

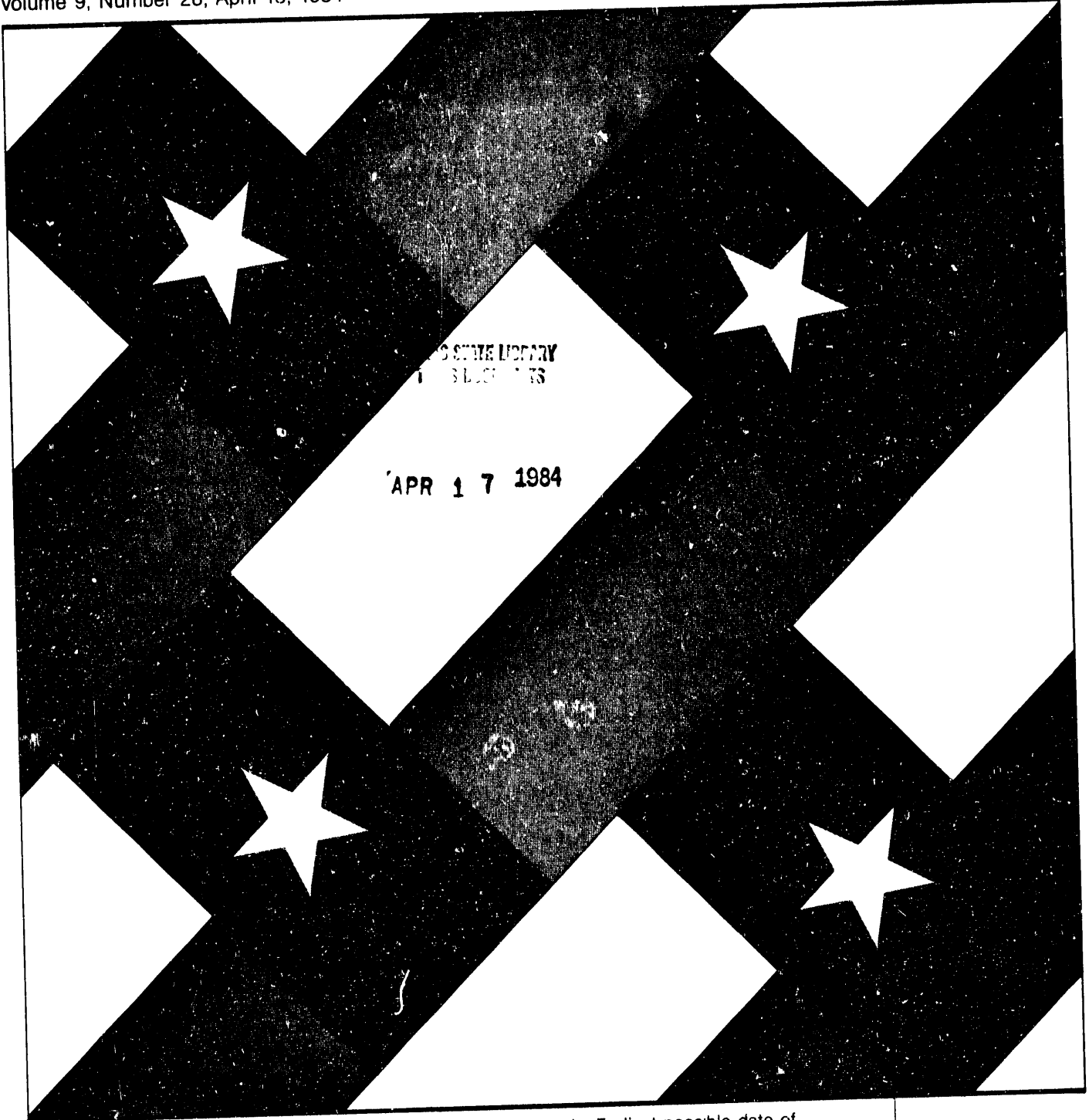
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Texas Register

Volume 9, Number 28, April 13, 1984

Pages 2037 - 2106



Highlights

The Texas Department of Agriculture proposes an amendment concerning the field inspection chart. Earliest possible date of adoption - May 14. page 2044

The Texas Department of Community Affairs proposes amendments concerning allocation of

program funds. Earliest possible date of adoption - May 14. page 2047

The State Board of Insurance proposes new sections concerning inland marine insurance, rain insurance, or hail insurance on farm crops. Earliest possible date of adoption - May 14. page 2074

**Office of
the Secretary
of State**

Texas Register

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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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 9 TexReg 3"

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

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).



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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

Opinions Issued March 28

Election Law Opinion JWF-32. Request from Sue Daniel, Potter County clerk, Amarillo, regarding the authority of a county to charge political parties for certain electronic voting equipment and services provided to political parties for use in party primary elections.

Summary. The expenses incurred by a county in hiring additional personnel to provide the service of preparing and main-

taining the voting equipment in a primary election may not be assessed to the political parties. Reimbursement under Article 13.08(f) for the costs incurred by a county for transporting the equipment to and from the polling places in a primary election includes the cost of personnel. All parts of the ballot labels, such as hinges and masks, must be supplied by the parties. However, the cost of items which are a part of the voting device, such as wire locks and seals, must be borne by the county.

TRD-843779

Election Law Opinion JWF-33. Request from Mary Lois McMahan, Calhoun County clerk, Port Lavaca, regarding the reportability of contributions to help pay legal fees incurred because of an election contest.

Summary. Contributions accepted by a candidate to help pay legal fees incurred because of an election contest must be reported under the Texas Election Code, Chapter 14.

TRD-843780

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 13. CULTURAL
RESOURCES
Part II. Texas Historical
Commission
Chapter 11. Administrative
Department
Donations
13 TAC §§11.6-11.10**

The Texas Historical Commission is renewing the effectiveness of the emergency adoption of new §§11.6-11.10 for a 60-day period effective April 7, 1984. The text of the new sections was originally published in the December 16, 1983, issue of the *Texas Register* (8 TexReg 5209)

Issued in Austin, Texas, on April 4, 1984

TRD-843831 Susan Willis
Administrative Assistant
Texas Historical Commission

Effective date April 7, 1984
Expiration date June 6, 1984
For further information, please call (512) 475-3092.

**Chapter 19. Field and Museum
Services
Small History Museum Grants
13 TAC §§19.01-19.10**

The Texas Historical Commission is renewing the effectiveness of the emergency adoption of new §§19.01-19.10 for a 60-day period effective April 25, 1984. The text of the new sections was originally published in the January 6, 1984, issue of the *Texas Register* (9 TexReg 94)

Issued in Austin, Texas, on April 4, 1984

TRD-843832 Susan Willis
Administrative Assistant
Texas Historical Commission

Effective date April 25, 1984
Expiration date June 24, 1984
For further information, please call (512) 475-3092



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 Texas Insurance Code, Article 5.96 and Article 5.97, the Register pub-

lishes notices of actions taken by the State Board of Insurance pursuant to the Code, Chapter 5, Subchapter L. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act

The board's action on an emergency matter may be effective for 120 days, and is renewable one time for

a period not exceeding 60 days immediately following the 120-day period.

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 approved a filing by the Surety Association of America of two endorsement forms for use with health maintenance organization bonds.

These two riders are to be used when the blanket position bond and comprehensive 3-D Policy Form B are issued to Texas health maintenance organizations.

Rider SR-5083a (Endorsement 219) can be used to require notice of cancellation to the commissioner of insurance.

Rider SR-6143 (Endorsement 220) is to be used only with comprehensive 3-D Policy Form B or a blanket position bond issued to a health maintenance organization in Texas to extend the discovery period for dishonesty to three years.

It is the board's opinion and the board finds that this filing should be approved as an emergency filing under the Insurance Code, Article 5.97, section (j), as there is a clear and compelling necessity that immedi-

ate action be taken to permit issuance of these bonds in compliance with the Texas Health Maintenance Organization Act, §30. That provision requires that a health maintenance organization shall maintain in force on all officers and employees a surety bond, which said bond shall obligate the principal and surety to pay such pecuniary loss as the health maintenance organization shall sustain through acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction, or wilful misapplication by an employee or officer. These forms will permit health maintenance organizations to comply with statutory law.

