-0003.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: February 17, 1984, 10:13 a.m.
TRD-842082

Lamar University

Sunday, February 19, 1984, 2 p.m. The Board of Regents of Lamar University met in emergency session in the Plummer Administration Building, Main Campus, Lamar University, Beaumont. According to the agenda, the board met in executive session to review administrative personnel and litigation. The emergency status was necessary because February 19 was the only available date to have a quorum.

Contact: Dr. Andrew Johnson, P.O. Box 552, Beaumont, Texas 77710, (409) 838-8403.

Filed: February 17, 1984, 2:37 p.m.
TRD-842107

Board of Law Examiners

Sunday-Tuesday, February 26-28, 1 p.m., 8:15 a.m., and 8:15 a.m. respectively. The Board of Law Examiners will meet on Sunday at the Marriott Hotel, 6121 IH 35 North, Austin, and on Monday and Tuesday at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda, the board will discuss the January 1984 minutes, the current budget status for fiscal

year 1984 and amendment and close-out for fiscal year 1983, personnel matters, questions of eligibility and special requests, and the February 1984 examination; and conduct hearings on moral character and fitness.

Contact: Wayne E. Denton, Texas Law Center, Suite 505, 1414 Colorado Street, Austin, Texas 78701, (512) 475-4137.

Filed: February 17, 1984, 11:26 a.m.
TRD-842086

North Texas State University

Friday, February 24, 1984. Committees of the Board of Regents and the full board of the Texas College of Osteopathic Medicine of North Texas State University will meet in the board room, North Texas State University, Denton. Times, committees, and agendas follow.

9 a.m. The Role and Scope Committee will consider North Texas State University's bachelor of science in environmental science, proposed degree program for the master of public health, faculty workload report for fall 1983, end of semester enrollment report for 1983, small class report for spring 1984, personnel, capacity modeling and enrollment forecasts, academic requirements, and the Professional Development Institute, and a report on the Texas Title VI Plan and a presentation by the Professional Development Institute. The committee also will consider a name change for the academic department, a foundation memorandum of understanding, the faculty development leave policy, and personnel transactions for the Texas College of Osteopathic Medicine

10:30 a.m. The Budget and Finance Committee will consider North Texas State University's authority to sign checks, vouchers, and other documents for the university; gifts to the university in excess of \$3,000; endowments for academic positions; the Professional Development Institute, Inc; and a waiver of university fees for employees of the Professional Development Institute, Inc.

11 a.m. The Student Affairs Committee will consider an increase in the student service fee for North Texas State University.

11:15 a.m. The Facilities Committee will consider shelving for the A. M. Willis, Jr., library, and bid acceptances for the University Services Building, Phase I renovation of Terrill Hall, and roof repairs for four

buildings for North Texas State University. The committee also will consider the Medical Education Building IV (Ambulatory Academic Teaching Center), disposition of college property, and a report on the long-range plan for the Texas College of Osteopathic Medicine.

1 p.m. The full board will approve minutes and committee recommendations and consider other business for North Texas State University and the Texas College of Osteopathic Medicine. The board also will meet in executive session concerning North Texas State University.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198.

Filed: February 16, 1984, 2:43 p.m.
TRD-842017-841021



Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

Tuesday, February 28, 1984, 1 p.m. A pre-hearing conference in Docket 5607—application of Cedar Bayou Park Water Supply Corporation, Inc., for a rate increase within Harris County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 17, 1984, 3.15 p.m.
TRD-842125

Thursday, March 8, 1984, 10 a.m. A rescheduled prehearing conference in Docket 5560—application of Gulf States Utilities Company for authority to change rates. The meeting originally was scheduled for March 1, 1984, as published at 9 TexReg 706.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 17, 1984, 9:40 a.m.
TRD-842050

Friday, April 13, 1984, 10 a.m. A rescheduled prehearing in Docket 5560—applica-

tion of Gulf States Utilities Company for authority to change rates. The meeting originally was scheduled for April 9, 1984, as published at 9 TexReg 707.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 17, 1984, 9:40 a.m.
TRD-842048

Monday, April 16, 1984, 9 a.m. A rescheduled hearing in Docket 5560—application of Gulf States Utilities Company for authority to change rates. The meeting originally was scheduled for April 10, 1984, as published at 9 TexReg 707.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 17, 1984, 9:40 a.m.
TRD-842049

Railroad Commission of Texas

Monday, February 27, 1984, 9 a.m. Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow.