This filing is effective for 120 days from and after the date of its filing for publication in the Office of the Secretary of the State.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on April 5, 1984

TRD-843889

James W. Norman
Chief Clerk
State Board of Insurance

Effective date April 6, 1984

Expiration date August 4, 1984

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

Proposed Rules

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 and local government and small businesses, 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.

TITLE 4. AGRICULTURE Part 1. Texas Department of Agriculture

Chapter 21. Seed Certification Standards

Field Inspection Chart

4 TAC §21.21

The Texas Department of Agriculture proposes an amendment to §21.21, concerning the field inspection chart. The proposed amendment effects conformity with the seed certification requirements of the Federal Seed Act. The proposed amendment adds new crop kinds (flat pea and bundleflower).

Kenneth Boatwright, Seed Division director, has determined that for the first five year period the section 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 section.

Mr. Boatwright also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed is assurance that the rules and regulations of the Texas Department of Agriculture are in agreement with the provision of the Federal Seed Act. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Kenneth Boatwright, Director, Seed Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 475-2038.

The amendment is proposed under the Texas Agriculture Code, Chapter 62, §12.001, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code.

§21.21 Number and Time of Field Inspections The following number and time of field inspections chart, as amended in **April 1984** [September, 1978], that designates date of application and time of field inspection for various crop kinds as required for seed certification for genetic identity only, is adopted by reference for the purpose of seed certification by genetic identity only. Copies may be obtained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Capitol Station, Austin, Texas 78711, (512) 475-2038.

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 April 4, 1984

TRD 843838

Patrick Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption

May 14, 1984

For further information, please call (512) 475-6686

Acreage Inspection Fees for Certification

4 TAC §21.31

The Texas Department of Agriculture proposes amendments to §21.31, concerning acreage inspection fees for certification. The proposed amendments effect conformity with the seed certification requirements of the Federal Seed Act. The proposed amendments add new crop kinds (flat pea and bundleflower).

Kenneth Boatwright, Seed Division director, has determined that for the first five-year period the section 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 section.

Mr. Boatwright also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed is assurance that the rules and regulations of the Texas Department of Agriculture are in agreement with the provision of the Federal Seed Act. There is no anticipated economic

cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Kenneth Boatwright, Director, Seed Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 475-2038.

The amendments are proposed under the Texas Agriculture Code, Chapter 62, §12.001, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code.

§21.31. *Inspection Fees for Certification [Table 1].* The following inspection fees for certification chart as amended in April 1984, that designates fees per acre for various crop kinds as required for seed certification for genetic identity only, is adopted by reference for the purpose of seed certification by genetic identity only. Copies may be obtained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 475-2038.

	[Foundation	Registered	Certified
1/Agrotricum	\$.25	\$.25	\$.25
2/Alfalfa	.50	.50	.50
Buckwheat	.25	.25	.25
Cantaloupe	2.50	2.50	2.00
Clover (all kinds)	.50	.50	.50
3/Corn	1.50	---	1.50
Cotton	.20	.15	.10
Cowpea, Field Bean & Flat Pea	.75	.50	.50
4/Flax	.75	.75	.75
5/Forest tree seed	---	---	2.00
6/Forest tree seedling	---	---	35.00
7/Grass (seeded)	2.00	2.00	2.00
8/Grass (vegetatively propagated)	12.00	12.00	12.00
Guar	2.00	2.00	1.50
Illinois bundleflower	2.00	2.00	2.00
Millet (Foxtail and Pearl)	1.00	.80	.50
Millet (Gahi I and Hybrids)	1.50	---	1.25
Okra	2.00	2.00	1.50
9/Peanut	.35	.35	.35
10/Small grain	.25	.25	.25
Rice	2.00	2.00	1.50
Sorghum (open pollinated)	.60	.50	.40
11/Sorghum (commercial hybrids)	---	---	1.25
12/Sorghum (A, B and R lines)	5.00	---	---
Soybean	.45	.35	.25
Sugar cane	2.50	---	2.00
11Sunflower (commercial hybrids)	---	---	1.25
Sunflower (A and R lines)	5.00	---	---
Watermelon	3.50	3.50	3.00

The amendment is proposed under the Texas Agriculture Code, Chapter 62, §12.001, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code.

§12.41. *Minimum Amount of Seed Required for Laboratory Analysis.* The minimum amount of seed required for laboratory analysis chart as amended in April 1984 [September, 1978], that details the minimum amount required for laboratory analysis, is adopted by reference for the purpose of seed certification for genetic identity only. Copies may be obtained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Capitol Station, Austin, Texas 78711, (512) 475-2038.

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 April 4, 1984

TRD-843840 Patrick Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption.

May 14, 1984

For further information, please call (512) 475-6686.

Genetic Seed Chart

4 TAC §21.51

The Texas Department of Agriculture proposes an amendment to §21.51, concerning the genetic seed chart. The proposed amendment effects conformity with the seed certification requirements of the Federal Seed Act. The proposed amendment adds new crop kinds (flat pea and bundleflower).

Kenneth Boatwright, Seed Division director, has determined that for the first five-year period the section 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 section.

Mr. Boatwright also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed is assurance that the rules and regulations of the Texas Department of Agriculture are in agreement with the provision of the Federal Seed Act. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Kenneth Boatwright, Director, Seed Division, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 475-2038.

The amendment is proposed under the Texas Agriculture Code, Chapter 62, §12.001, which provides the Texas Department of Agriculture with the authority to make rules necessary to carry out provisions of the Code.

§12.51. *Genetic Seed Certification Standards.* The Seed Certification—Isolation Distances Chart and Footnotes, as amended April 1984 [August, 1980], that delineate isolation distances, are adopted by reference for the purpose of seed certification by genetic identity only. Copies may be contained from Seed Division, Texas Department of Agriculture, P.O. Box 12847, Capitol Station, Austin, Texas 78711, (512) 475-2038.

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 April 4, 1984

TRD-843841 Patrick Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption:

May 14, 1984

For further information, please call (512) 475-6686.

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs Chapter 9. Texas Community Development Program Subchapter A. Allocation of Program Funds

10 TAC §§9.1-9.5 (§§9.101-9.105)

The Texas Department of Community Affairs (TDCA) proposes amendments to §§9.101-9.105, concerning the allocation of Community Development Block Grant (CDBG) nonentitlement area funds under the Texas Community Development Program (TCDP). The amendments also change the numbering sequence from §§9.101-9.105 to §§9.1-9.5. The amendments establish the standards and procedures by which the TDCA will allocate CDBG nonentitlement area funds to eligible units of general local government in Texas beginning with the expenditure of federal fiscal year 1984 funds. The amendments cover application requirements, citizen participation requirements, ineligible activities, the appeals process, unmet benefits, false information, funding cycles, and selection procedures and criteria.

Douglas C. Brown, general counsel, 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.

Joseph A. Kayne, Texas Community Development Program director, 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 en-

forcing the rules as proposed is the equitable allocation of CDBG nonentitlement area funds to eligible units of general local government in Texas. 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 Douglas C Brown, General Counsel, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711.

The amendments are proposed under Texas Civil Statutes, Article 4413(201), §4A, which provide the Texas Department of Community Affairs with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities in accordance with rules and regulations adopted by the Texas Department of Community Affairs.

§9.1 [§9.101]. General Provisions.

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

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

(3) Community Development Block Grant nonentitlement area funds—The funds awarded to the State of Texas pursuant to Title I of the Housing and Community Development Act of 1974, as amended (42 United States Code §5301 *et seq*) and the regulations promulgated thereunder in 24 Code of Federal Regulations Part 570. [(47 FedReg 15290 (April 8, 1982))]

(4)-(8) (No change)

(9) Low- and moderate-income person—A member of a family which earns less than 80% of the area [state] median family income, as defined under the U.S. Department of Housing and Urban Development Section 8 Assisted Housing Program [for nonentitlement areas]

(10) Neighborhood revitalization district—A contiguous area of not more than 2,000 residents in which at least 51% of the residents qualify as low and moderate income persons.

(11)[(10)] Nonentitlement area—An area which is not a metropolitan city or part of an urban county as defined in 42 United States Code §5302

(12)[(11)] Permanent job—A job for which continuation of employment is not dependent on funds provided through the Texas Community Development Program.