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: February 17, 1984, 2:21 p.m.
TRD-842110

The Automatic Data Processing Division will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: February 17, 1984, 2:20 p.m.
TRD-842111

The Flight Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: February 17, 1984, 2:15 p.m.
TRD-842112

Texas Register

The Gas Utilities Division will consider various matters falling within the division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: February 17, 1984, 2:18 p.m.
TRD-842113

The Office of Information Services will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711

Filed: February 17, 1984, 2:20 p.m.
TRD-842114

The LP-Gas Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711

Filed: February 17, 1984, 2:16 p.m.
TRD-842115

The Oil and Gas Division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: February 17, 1984, 2:19 p.m.
TRD-842116

Additions to the above agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: February 17, 1984, 2:20 p.m.
TRD-842118

Consideration of whether the commission should institute legal action against Big-Tex Crude Oil Company and Skeeter Oil Company, and Allied Vacuum, Inc., and Milton P. Davis, doing business as Big Four Transports Company.

Contact: Glenn Jordan, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1229

Filed: February 17, 1984, 2:17 p.m.
TRD-842117

Consideration of Oil and Gas Docket 7B-82,020—application of GRG Operating, Inc., for an MER for its Gibbons lease in

the Thomas (Canyon Reef) Field, Jones County.

Contact: Greg Cloud, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1238.

Filed: February 17, 1984, 2:19 p.m.
TRD-842119

Consideration of Oil and Gas Docket 8-81,652—application of Olsen Energy, Inc., Rule 38, Eaton "A", Well 2, Abell (Permian 3800), (Clear Fork), (Clear Fork 3200), and Wildcat Fields, Pecos County.

Contact: Norman Bonner, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292.

Filed: February 17, 1984, 2:18 p.m.
TRD-842120

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Herman L. Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: February 17, 1984, 2:17 p.m.
TRD-842121

The Office of the Special Counsel will consider and act on the division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lile, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: February 17, 1984, 2:15 p.m.
TRD-842122

The Surface Mining and Reclamation Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: February 17, 1984, 2:16 p.m.
TRD-842123

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction.

Contact: Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: February 17, 1984, 2:17 p.m.
TRD-842124

Texas State University System

Thursday and Friday, February 23 and 24, 1984, 2 p.m. and 4:30 p.m. Thursday and 9 a.m. Friday. The Board of Regents of the Texas State University System met in the courtroom, Criminal Justice Center, Sam Houston State University, Huntsville. According to the agenda summary, the board held a bond sale at 2 p.m. The board met in regular session at 4:30 p.m. and reviewed matters of the board and the four universities in the system, and met again on Friday to consider any unfinished business.

Contact: Lamar Urbanovsky, Sam Houston Building, Room 505, 201 East 14th Street, Austin, Texas 78711, (512) 475-3876.

Filed: February 16, 1984, 11:18 a.m.
TRD-842008

Thursday, February 23, 1984. Committees of the board of regents of the Texas State University System met in the courtroom, Criminal Justice Center, Sam Houston State University, Huntsville. Times, committees, and agendas follow.

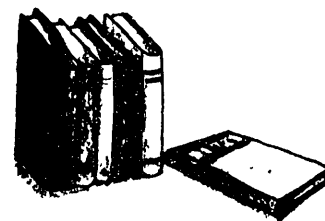
2:30 p.m. The Building Committee reviewed construction projects and documents for the four universities in the system.

3:30 p.m. The Curriculum Committee reviewed curriculum needs and requests for the four universities in the system.

4 p.m. The Finance Committee reviewed financial matters of the system office and the four universities in the system

Contact: Lamar Urbanovsky, Sam Houston Building, Room 505, 201 East 14th Street, Austin, Texas 78711, (512) 475-3876.

Filed: February 16, 1984, 11:18 a.m.
TRD-842009-842011



Texas Tech University

Monday, February 20, 1984, 5 p.m. The Finance Committee of the Board of Regents of Texas Tech University met in emergency session in the board suite, Administration Building, Lubbock. According to the agenda, the committee considered alternative methods of funding for the proposed purchase of the Devro Building. The committee also met in executive session. The emergency status was necessary to ascertain alternative methods of funding for proposed purchase of the Devro Building for a pres-

entation to the Coordinating Board, Texas College and University System, on February 27, 1984.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: February 17, 1984, 4:58 p.m.
TRD-842142

Texas Water Commission

Tuesday, February 28, 1984, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include district bond issues, release from escrow, district conversion, water quality permits, amendments and renewals, adjudication matters, an extension of time application, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 16, 1984, 1:44 p.m.
TRD-842013

Wednesday, March 21, 1984, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on the petition for creation of Harris County Municipal Utility District 264, containing 333.044 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 16, 1984, 1:44 p.m.
TRD-842014

Wednesday, April 11, 1984, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will conduct a hearing on a petition for creation of Harris County Municipal Utility District 80, containing 208.17 acres of land.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: February 17, 1984, 3:38 p.m.
TRD-842127

Regional Agencies

Meetings Filed February 16

The Amarillo Mental Health and Mental Retardation Regional Center, Board of Trustees Executive Committee, met in

Room G-15, Psychiatric Pavilion, 7201 Evans Street, Amarillo, on February 23, 1984, at noon. The Board of Trustees also met in Room J-13 at the same location on the same day at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79116, (806) 353-7235.

The Deep East Texas Council of Governments, Board of Directors, met at the Houston County Senior Center, Davy Crockett National Park, Crockett, on February 23, 1984, at 1:30 p.m. Information may be obtained from Rhonda Ruckel, P.O. Drawer 1170, Jasper, Texas, (409) 384-5704.

The Jack County Appraisal District, Board of Directors, met at the district office, Los Creek Office Building, 258 South Main, Jacksboro, on February 21, 1984, at 7 p.m. Information may be obtained from Linda McSpadden or Doris G. Ray, 258 South Main, Jacksboro, Texas 76056, (817) 567-6301 or 567-6302, respectively.

The Lamb County Appraisal District, Board of Directors, met at 318 Phelps Avenue, Littlefield, on February 23, 1984, at 7:30 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Leon County Central Appraisal District, Board of Directors, will meet at the Leon County courtroom, Centerville, on February 27, 1984, at 7:30 p.m. Information may be obtained from Mabel Watson, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Lower Colorado River Authority, Audit and Budget Committee, met at 3700 Lake Austin Boulevard, Austin, on February 22, 1984, at 8 a.m. The following committees met the same location on the same date, at the following times:

Energy Operations Committee—9:30 a.m.

Finance and Administration Committee—1 p.m.

Natural Resources Committee—2:30 p.m.

The Board of Directors met at the same location on February 23, 1984, at 9 a.m. The Committee on Planning and Public Policy met at the same location on the same day at 2 p.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The Middle Rio Grande Development Council, Private Industry Council, will meet

in the Kennedy Room, Civic Center, Avenue F, Del Rio, on February 28, 1984, at 1 p.m. Information may be obtained from Mike Patterson, 200 East Nopal, Suite 211, Uvalde, Texas 78801, (512) 278-2527.

The Mills County Appraisal District met at the Mills County courthouse, Goldthwaite, on February 23, 1984, at 6:30 p.m. Information may be obtained from Doran E. Lemke, Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Nolan County Central Appraisal District, Board of Directors, met in Suite 305B, Nolan County courthouse, 100 East Third Street, Sweetwater, on February 22, 1984, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The North Central Texas Council of Governments, Executive Board, met in Suite 200, Centerpoint Two Building, 616 Six Flags Drive, Arlington, on February 23, 1984, at 12:30 p.m. Information may be obtained from Linda Keithley, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300.

The Wood County Appraisal District, Board of Directors, met in the conference room, 217 North Main, Quitman, on February 23, 1984, at 1:30 p.m. The Appraisal Review Board will meet at the same location on February 24, 1984, at 9 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4946.

TRD-842012

Meetings Filed February 17

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, met at 1430 Collier Street, Austin, on February 23, 1984, at 11:15 a.m. The Board of Trustees will meet at the same location on the same day at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141, ext. 40.