(13)[(12)] Poverty—The current official poverty line established by the director of the federal Office of Management and Budget

(14)[(13)] Primary beneficiary—A low- or moderate-income person

(15) Regional Review Committee—A regional community development review committee, one which is established in each of the 24 state planning regions established by the governor pursuant to Texas Civil Statutes, Article 1011m.

(16)[(14)] State Review Committee—The State Community Development Review Committee established pursuant to Texas Civil Statutes, Article 4413(201).

(17)[(15)] TDCA—Texas Department of Community Affairs.

(18)[(16)] Underemployed person—A person who works less than 40 hours per week, not by choice, at a salary that is not commensurate with his skills and experience

(19)[(17)] Unemployed person—A person between the ages of 16 and 64, inclusive, who is not presently working but is seeking employment.

(20)[(18)] Unit of general local government—An entity defined as a unit of general local government in 42 United States Code §5302(a)(1), as amended. [Any incorporated municipality or county in Texas which is not participating or designated as eligible to participate in the entitlement portion of the Community Development Block Grant.]

(b) Overview [Federal fiscal year 1983] Community Development Block Grant nonentitlement area funds will be distributed by the Texas Community Development Program to eligible units of general local government in the following program areas.

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

(4) Emergency[/Discretionary] Fund.

(c) Types of applications.

(1) Single jurisdiction applications. An applicant may submit one application per Texas Community Development Program fund, as outlined in subsection (b) of this section, [§9.101(b)] on its own behalf

(2) County "on behalf of" applications. County governments eligible under the Texas Community Development Program may submit applications on behalf of other eligible communities within their respective jurisdictions with the following restrictions:

[(A) Counties may submit only one "on behalf of" application per community per program year.

[(B) Any community which elects to participate through the county may not submit any other application for that year

[(C) "On behalf of" applications must be based on an explicit written agreement entered into between the community and the county

[(D) Counties that are awarded "on behalf of" contracts will be the responsible agents for financial compliance and program performance]

(2)[(3)] Joint applications Joint applications will be accepted from two or more units of general local government if the application clearly demonstrates that the proposed activities will mutually benefit the residents of the communities applying for funds. However, any community participating in a joint application may not submit a single jurisdiction application [or be represented by a county as part of an "On Behalf Of" application for funding] under the project fund for which the joint application was submitted. One of the participating communities must be primarily accountable to the TDCA for financial [and] compliance and program performance. A joint application may not exceed the contract amount ceilings for its project category

[(d) Regional review committees.

(1) Composition There is a Regional Community Development Review Committee in each of the 24 State Planning Regions. Each committee consists of at least 12 members appointed by the governor. Composition of each regional committee reflects geographic diversity within the region, difference in population among

eligible localities, and types of government (general law cities, home rule cities, and counties). The chairman of the committee is also appointed by the governor. Members of the committee will serve one-year terms.

(2) **Role.** The Regional Review Committee may review any application within its region for funding under the Community Development Project Fund and Economic Development Project Fund. Comments, recommendations, and rankings are then sent to the TDCA and the State Community Development Review Committee. Regional Review Committees are especially encouraged to rank projects seeking funding under the Community Development Project Fund. Regional Review Committees may elect to utilize staff of regional planning commissions to assist with project review responsibilities.]

(d)(e) **Ineligible activities.** Any type of activity not described or referred to in the federal Housing and Community Development Act of 1974, §5305(a), (42 United States Code §5301 *et seq*) is ineligible for funding under the Texas Community Development Program. Specific ineligible activities include, but are not limited to, construction of buildings and facilities used for the general conduct of government (e.g., city halls, courthouses, and jails); new housing construction, except in cases of replacement housing when individuals are displaced by Texas Community Development Program activities; the financing of political activities; purchases of construction equipment; income payments, such as housing allowances; and most operation and maintenance expenses; and pre-contract costs, such as application preparation fees paid prior to submittal of the application.

(e)(f) **Citizen participation.** An applicant for Texas Community Development Program funding must:

(1) hold at least one public hearing prior to preparing its application and at least one additional public hearing prior to submitting its completed application to the TDCA. **At least one of the public hearings must be held in the proposed project area. The first public hearing must be held at least 14 days prior to the second public hearing. The first public hearing must include a presentation describing the funding available, the types of eligible activities under the Texas Community Development Program, and the use of past Texas Community Development Program funds, if applicable;** and

(2) publish notice of each hearing in the nonlegal section of a newspaper having general circulation in the municipality or county at least seven days prior to each scheduled hearing. The published notice must include the date, time, and location of each hearing and the topics to be considered at each hearing. The published notice must be printed in both English and Spanish at the discretion of the unit of general local government as appropriate. **An applicant must retain documentation of the notices of the hearings, a list of the persons who attended the hearings, and minutes of the hearings for a period of one year after the date of the second public hearing, or until the project, if funded, is closed out.**

(f)(g) **Appeals.** An applicant for funding under the Texas Community Development Program may appeal the disposition of its application in accordance with this subsection.

(1) The appeal may only be based on one or more of the following grounds:

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

(C) **Other procedural error:** The application is not processed by TDCA in accordance with the application and selection procedures set forth in this subchapter. **Procedural errors alleged to have been committed by a regional review committee may only be appealed in accordance with the provisions of §9.6 of this title (relating to Regional Review Committees.)**

(2) The appeal must be submitted in writing to the Texas Community Development Program/TDCA no later than 30 days after the date the announcement of contract awards is published in the *Texas Register*. TDCA staff will evaluate the appeal and **may either concur with the appeal and make an appropriate adjustment to the applicant's scores, or disagree with the appeal and prepare an appeal file for consideration by the State Review Committee at its next regularly scheduled meeting. The State Review Committee will make a final recommendation to the executive director of the TDCA.** [present a recommendation to the State Review Committee for review and comment. A final recommendation will be presented to the executive director of TDCA.] The decision of the executive director of TDCA is final.

(3) In the event the appeal is sustained and the corrected scores would have resulted in project funding, the application will be approved and funded out of the emergency[/discretionary] fund (See §9.5 [§9 105] of this title (relating to Emergency[/Discretionary] Fund).) If the appeal is rejected, the TDCA will notify the applicant of its decision, including the basis for rejection, before the 31st day after the date the appeal is received by the TDCA

(g) **Threshold requirements.** An applicant must satisfy each of the following requirements in order to be eligible for funding under the Texas Community Development Program:

(1) demonstrate the ability to manage and administer the proposed project, including meeting all proposed benefits outlined in its application;

(2) demonstrate the financial management capacity to operate and maintain any improvement made in conjunction with the proposed project;

(3) levy a local property tax or local sales tax option;

(4) demonstrate satisfactory performance on prior Texas Community Development Program contracts; and

(5) resolve all outstanding compliance and audit findings related to previous Texas Community Development Program contracts.

(h) **Unmet benefits.** Actions that may be taken against a contractor by the TDCA where the TDCA and the State Review Committee find that the contractor did not provide the level of benefits specified in its contract include, but are not limited to:

(1) holding the contractor ineligible to apply for Texas Community Development Programs funds for a period of two program years or until any issue of restitution is resolved; whichever is longer;

(2) requiring the contractor to reimburse the TDCA for the difference between the amount of funds provided for the level of benefits specified in the contract

and the amount of funds actually extended in providing such level of benefits; and

(3) rescoring the contractor's application, and, if the level of benefits actually provided by the contractor would have changed the funding recommendation, terminating the local government's contract.

(i) False information. Action that may be taken against an applicant or contractor by the TDCA where the TDCA determines that the applicant or contractor provided false information in its application for the purpose of improving its scoring during the competition include, but are not limited to:

(1) holding the applicant or contractor ineligible to apply for Texas Community Development Program funds for a period of two program years or until any issue of restitution is resolved, whichever is longer; and

(2) terminating the local government's contract if the correct information would have changed the scores and resulted in a change in the rankings for purposes of funding.

(j) Substitution of standardized data. Any applicant that chooses to substitute locally generated data for standardized information available to all applicants must use the survey instrument provided by the TDCA and must follow the procedures prescribed in the instructions to the survey instrument. Substitution of data for scoring community distress factors will require a 100% effort. Data on low/moderate income benefits have varying acceptable sample sizes based on the population of the community and the type of activity for which funds are being sought.