The Coastal Bend Council of Governments, Executive Board, will meet at the Nueces Club, Guaranty Bank Plaza, Corpus Christi, on February 24, 1984, at noon. The council will meet on the same day in the central jury room, Nueces County Courthouse, 901 Leopard, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

Texas Register

The Comal County Appraisal District, Board of Directors, met at 130 East Mill Street, New Braunfels, on February 20, 1984, at 7:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Golden Crescent Regional Planning Commission, Board of Directors, will meet in the town hall meeting room, First Victoria National Bank, 101 South Main, Victoria, on March 5, 1984, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587.

The Hale County Appraisal District, Board of Directors, met at 302 West Eighth, Plainview, on February 21, 1984, at 7 p.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Hays County Central Appraisal District, Board of Review, met in the Red

Room, Courthouse Annex, San Marcos, on February 23, 1984, at 9 a.m. Information may be obtained from Lynnell Sedlar, P.O. Box 1287, San Marcos, Texas 78666, (512) 396-4777.

The Kendall County Appraisal District, Board of Directors, met at 207 East San Antonio Street, Boerne, on February 23, 1984, at 7:30 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The South Texas Development Council, STED Corporation Board of Trustees, met in the Zapata County Library, Zapata, on February 23, 1984, at 11 a.m. Information may be obtained from Roberto Mendiola, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995.

The South Texas Private Industry Council met at the Zapata Community Center, U.S. Highway 83, Zapata, on February 22, 1984, at 4:30 p.m. Information may be obtained

from Ruben M. Garcia, P.O. Box 1969, Laredo, Texas 78040, (512) 722-4656.

The Tarrant County Appraisal District, Board of Directors, met in Suite 300, 1701 River Run, Fort Worth, on February 23, 1984, at 10 a.m. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 300, Fort Worth, Texas 76107, (817) 332-8522.

TRD-842053

Meeting Filed February 21

The Gillespie County Appraisal District, Board of Directors, will meet in the City Hall Assembly Room, Fredericksburg, on March 7, 1984, at 9 a.m. Information may be obtained from Gary Neffendorf, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-7655.

TRD-842143

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner), notices of rate ceilings (filed by the consumer credit commissioner), changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner), and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission), and notices of public hearing.

In Addition

Banking Department of Texas Applications To Acquire Control of State Banks

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On February 2, 1984, the banking commissioner received an application to acquire control of the Comfort State Bank, Comfort, by A. C. Schwethelm of Comfort.

On February 8, 1984, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 14, 1984

TRD-842022 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed February 16, 1984

For further information, please call (512) 475-4451

On January 16, 1984, the banking commissioner received an application to acquire control of Peoples State Bank, Dallas, by Daniel A. Flynn, of Dallas.

On February 14, 1984, notice was given that the application would not be denied.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on February 14, 1984

TRD-842023 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed February 16, 1984

For further information, please call (512) 475-4451.

Public Hearing

The hearing officer of the Banking Department of Texas will conduct a hearing at 9 a.m. on Tuesday, April 17, 1984, at 2601 North Lamar Boulevard, Austin, on the application of Forest Park Funeral Home Trust IV and Family Emergency Plan, Inc., both of Houston, for authority to release from trust certain funds representing earnings in excess of 100% of the amounts paid by purchasers of prepaid funeral benefits.

Additional information may be obtained from Archie P. Clayton III, General Counsel, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on February 14, 1984

TRD-841959 Archie P. Clayton III
General Counsel
Banking Department of Texas

Filed: February 15, 1984

For further information, please call (512) 475-4451.

Comptroller of Public Accounts Decision 14,604

For copies of the following opinion, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. Under the Texas Tax Code, §151.317, all gas or electricity sold for residential use is exempt from state sales tax. The taxpayer contended that the electricity used in operating a nursing home represented residential use, because the occupants lived in the home on a continual basis. The comptroller disagreed, pointing out that although the bill exempting electricity

for residential use originally defined nursing homes as residences for purposes of the exemption, the legislature deleted the reference to nursing homes before passing the bill, thus evincing its intent to include electricity used in nursing homes within the ambit of taxable commercial use.

Issued in Austin, Texas, on February 17, 1984

TRD-842034 Bob Bullock
Comptroller of Public Accounts

Filed: February 17, 1984

For further information, please call (512) 475-1938.

Texas Commission for the Deaf Correction of Error

A proposed rule submitted by the Texas Commission for the Deaf contained several errors as published in the February 10, 1984, issue of the *Texas Register* (9 Tex-Reg 816). New §181.20 is republished in the Proposed Section of this issue for clarity.

Texas Education Agency Public Hearings

The following schedule indicates a series of public hearings to be held in the 20 education service centers to receive public comments on proposed 19 TAC §97.113, concerning student absences for extracurricular or other activities.

The text of the proposed rule appeared in the February 21, 1984, issue of the *Texas Register*. The section is scheduled for final adoption by the State Board of Education in April 1984

Date	Location
February 22, 1984 9 a.m.-noon 4-7 p.m.	Region III Education Service Center 1905 Leary Lane Victoria, Texas (512) 573-0731
February 22, 1984 1-3 p.m. 4-7 p.m.	Region IX Education Service Center 301 Loop 11 Wichita Falls, Texas (817) 322-6923
February 22, 1984 1-3 p.m. 4-7 p.m.	Region XIII Education Service Center 7703 North Lamar Boulevard Austin, Texas (512) 458-9131
February 22, 1984 9 a.m.-noon 4-7 p.m.	Region XIV Education Service Center 1850 State Highway 351 Abilene, Texas (915) 676-8201

February 23, 1984 9 a.m.-noon 4-7 p.m.	Region XI Education Service Center 3001 North Freeway Fort Worth, Texas (817) 625-5311
February 27, 1984 9 a.m.-noon 4-7 p.m.	Region II Education Service Center 209 North Water Street Corpus Christi, Texas (512) 883-9288
February 27, 1984 9 a.m.-noon 4-7 p.m.	Region IV Education Service Center 7200 West Tidwell Houston, Texas (713) 462-7708
February 27, 1984 9 a.m.-noon 4-7 p.m.	Region VII Education Service Center 818 East Main Street Kilgore, Texas (214) 984-3071
February 28, 1984 9 a.m.-noon 4-7 p.m.	Region VI Education Service Center 3332 Montgomery Huntsville, Texas (409) 295-9161
February 28, 1984 9 a.m.-noon 4-7 p.m.	Region VIII Education Service Center 100 North Riddle Mount Pleasant, Texas (214) 572-8551
February 28, 1984 9 a.m.-noon 4-7 p.m.	Region XVIII Education Service Center LaForce Boulevard Midland, Texas (915) 563-2380
February 29, 1984 9 a.m.-noon 4-7 p.m.	Region XV Education Service Center 612 South Irene Street San Angelo, Texas (915) 658-6571
February 29, 1984 9 a.m.-noon 4-7 p.m.	Region XVII Education Service Center 4000 22nd Place Lubbock, Texas (806) 792-4000
March 1, 1984 9 a.m.-noon 4-7 p.m.	Region XII Education Service Center 401 Franklin Avenue Waco, Texas (817) 756-7494
March 1, 1984 9 a.m.-noon 4-7 p.m.	Region XVI Education Service Center 1601 South Cleveland Amarillo, Texas (806) 376-5521

March 2, 1984
9 a.m.-noon
4-7 p.m.

Region XIX Education
Service Center
6611 Boeing Drive
El Paso, Texas
(915) 779-3737

March 5, 1984
9 a.m.-noon
4-7 p.m.

Region I Education Service
Center
1900 West Schunior
Edinburg, Texas
(512) 383-5611

March 13, 1984
9 a.m.-noon
4-7 p.m.

Region V Education Service
Center
2295 Delaware Street
Beaumont, Texas
(409) 835-5212

March 13, 1984
9 a.m.-noon
4-7 p.m.

Region XX Education Service
Center
1314 Hines Avenue
San Antonio, Texas
(512) 271-7611

March 14, 1984
9 a.m.-noon
4-7 p.m.

Region X Education Service
Center
400 East Spring Valley Road
Richardson, Texas
(214) 231-6301

Issued in Austin, Texas, on February 16, 1984

TRD-842027 Raymon L. Bynum
Commissioner of Education

Filed February 16, 1984
For further information, please call (512) 475-7077.

Texas Health Facilities Commission Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent

The Texas Health Facilities Commission gives notice of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order, CN indicates certificate of need, PFR indicates petition for reissuance, NIE indicates notice of intent to acquire major medical equipment, NIEH indicates notice of intent to acquire existing health care facilities, NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project, and EC indicates exemption certificate.