§9.2 [§9.102]. Community Development Project Fund.

(a) General provisions. This fund covers housing, public facilities, and public service projects. Eligible units of general local government may only apply for funding of a single purpose project such as housing assistance, sewer improvements, water improvements, drainage, roads, or community centers. A single purpose project (e.g., the extension of water lines and connections) may include some auxiliary activities, such as repair of streets under which the lines were placed, and still be considered a single purpose project, provided, however, that neighborhood revitalization will be considered a single purpose project and may contain a combination of eligible activities if the applicant has designated a neighborhood revitalization district in which all such activities will take place. [For the purposes of the allocation of federal fiscal year 1983 CDBG nonentitlement area funds, the Community Development Project Fund consists of contractors that are receiving funding under either the Community Development Project Fund or the Jobs Bill Fund or are receiving Texas Community Development Program funding in accordance with a multiyear grant commitment made by the U.S. Department of Housing and Urban Development in federal fiscal year 1981.]

(b) Funding cycle. This fund will be allocated on an annual basis to eligible units of general local government pursuant to a regional competition. Applications for funding must be received by the Texas Community Development Program by 5 p.m. on Wednesday, June 20, 1984.

(c) Allocation plan.

(1) Over 90% of this fund will be allocated among the 24 state planning regions established pursuant to Texas Civil Statutes, Article 1011m, by a formula based on the following factors and weights:

- (A) number of persons living in poverty25%
- (B) percentage of persons living in poverty25%
- (C) population30%
- (D) number of unemployed persons...10%
- (E) unemployment rate10%

(2) Each state planning region will be provided with a target allocation of funds for applications in its region that are ranked in accordance with a shared scoring system involving the TDCA and the Regional Review Committees. Where the remainder of the target allocation is insufficient to completely fund the next ranked application, the TDCA will work with the affected applicant to determine whether partial funding is feasible. If partial funding is not feasible, the remaining funds from all the target allocations will be pooled to fund projects from among the highest ranked, unfunded applications from each of the 24 state planning regions.

(3) The remainder of this fund constitutes the state discretionary fund. After applications have been ranked by the Regional Review Committees, the TDCA will screen the remaining, unfunded applications based on predetermined state community development and housing needs and priorities. Applications which are responsive to the predetermined needs and priorities will then be scored pursuant to TDCA-generated statistical scores and state program design factors. The state discretionary fund ranking will not be bound by Regional Review Committee scores for program design.

(d) Selection procedures.

(1) Prior to the submission deadline, each eligible unit of general local government may submit one application for funding under the community development project fund. Copies of the application must be provided to both the Regional Review Committee and the TDCA/Community Development Division.

(2) Upon receipt of an application, the TDCA staff will perform an initial review to determine whether the application is complete and whether all proposed activities are eligible for funding, if ranked. The results of this initial review will be provided to the applicant and appropriate Regional Review Committee. In those instances where the TDCA staff determines that the application is either incomplete or that the activities are ineligible for funding, the applicant may correct any deficiencies in the application as long as the corrected application is received by the TDCA by the deadline specified in subsection (b) of this section.

(3) Each Regional Review Committee shall hold a scoring meeting in accordance with the procedures specified in the TDCA's *Regional Review Committee Guidebook* (March 1984) and in accordance with the procedures and priorities previously established by each Regional Review Committee. Each Regional Review Committee must provide every applicant within its region with an opportunity to make a presentation before the Regional Review Committee. The Regional Review Committee will then score the project design factors.

(4) Following the resolution of any appeals from actions of the Regional Review Committee as specified in §9.6 of this title (relating to Regional Review Committees). The TDCA will add scores relating to community distress, benefits to low- and moderate-income persons, local tax effort, and minority hiring and contracting to the Regional Review Committees' project design scores to determine regional rankings. Scores on the factors in these four categories are derived from standardized data from the Census Bureau, other state and federal sources, or from information provided by the applicant. The TDCA will ask the Regional Review Committees to review these figures for accuracy. The community with the highest score for each factor within the region will receive the maximum number of points for that factor. Other applicants within the same region will receive points proportional to their score on that factor when compared to the applicant with the highest score. For example, Community A has the highest unemployment rate in the region (15%). Therefore, Community A receives the maximum number of points on that factor (50 points). Community B in the same region has an unemployment rate of 7.5%. The number of points given to Community B is figured as follows: the unemployment rate in B is divided by the unemployment rate in A, and that figure is multiplied by the maximum number of points. The resulting figure is the number of points awarded on that factor. In this example, 7.5 divided by 15 and multiplied by 50 equals 25. Therefore, on the factor related to unemployment rate, Community B would receive 25 points.

(5) Following a final technical review, the TDCA staff will make funding recommendations to the State Review Committee.

(6) The funding recommendations of the State Review Committee are then provided to the executive director of the TDCA. If the State Review Committee recommendations differ from the funding recommendations of a Regional Review Committee, the State Review Committee must provide the affected Regional Review Committee with a written explanation of its determination. The Regional Review Committee may then provide a response to the executive director of the TDCA. If there is not a consensus between a Regional Review Committee and the State Review Committee, all review comments by all of the parties involved in the selection process will be forwarded to the executive director of the TDCA.

(7) The executive director of the TDCA will then submit final recommendations for project awards to the governor for final review and announcement of the contract awards.

(8) Upon announcement of contract awards by the governor, the TDCA staff will begin working with recipients to execute the contract agreements. While the award must be based on the information provided in the application, the TDCA may negotiate any element of the contract with the recipient as long as the contract amount is not increased and the level of benefits described in the application is not decreased. The level of benefits may be negotiated only when the project is partially funded with the remainder of the target allocation within a region.

(e) Selection criteria. The following is an outline of the selection criteria to be used by the TDCA and the Regional Review Committees for scoring applications

under the community development project fund. Thirteen hundred points are available.

(1) Community distress (total—200 points). All community distress factor scores are based on the population of the applicant.

- (A) Percentage of persons living in poverty 50
- (B) Per capita income 50
- (C) Percentage of housing units without some or all plumbing 50
- (D) Unemployment rate 50

(2) Percentage of Texas Community Development Program funds that directly benefit low and moderate income persons (total—300 points). This factor score is based only on those residents of the applicant that are determined to be direct beneficiaries of the applicant's proposed activities, as defined by the TDCA in its current Texas Community Development Program application package.

(3) Minority hiring and contracting (total—100 points). In the event less than 2.0% of the applicant's population base is composed of minority residents, the applicant does not have any permanent, minority employees, or the applicant has not purchased any goods and services from a minority firm for a total dollar value of greater than \$1,000, the applicant will be assigned the average score on this factor for all applicants in its state planning region. The terms used in this paragraph are defined in the current Texas Community Development Program application package. The applicable period for the purchases of goods and services is either the most recent 12-month period or the most recently completed fiscal year of the local government.

- (A) Percentage of minorities presently employed by the applicant divided by percentage of minority residents within the local community 50
- (B) Percentage dollar awards by the applicant to minority businesses for purchases of goods and services divided by percentage of minorities in the area 50

(4) Local tax effort for purposes of general revenue sharing (total—100 points). This factor is derived by dividing the adjusted revenues collected by the applicant by the total personal income of the applicant.

(5) Project design (total—300 points).

- (A) Regional program priority 100
- (B) Severity of need (total—300 points)
 - (i) Continuity of need at least 50
 - (ii) Definitions and criteria established by each Regional Review Committee .. no more than 250
- (C) Resolution of problem (total—200 points)
 - (i) Project efficiency, as defined by each Regional Review Committee at least 50
 - (ii) Definitions and criteria established by each Regional Review Committee .. no more than 150

§9.3 [§9.103]. Economic Development Project Fund.

(a) General provisions. This fund covers projects which will result in either an increase in new, permanent employment within a community[,] or retention of existing permanent employment [or an increase in the local tax base resulting in an increase in local revenues]. All jobs being created or maintained must primarily benefit low and moderate income persons. No assistance will be

provided for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one unit of general local government within Texas to another unit of general local government within Texas unless the relocating industrial or commercial plant or facility provides the TDCA with satisfactory documentation that it will move out of the State of Texas without such assistance or unless the chief elected official of the unit of general local government from which such plant or facility is relocating provides the TDCA with satisfactory documentation that such unit of general local government has no objections to the relocation.