Should any person wish to become a party to any of the previously stated applications, that person must file a proper request to become a party to the application within 15 days after the date of this publication of notice. If the

15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P. O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Harlingen Day Surgery Center, Inc., Harlingen
AS83-0415-344A(020984)
CN/AMD—Request for an amendment of Certificate of Need AS83-0415-344, which authorized the certificate holder to construct, equip, and operate a 10,000-square foot freestanding ambulatory surgical center to be located at Sesame Street North and Hale Avenue, Harlingen, on approximately 1.5 acres of land. The certificate holder requests a change in the location of the project to a 1.5-acre site located on the north side of U.S. Highway 77 in Harlingen. The proposed site is less than a mile from the approved site. The project cost has been reduced from \$1,987,264 to \$1,954,594.

Baylor University Medical Center, Dallas
AH81-1211-011A(010484)
CN/AMD—Request for an amendment of Certificate of Need AH81-1211-011, which authorized the certificate holder to conduct an extensive construction and renovation project. The certificate holder requests an increase in the gross area to be constructed from 641,155 square feet to 705,504 square feet, and an increase in the gross square footage to be renovated from 133,481 square feet to 171,334 square feet.

City of Graham for Graham General Hospital,
Graham
AH83-0124-058A(012484)
CN/AMD—Request for an amendment of Certificate of Need AH83-0124-058, which authorized the certificate holder to provide intensive care and coronary care services by reclassifying four medical/surgical beds to a mixed intensive care/coronary care unit. The certificate holder requests an extension of the completion deadline from February 1, 1984, to September 30, 1984, an increase in the project cost from \$35,000 to \$130,000, and the addition of approximately 90 square feet of new construction.

Issued in Austin, Texas, on February 17, 1984

TRD-842035 Judith Monaco
Assistant General Counsel
Texas Health Facilities
Commission

Filed: February 17, 1984
For further information, please call (512) 475-6940.

Houston-Galveston Area Council Request for Proposals

Proposal Content. Proposals should be limited to 15 pages, excluding resumes of assigned personnel and firm experience, and should contain at least the following items.

(1) **Abstract.** The abstract should focus upon highlights of the proposal. Limit is one page.

(2) **Study methodology.** This should outline the firm's approach and tasks to perform the work outlined in the Scope of Work.

(3) **Management plan.** The management plan must contain a schedule of work, qualifications, and assignment of personnel, and an outline of the means by which the work would be coordinated with other related work. One-paragraph summaries of qualifications and experience should be submitted for all personnel assigned to the project. The assignment of personnel must specifically contain the percent of time by personnel for each task included in the Scope of Work.

(4) **Related work.** Work closely related to that described in the Scope of Work, which has been conducted by the prime contractor, any of his subcontractors, or specific individuals named in the management plan shall be briefly described in this part of the proposal. Specific emphasis should be placed upon related work undertaken within the Houston-Galveston Area Council (H-GAC) planning area. Limit is two pages.

(5) **Budget.** A preliminary outline budget shall be presented in this part of the proposal. The purpose of this budget is not to solicit competition bids, but rather to specify the distribution of dollars between the prime contractor and each subcontractor for each task described in the Scope of Work. A preliminary total project budget shall also be prepared, specifying total personnel salaries, overhead, billables, and fixed fee for the prime contractor and each subcontractor. The total amount allocated for this contract is \$45,000.

Time Period Limitations. The study duration is between six to nine months from date of execution of a contract with the selected firm.

Minority Business Enterprise Utilization Provisions. The H-GAC has a commitment to an affirmative action program for minority business and women business enterprises with established goals. Each proposer is encouraged to take affirmative action and make every possible effort to utilize minority business enterprises in the performance of work under this contract. Nothing in this provision shall be construed to require the utilization of any minority business enterprise which is either unqualified or unavailable.

Criteria for Evaluation. The proposals will be evaluated based upon comprehension of study requirements and important characteristics of approach and methodology, qualifications of personnel assigned, management and task budget, and previous related work experience.

Reports and Presentations. It is anticipated that some interim reports and presentations would be required, in addition to the final report. The number of reports and presentations and the financial responsibility for produc-

ing the final report would be subjects for negotiation with the selected firm.