(b) Funding cycle. This fund will be allocated on a quarterly basis to eligible units of general local government on a statewide competitive basis. Applications for funding for each quarter must be received by the Texas Community Development Program by 5 p.m. on the following dates:

(1) **First Quarter: June 20, 1984;**

(2)(1) **Second Quarter: September 15, 1984** [December 1, 1983];

(3)(2) **Third Quarter: December 15, 1984** [March 1, 1984];

(4)(3) **Fourth Quarter: March 15, 1985** [June 1, 1984].

(c) Selection procedures. Scoring and recommended rankings of projects will be done by a five-member Technical Review Committee with input from the Regional Review Committees. The Technical Review Committee will consist of program or division directors selected by the executive director of the TDCA from within the TDCA or other appropriate state agencies (e.g., the Texas Economic Development Commission). The application and selection procedures consist of the following steps:

(1) Prior to the submission deadline, each eligible jurisdiction may submit one application for funding under the Economic Development Project Fund. Copies of the applications should be provided to both the Regional Review Committee and the **TDCA/Local Government Assistance Division** [Texas Community Development Program/TDCA].

(2) Upon receipt of an application, the TDCA staff will perform an initial review to determine whether the application is complete and whether the activities proposed are eligible for funding. In those instances where the TDCA staff determines that the application is either incomplete or that the activities are ineligible for funding, the applicant may correct any deficiencies in the application as long as it is resubmitted prior to the application deadline. Results of this initial staff review will be provided to the **applicant and the Technical Review Committee** [appropriate Regional Review Committee].

(3) (No change.)

(4) **The Technical Review Committee generates scores on factors related to project design. Each application will be scored on how the proposed project resolves the identified economic development need within the applicant. This information and comments provided by the Regional Review Committees will be used by the Technical Review Committee to generate the scores on project design.** [TDCA generates scores on selection criteria related to community distress, benefits to low and moderate income persons, and minority hiring and contracting.

Scores on the factors in these three categories are derived either from standardized data from the Census Bureau and other state and federal sources or from information provided by the applicant. TDCA will ask the Regional Review Committees to review these figures for accuracy.]

(5) **The TDCA generates scores on selection criteria related to community distress, benefits to low and moderate-income persons, and minority hiring and contracting. Scores on the factors in these three categories and derived either from standardized data from the Census Bureau and other state and federal sources or from information provided by the applicant.** [Technical Review Committee generates scores on factors related to project design. Each applicant will be asked to provide specific information about the problem to be addressed with Texas Community Development Program funds, how the proposed project resolves the problem, and how the community plans to operate and manage the project activities. This information, in addition to comments by the Regional Review Committees, will be used by the Technical Review Committee to generate scores on these factors.]

(6) Scores on all factors are totaled to obtain project rankings. **The projects are then ranked based on the total score for each application.** [Once the Technical Review Committee has scored the project design factors, those points are added to the scores from the other three criteria categories. The projects are then ranked based on the total score for each application.]

(7) The TDCA staff conducts technical review of the **highest ranked applications. The purpose of this review is to make three threshold determinations of the feasibility of the application as follows:** [The purpose of the technical review of the highest ranked projects is to make the threshold determination on the technical and financial feasibility of the project. Guidance from the Regional Review Committee on the technical review is encouraged. Additionally, TDCA staff will review the applicant's ability to operate and maintain the project.]

(A) **the financial feasibility of the project based on a credit analysis of the businesses to be assisted;**

(B) **firm commitments of all other public and/or private investments which were identified in the application; and**

(C) **the ability of the applicant to operate or maintain any public facility or service assisted with Texas Community Development Program funds.**

(8) Based on the final technical review, the TDCA staff will make recommendations for project selection to the State Review Committee. **The State Review Committee will review the work of the Technical Review Committee and the TDCA staff and provide funding recommendations to the executive director of the TDCA.** [The State Review Committee may accept the TDCA staff recommendations as presented or prepare additional comments and alternatives.]

(9) **The executive director of the TDCA submits project recommendations to the governor for final review and announcement of the contract awards.** [Project recommendations are then submitted to the TDCA executive director with any additional information that may have been provided from the Regional Review Commit-

tees, State Review Committee, or other parties involved in the selection process.]

(10) The governor announces awards and the TDCA works with the recipients to execute the contract agreements. While the award must be based on the information provided in the application, the TDCA may negotiate any element of the contract agreement with the recipient as long as the contract amount is not increased and the level of benefits described in the application is not decreased. [The TDCA executive director submits a final set of recommendations for project awards to the governor for final review and announcement of the contract awards. Any comments provided by the State Review Committee will accompany the executive director's recommendations.]

(11) Governor announces awards and TDCA works with the recipients to execute the contract agreements. While the award must be based on the information provided in the application, TDCA may negotiate any element of the contract agreement with the recipient as long as the contract amount is not increased and the level of benefits described in the application is not decreased.]

(d) Selection criteria. The following is an outline of the selection criteria to be used by the TDCA, the Technical Review Committee, and the State Review Committee for selection of projects under the economic development project fund. One thousand one hundred fifty points are available.

(1) Community Distress (Total—200 Points). All community distress factor scores are based on the population of the applicant.

(A) Percentage of persons living in poverty 50
[Personal Income.

 (i) Number of persons living in poverty 20

 (ii) Percentage of persons living in poverty 20

 (iii) Per capita income 10]

(B) Per capita income 50
[Housing Characteristics

 (i) Number of units lacking some or all plumbing facilities 25

 (ii) Percentage of units lacking some or all plumbing facilities 25]

(C) Percentage of housing units without some or all plumbing 50

[Local Fiscal Condition Per Capita Assessed Tax Base 50]

(D) Unemployment rate 50
[Business Climate

 (i) Unemployment rate for last calendar quarter for which final figures are available. . . . 25

 (ii) Percentage increase/decrease in sales tax over past two years 25]

(2) Percentage of Texas Community Development Program funds that directly benefit low- and moderate-income persons (Total—300 points). This factor score is based only on those residents of the applicant that are determined to be direct beneficiaries of the applicant's proposed activities, as defined by the TDCA in its current Texas Community Development Program

application package. [Benefit to Low and Moderate Income Persons (Total—300 Points)

 (A) Percentage of funds that directly benefit low and moderate income persons 75

 (B) Number of low and moderate income persons benefiting from the project 75

 (C) Number of low and moderate income persons benefiting from the project divided by total number of persons benefiting from the project 75

 (D) Number of low and moderate income persons benefiting from the service/facility divided by total number of low and moderate income persons requiring service/facility 75]

(3) Minority hiring and contracting (Total—100 points). In the event less than 2.0% of the applicant's population base is composed of minority residents, the applicant does not have any permanent, minority employees, or the applicant has not purchased any goods and services from a minority firm for a total dollar value of greater than \$1,000, the applicant will be assigned the average score on this factor for all applicants in its state planning region. The terms used in this paragraph are defined in the current *Texas Community Development Program Application and Procedures Manual*. [Project Design—(Total—550 Points)]

(A) Percentage of minorities presently employed by the applicant divided by percentage of minority residents within the local community 50

[Severity of Problem (Total—150 Points)

 (i) Extent of Unemployment

 (I) Number of persons unemployed—40

 (II) Percentage of persons unemployed—40

 (ii) Lag in job growth (defined as increase/decrease in number of persons employed over two years compared to state average)—35

 (iii) Lag in sales tax growth (defined as increase/decrease over two years compared to state average)—35]

(B) Percentage dollar awards by the applicant to minority businesses for purchases of goods and services divided by percentage of minorities in the area 50

[Resolution of Problem (Total—250 Points)

 (i) Number of permanent jobs created/retained—75

 (ii) Extent to which the project addresses unemployment—25

 (iii) Extent to which the project addresses underemployment—25

 (iv) Increase in local tax base—25

 (v) Extent to which the project promotes diversification of local tax base—25

 (vi) Extent to which the project fosters additional economic development—25

 (vii) Extent to which the project uses underutilized capacity (e.g., land, buildings)—25

 (viii) Extent to which the project results in additional local economic development capacity (e.g., 503 Corporation)—25

- [(C) Efficiency (Total—150 Points)
Texas Community Development Program dollars requested divided by number of jobs created/retained—150
- [(D) Thresholds (No Points)
 - [(i) Ability to operate or maintain any public facility or service
 - [(ii) Technical and financial feasibility review of the project
 - [(iii) Firm commitments of other private and/or public investments from appropriate sources]
- (4) **Project design (Total—550 Points). The terms used in this paragraph are defined in the current Texas Community Development Program Application and Procedures Manual. [Other (Total—100 Points).]**
 - (A) **Severity of need (Total—100 Points)**
[Minority Employment—Percentage of minorities presently employed by the locality divided by percentage of minorities within the local population . . . 50]
 - (i) **Lag in job growth** 50
 - (ii) **Lag in sales tax revenue** 50
 - (B) **Resolution of need (Total—450 Points)**
[Minority Contracting—Dollar awards to minorities for all public projects during the past year divided by total dollar awards for the same period . . . 50]
 - (i) **Total Texas Community Development Program funds requested divided by the total number of jobs created and/or retained** 100
 - (ii) **Number of jobs created or retained** 100
 - (iii) **Leveraging of other public and private investment** 150
 - (iv) **Extent to which the project uses underutilized capacity (e.g., developed land and existing buildings)** 50
 - (v) **Extent to which the local industrial base is diversified** 25
 - (vi) **Use of Job Training Partnership Act funds** 25

§9.4 [§9.104]. [Community Development] Planning/Capacity Building Fund.

- (a) **General provisions.** This fund is intended to provide an opportunity for units of general local government to prepare comprehensive community development plans, develop strategies, assess needs, and build or improve local capacity to undertake future community development projects or to prepare other needed planning elements. Eligible units of general local government are to be the direct recipients of planning contracts. Units of general local government may submit one application for planning funds **semiannually** [each quarter]. A community which is currently receiving or applying for funding under the community development project fund may only submit an application under this section if the proposed planning/capacity building project is **unrelated to activities for which the local government has received funding under the community development project fund or for which the local government is applying for funding under the Community Development Program Fund** [related to economic development and could not be considered for funding under the community development project fund].
- (b) **Funding cycle.** This fund is [will be] allocated on a **semiannual** [quarterly] basis to eligible units of gener-

al local government on a statewide competitive basis. Applications for funding for each quarter must be received by the Texas Community Development Program by 5 p.m. on the following dates:

- (1) **First Semiannual Competition: June 20, 1984;** [Second Quarter: December 1, 1983;]
- (2) **Second Semiannual Competition: December 15, 1984.** [Third Quarter: March 1, 1984;]
- (3) **Fourth Quarter: June 1, 1984.**

(c) **Selection procedures.** Scoring and the recommended ranking of projects will be done by a five-member Technical Review Committee with input from the Regional Review Committees. The Technical Review Committee will be designated by the executive director of the TDCA from within the TDCA or other appropriate state agencies (e.g., the Governor's Office of Planning and Intergovernmental Relations). The application and selection procedures consist of the following steps.

(1) Prior to the application deadline, each eligible jurisdiction may submit one application for funding under the community development planning/capacity building fund. Copies of the application should be provided to both the Regional Review Committee and the **TDCA/Local Government Assistance Division** [Texas Community Development Program/TDCA].

(2) Upon receipt of an application, the TDCA staff will perform an initial review to determine whether the application is complete and whether the activities proposed are eligible for funding. In those instances where the TDCA staff determines that the application is either incomplete or that the activities are ineligible for funding, the applicant may correct any deficiencies in the application as long as it is resubmitted prior to the application deadline. Results of this initial staff review will be provided to the **applicant and the Technical Review Committee** [appropriate Regional Review Committee.]

(3) [Regional Review Committees provide any additional information or comments to TDCA.] Each Regional Review Committee may, at its option, review and comment on a planning/capacity building proposal from a jurisdiction within its state planning region. These comments will become part of the application file and will be considered by the Technical Review Committee.

(4) **The Technical Review Committee generates scores on factors related to project design. Each application will be scored on how the proposed planning activities resolve the identified community/economic development needs of the local government. This information, as well as any comments made by the Regional Review Committee, will be used by the Technical Review Committee to generate scores on the project design factors.** [TDCA generates scores on selection criteria related to community distress, benefits to low and moderate income persons, and minority hiring and contracting. Scores on the factors in these three categories are derived either from standardized data from the Census Bureau or other state/federal sources or from information provided by the applicant. TDCA will ask the Regional Review Committees to review these figures for accuracy. The community with the highest score for each factor within the region will receive the maximum number of points for that factor. Other applicants within the same region will receive the points proportional to their score on that factor compared to the

community with the highest score. For example, Community A has the highest unemployment rate in the region (15%). Therefore, Community A receives the maximum number of points on that factor (20 points). Community B, in the same region, has an unemployment rate of 7.5%. The number of points given to Community B is figured as follows: the unemployment rate in B is divided by the unemployment rate in A, and that figure is multiplied by the maximum number of points. The resulting figure is the number of points awarded on that factor. In this example, 7.5 divided by 15 and multiplied by 20 equals 10. Therefore, on the factor related to unemployment rate, Community B would receive 10 points. The scores and points generated by TDCA will be provided to each of the Regional Review Committees for projects submitted by jurisdictions within their region.]

(5) **The TDCA generates scores on selection criteria relating to community distress, benefits to low- and moderate-income persons, and minority hiring and contracting. Scores on the factors in these three categories are derived from standardized data from the Census Bureau, other state or federal sources, or from information provided by the applicant.** [Technical Review Committee generates scores on factors related to project design. Each applicant will be asked to provide specific information about the need for planning and capacity building, present and past efforts, and what elements will be included in the proposed planning/capacity building activities. This information plus comments from the Regional Review Committees will be used by the Technical Review Committee to generate scores on these factors.]

(6) **Scores on all factors are totalled to obtain project rankings.** [Once the Technical Review Committee has scored the project design factors, those points are added to the scores from the other three criteria categories.] The projects are then ranked based on the total score for each application.

(7) **The TDCA staff submits funding recommendations to the State Review Committee. The State Review Committee will then review the work of the Technical Review Committee and the TDCA staff and provide funding recommendations to the executive director of the TDCA.** [After TDCA makes a determination of the applicant's ability to manage the planning/capacity building project, recommendations for project selection are presented to the State Review Committee. The committee may accept the TDCA staff recommendations as presented or prepare additional comments and alternatives.]

(8) **The executive director of the TDCA submits funding recommendations to the governor for final review and announcement of the contract awards.** [Project recommendations are then submitted to the executive of TDCA with any additional information that may have been provided by the Regional Review Committees, State Review Committee, or other parties involved in the selection process.]

(9) **Upon the announcement of contract awards by the governor, the TDCA staff will begin working with recipients to execute the contract agreements. While the award must be based on the information provided in the application, the TDCA may negotiate any element of the contract agreement with the recipient as long as the con-**

tract amount is not increased and the level of benefits described in the application is not decreased. [The TDCA executive director submits a final set of recommendations for project awards to the governor for final review and announcement of the contract awards. Any comments provided by the State Review Committee will accompany the Executive Director's recommendations.]

[(10) Upon the announcement of contract awards by the governor, the TDCA staff will begin working with recipients to execute the contract agreements. While the award must be based on the information provided in the application, TDCA may negotiate any element of the contract agreement with the recipient as long as the contract amount is not increased and the level of benefits described in the application is not decreased.]