Selection Procedure. After receipt of proposals, an evaluation will be made, and it is anticipated that two to three firms would be selected for oral presentations and interviews. Selection will be made by representatives of the H-GAC board of directors. The H-GAC retains the prerogative to select from the firms asked to make oral presentations initially or to call in additional firms for oral interviews. Any or all proposals may be rejected if it is deemed to be in the best interests of the H-GAC.

Assurances. The H-GAC will comply with the Civil Rights Act of 1964, Title VI (Public Law 88-352), and, in accordance with the Act, Title VI, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant received federal financial assistance, and will immediately take any measures necessary to effectuate this agreement.

Statement of Work. The purpose of a priority corridor plan for transportation system management (TSM) applications in the Houston urbanized area is to maximize the mobility of vehicular movement through the application of low-cost management techniques which would increase the capacity and efficiency of the existing arterial roadway network. The proposed TSM plan would identify and rank specific corridors for development of a traffic management plan to handle the ever-increasing demand on arterials. As such, the following work elements are identified:

Concerning areawide policies and standards, the TSM plan will provide implementing agencies areawide policies and standards in TSM applications. A procedure encompassing guidelines leading to a course of actions would be developed. An event-triggered mechanism to facilitate periodic evaluation of the operating condition along the study corridors should be considered. Evaluation criteria for ranking candidate corridors so as to set implementing priorities by funding agencies should be identified.

Concerning data collection, the consultant will review existing and/or collect new data when necessary so as to analyze the needs and benefits of TSM application. The consultant will be providing preliminary data for each corridor in conventional format, as well as an on-site videotape of each corridor. This preliminary data and videotape should be of sufficient nature to augment visual inspection of the corridor and identify priorities.

Concerning ranking of corridors, the consultant will be working under the guidance of the TSM Study Committee, consisting of members from the Houston-Galveston Regional Transportation Study Office and District 12 of the State Department of Highways and Public Transportation, METRO, City of Houston Traffic and Transportation Department, Harris County Engineering Department, and the H-GAC. Twenty corridors as selected from the list provided by the committee are targeted for priority study. Candidate corridors are to be drawn from arterials currently not included in any city capital improvement program, county bond pro-

gram, state and federal highway improvement program, or METRO projects. The consultant would be required to further define limits and boundaries of these 20 corridors based on operating characteristics and potential for TSM applications. The consultant is further required to develop a ranking system identifying priority corridors which warrant detailed investigation by implementing agencies in coming years

The consultant will be required to make presentations to special-interest groups or public agencies, as directed by the committee during the course of the study.

The duration of the study is six to nine months. The budget is not to exceed \$45,000. Ten copies of the proposal should be submitted to Michael Weaver, Manager, Transportation Department, Houston-Galveston Area Council, P.O. Box 22777, Houston, Texas 77227, by March 23, 1984.

Issued in Houston, Texas, on February 14, 1984

TRD-842054

Michael J Weaver
Transportation Manager
Houston-Galveston Area Council

Filed February 17, 1984

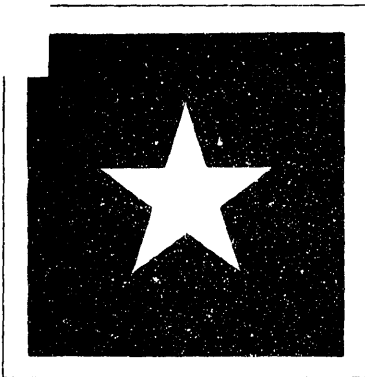
For further information, please call (713) 627-3200.

Second Class Postage

PAID

Austin, Texas
and additional entry offices

7/3/83 3:00 PM
TEXAS REGISTER
CITY OF HOUSTON
LITTON AND ASSOCIATES
P.O. BOX 13824
AUSTIN, TEXAS 78711-3824



To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

You may also use this form to request back issues of the *Texas Register*. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$2.00.

Please enter my subscription to the *Texas Register* as indicated below. (I will look for my first issue in about two weeks.)

- 1 year (100 issues) \$70
- 6 months (50 issues) \$50
- Payment enclosed
- Bill me

For information concerning the *Texas Register*, please call (512) 475-7886, or write to P.O. Box 13824, Austin, Texas 78711-3824.

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

Change of Address
(Please attach mailing label)

Back issues requested
(Please specify dates)

Name

Organization

Occupation Telephone

Address

City State Zip Code

For office use only