(d) **Selection criteria.** The following is an outline of the selection criteria to be used by the TDCA, the Technical Review Committee, and the State Review Committee for selection of the projects under the planning/capacity building fund. [Criteria under project design are, by necessity, speculative in nature. For example, the applicant will be judged on the problems that will be addressed through the planning/capacity building effort instead of a discreet activity that resolves a problem. As a result of the speculative nature of the need for planning/capacity building and the proposed effort, the weights for project design criteria have been significantly reduced. Benefit to low and moderate income individuals can only be measured in terms of potential benefit. For example, if a community applies for funds to execute a housing needs study and develop a strategy for housing rehabilitation, points will be awarded for low and moderate income benefits based on the number of persons who potentially would benefit if the project was in fact carried out in the identified project area.] **One thousand seventy five [800] points are available.**

(1) **Community distress (Total—200 Points). All community distress factor scores are based on the population of the applicant.**

(A) **Percentage of persons living in poverty 50**
 [Personal Income
 {(i) Number of persons living in poverty—20
 {(ii) Percentage of persons living in poverty—20

 {(iii) Per capita income—10]
 (B) **Per capita income 50**
 [Housing Characteristics
 {(i) Number of units lacking some or all plumbing facilities—25

 {(ii) Percentage of units lacking some or all plumbing facilities—25]

(C) **Percentage of housing units without some or all plumbing 50**
 [Local Fiscal Condition—per capita assessed tax base—50]

(D) **Unemployment rate 50**
 [Business Climate
 {(i) Unemployment rate for last calendar quarter for which final figures are available—25
 {(ii) Percentage increase/decrease in sales tax over past two years—25]

(2) **Percentage of Texas Community Development Program Funds that directly benefit low and moderate income persons (Total—300 Points). This factor score**

is based only on those residents of the applicant that are determined to be direct beneficiaries of the applicant's proposed activities, as defined by the TDCA in its current Texas Community Development Program application package. [Benefit to Low and Moderate Income Persons—(Total—300 Points)

(A) Percentage of funds that directly benefit low and moderate income persons—75

(B) Number of low and moderate income persons benefiting from the project—75

(C) Number of low and moderate income persons benefiting from the project divided by the total number of persons benefiting from the project—75

(D) Number of low and moderate income persons benefiting from the service/facility divided by the total number of low and moderate income persons requiring service/facility—75]

(3) **Minority hiring and contracting (Total—100 Points).** In the event less than 2.0% of the applicant's population base is composed of minority residents, the applicant does not have any permanent minority employees, or the applicant has not purchased any goods and services from a minority firm for a total dollar value of greater than \$1,000, the applicant will be assigned the average score on this factor for all applicants in its state planning region. The terms used in this paragraph are defined in the current Texas Community Development Program application package. [Program Design—(Total—200 Points)]

(A) **Percentage of minorities presently employed by the applicant divided by percentage of minority residents within the local community 50** [Need for Planning/Capacity Building—100

(i) Increase/decrease in community growth

(ii) Problem(s) to be addressed through contract activities

(iii) Existing planning capacity

(iv) Past planning efforts]

(B) **Percentage dollar awards by the applicant to minority businesses for purchases of goods and services divided by percentage of minorities in the area . . . 50** [Proposed Effort—100

(i) Extent to which project will identify present conditions and needs

(ii) Extent to which project will develop local policy/planning/management capacity

(iii) Extent to which project will identify short-term and long-term objectives

(iv) Extent to which project will produce a strategy to address goals and objectives

(v) Extent to which the project will draw on existing local, regional, and state plans

(vi) Extent to which recommendations from past planning effort have been implemented

(C) **Thresholds (No Points).** Ability of the applicant to administer the planning/capacity building project]

(4) **Need for planning effort (Total—175 Points).** [Other—(Total—100 Points)]

(A) **Increase/decrease in population of the applicant, based on percent change 50** [Minority Employment—percentage of minorities pres-

ently employed by the locality divided by the percentage of minorities within the local population 50

(B) **Program priority 100**

[Minority Contracting—Dollar awards to minorities for all public projects during the past year divided by the total dollar awards for same period 50

(C) **Initial planning versus updating plans 25**

(5) **Proposed planning effort (Total—300 Points).**

(A) **Local commitment (Total—75 Points).**

This factor is based on the matching of Texas Community Development Program funds by the applicant. Scores will be based on hard dollars committed to the planning effort, community size, and local tax effort. Communities with a population under 2,000 are exempt from this factor and will receive the average score of all other applicants.

(B) **Planning strategy and products (Total—225 Points).** Points will be awarded on the following:

(i) the extent to which findings of previous planning efforts have been implemented;

(ii) how clearly the proposed planning effort will resolve the community needs addressed in the application; and

(iii) whether the proposed activities will result in the development of a strategy capable of implementation.

§9.5 [§9.105]. Emergency/[Discretionary] Fund.

(a) General provisions. Assistance under this fund is available to units of general local government for eligible activities under Title I of the Housing and Community Development Act of 1974, as amended. Unsolicited requests for emergency assistance will not be considered for funding. Assistance under the emergency fund will only be provided if one of the following has occurred: [eligible applicants in three categories. Any project activities funded through the Emergency/Discretionary Fund must be eligible under Title I of the Housing and Community Development Act, as amended. The three categories are:]

(1) **the governor has requested a presidential declaration of a major disaster;** or [Alleviation of an emergency situation. To receive emergency assistance under this program category, the situation to be addressed with Texas Community Development Program funds must be both "unanticipated" and "beyond the control of the local government." For example, the collapse of a municipal water distribution system due to lack of regular maintenance would not qualify. If the same situation was caused by a tornado or flood, the community could apply for emergency funds. Additionally, in emergency situations the Texas Community Development Program dollars are to be viewed as "gap" financing or "funds of last resort." In other words, the community may only apply to TDCA for funding of those activities for which assistance from other sources is not available.]

(2) **the governor has declared a state of disaster or emergency.** [Unique or innovative approaches for addressing local needs, including but not limited to the needs of special population groups, such as migrant workers, the elderly, the handicapped, and American Indians. Under this category, the applicant must demonstrate that the project, by its design requirements, would not qualify

or rank well under any of the other program funds. For example, a project that took advantage of a unique development opportunity that fell outside of the regular annual competition for Community Development Projects Funds awards would be considered as eligible for funding under the Emergency/Discretionary Fund.

[(3) Sustained appeals under §9.101(g) of this title (relating to General Provisions).]

(b) Funding cycle Funds for emergency/[discretionary] projects will be awarded throughout the program year in response to emergency situations [and unique/innovative proposals. There is no application deadline]

(c) Selection procedures. **As soon as an area qualifies for emergency assistance, the TDCA will work with the governor's office and the Emergency Management Division of the Texas Department of Public Safety to determine where Texas Community Development Program funds can best be utilized. The TDCA will then contact the unit of local government selected for funding to negotiate a contract.** [Emergency/discretionary grants will be awarded based on recommendations from a five-member Technical Review Committee and the State Review Committee. The Technical Review Committee will consist of program or division directors selected by the executive director of TDCA from within TDCA or other appropriate state agencies (e.g., the Division of Emergency Management within the Texas Department of Public Safety). The application and selection procedures consist of the following steps:

[(1) A mayor or county judge may petition TDCA for funding under the Emergency/Discretionary Fund program when the local government determines that it qualifies as the result of an emergency situation or has developed a unique/innovative project to address the needs of a special population group. The petition, in the form of a resolution by the local government body, must be accompanied by documentation of the emergency situation or the needs of the special population group. Examples of documentation are a letter from the Texas Department of Health or a designation by the Division of Emergency Management of the Texas Department of Public Safety. No formal application will be required for units of general local government seeking assistance under this fund

[(2) Based on information provided by the local government, TDCA staff will make a recommendation to the Executive Director of TDCA on eligibility for funding under the Emergency/Discretionary Fund. The staff may request clarification or additional information from the applying local government. If the petition is rejected, notice of the rejection and the reason for the rejection will be provided to the local government within 10 working days of the receipt of the petition.

[(3) TDCA staff is assigned to work with the local government to negotiate project activities, the budget, and the implementation schedule. The local government must prepare a preliminary work program listing each activity to be undertaken with Texas Community Development Program funds and the relation of that activity to other efforts to address the emergency/discretionary situation a project schedule, and a preliminary budget. Each resulting element of the negotiations process will be presented to the Technical Review Committee for review

and comment. Guidance by the Technical Review Committee may lead to the renegotiation of any element. Additionally, the applicant must provide a management plan for operation and maintenance of the proposed project.

[(4) Following the negotiations between TDCA and the local government, the TDCA staff will prepare a contract recommendation for review and comment by the State Review Committee. The recommendation will be accompanied by any comments provided as a result of the regional review and comment process or from other interested parties.

[(5) Project recommendations are then submitted to the Executive Director of TDCA with any additional information that may have been provided by the Technical Review Committee, State Review Committee, or other parties involved in the selection process.

[(6) Executive Director of TDCA submits recommendations for project awards to the Governor for final review and announcement of contracts. Any comments provided by the State Review Committee will accompany the Executive Director's recommendations.

[(7) Upon announcement of the contract awards by the Governor, TDCA staff will work with the recipients to execute the contract agreements.]

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 April 9, 1984

TRD-843907 Douglas C Brown
General Counsel
Texas Department of Community
Affairs

Earliest possible date of adoption
May 14, 1984

For further information, please call (512) 443-4100,
ext 210

10 TAC §9.6

The Texas Department of Community Affairs proposes new §9.6, concerning regional review committees. The section establishes the role and responsibilities of the regional review committees in the Texas Community Development Program allocation system. The section covers the composition and role of the regional review committees, meetings, conflicts of interest, voting, and appeals.

Douglas C Brown, general counsel, 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.

Joseph A Kayne, Texas Community Development Program director, 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 greater participation by local elected officials in the Texas Community Development Program allocation process. 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 Douglas C. Brown, General Counsel, P.O. Box 13166, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 4413, (201) §4A, which provide the Texas Department of Community Affairs with the authority to adopt rules governing the allocation of community development block grant nonentitlement area funds.

§9 6. *Regional Review Committees.*

(a) *Composition* There is a Regional Review Committee in each of the 24 state planning regions. Each committee consists of at least 12 members appointed by the governor, each of whom must be a member of the governing body of an eligible unit of general local government. A member vacates his position on a Regional Review Committee when he ceases to be such a local elected official. Composition of each regional committee reflects geographic diversity within the region, difference in population among eligible localities, and types of government (general law cities, home rule cities, and counties). The chairman of the committee is also appointed by the governor. Members of the committee will serve one-year terms.

(b) *Role.* Each Regional Review Committee will review and score all applications submitted from within its region under the community development project fund. Each Regional Review Committee may review and comment on economic development project fund and planning/capacity building project fund application. Each Regional Review Committee will send its scores and comments to the Texas Department of Community Affairs (TDCA). Regional Review Committees may elect to utilize staff of regional planning commissions to assist with project review responsibilities.

(c) *General requirements* In the performance of its responsibilities, each Regional Review Committee shall comply with all federal and state laws and regulations relating to the administration of community development block grant nonentitlement area funds including, but not limited to, requirements of this subchapter, the scoring procedures specified in the current *Regional Review Committee Guidebook*, and the procedures established by the Regional Review Committee under the Texas Community Development Program.

(1) *Meetings* Each meeting held by a Regional Review Committee shall conform to the following requirements.

(A) The Regional Review Committee shall notify each applicant within the Regional Review Committee's state planning region, in writing, of the date, time, and location of the meeting at least five days prior to the meeting.

(B) Each applicant shall be provided with the opportunity to make a presentation to the Regional Review Committee.

(C) The order of the presentations shall be randomly selected by the Regional Review Committee.

(D) All discussions, deliberations, and votes shall be made in public except for items which would be specifically exempted under the Texas Open Meetings Act.

(E) A quorum of two-thirds of the current members of the Regional Review Committee, rounded up

to the next highest number, shall be present. Any actions taken by a Regional Review Committee in which a quorum was not present shall be voidable, provided, however, that if a conflict of interest situation has required a Regional Review Committee member to excuse himself, thus dropping the number of participating members below the two-thirds requirement, a quorum shall have been considered present.

(2) *Conflicts of interest.* No member of a Regional Review Committee shall participate in the deliberations concerning an application or vote on an application if the member is on the governing body of the applicant.

(3) *Voting.* Only appointed members of a Regional Review Committee may vote on an action of the Regional Review Committee, provided, however, that a Regional Review Committee member may designate an alternate to participate in the Regional Review Committee's deliberations. Each Regional Review Committee shall retain all ballots or other voting records used by its members. Such records shall be maintained in an accessible location and be made available for inspection by the public and the TDCA upon request for a period of one year.

(d) *Appeals.* An applicant may appeal the actions of the Regional Review Committee established in its state planning region by following the procedures set forth in this subsection. The TDCA will withhold the running of computer scores on community development project fund applications for five working days after the Regional Review Committee's scoring meeting or until all regional appeals, if any, have been resolved, whichever is longer. If an appeal affects another applicant within its region, the Regional Review Committee must provide written notification of the appeal to that applicant.

(1) An applicant shall notify its Regional Review Committee, in writing, of an alleged violation of Regional Review Committee procedures committed by the Regional Review Committee within five working days after the Regional Review Committee meeting which is the subject of the appeal. The applicant shall also send a copy of the appeal to the TDCA. All appeals must be based on a specifically identified violation of regional review committee procedures.

(2) Within five working days after receipt of an appeal, the Regional Review Committee shall take one of the following actions.

(A) The Regional Review Committee agrees that the complained of procedural violation occurred, makes appropriate adjustments to regional scores, and notifies the applicant and the TDCA. Any agreement must be ratified by a quorum of the membership of the Regional Review Committee.

(B) An informal consultation is held between the applicant and a designated representative of the Regional Review Committee. A summary of either an agreement of the unresolved issues must be sent to the applicant and the TDCA. Any agreement must be ratified by a quorum of the membership of the Regional Review Committee; or

(C) the Regional Review Committee disagrees and provides the applicant and the TDCA with a written statement of the basis of the disagreement. The Regional Review Committee may hold a rehearing if so requested.

by the applicant, as long as both the initial hearing and the rehearing are held within five working days after the receipt of the original appeal.

(3) If the appeal is resolved, the TDCA will run the computer scores and provide funding recommendations to the State Review Committee.

(4) If the appeal is not resolved, the TDCA will prepare an appeal file for the State Review Committee. The file will include:

- (A) the appeal;
- (B) the response of the Regional Review Committee;
- (C) TDCA staff reports; and
- (D) comments of other interested parties.

(5) The State Review Committee shall make one of the following recommendations to the executive director of the TDCA:

- (A) sustain the appeal and suggest corrective actions; or
- (B) reject the appeal and sustain the regional scores.

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 April 9, 1984

TRD-843906 Douglas C. Brown
 General Counsel
 Texas Department of Community
 Affairs

Earliest possible date of adoption
May 14, 1984

For further information, please call (512) 443-4100,
ext. 210.

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 title and part.)

Powers and Duties

Examination and Corporate Custodian and Tax

059.01.15.226

The State Board of Insurance proposes new Rule 059.01.15.226, concerning requirements and instructions to the Texas Catastrophe Property Insurance Association (association) and to insurers claiming a tax credit under the Insurance Code, Article 21.49, § 19 (the Texas Catastrophe Property Insurance Pool Act). The rule requires the association to certify certain information to the board respecting assessments and

claims paid under Article 21.49; it states that certain disputes are subject to Article 21.49, § 9; it requires insurers or members as defined in Article 21.49, § 5(c), to certify the gross premium tax credit to be allocated to each member or insurer within its group; and it sets out certain interpretations and requirements for an insurer to qualify for a tax credit under Article 21.49, § 19. A substantially similar version of this rule has been previously adopted on an emergency basis. It became effective on January 10, 1984, and appeared in the January 17, 1984, issue of the *Texas Register* (9 TexReg 366).

Steve Pence, Corporate Custodian and Tax Division assistant 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 as a result of enforcing or administering the rule. The information required to be reported to the board under subsection (a) of the rule simply facilitates the board's task of determining the proper tax credit under Article 21.49, § 19, so that it may perform its duties under the Insurance Code, Article 4.10, which is the applicable gross premium tax statute. Subsection (b) and subsection (c) are restatements of statutory law.

The anticipated cost of compliance for small businesses is the cost to each insurer (which meets the definition of a small business) of compiling the information required by subsection (a) and forwarding it to the association and of causing its books and records to reflect the amounts certified to the association. This is not expected to substantially increase costs because the same or similar steps would be required to properly receive the tax credit permitted under Article 21.49, § 19, in any case. Subsection (b) and subsection (c) are simply restatements of extant statutory law. There is no anticipated difference in the cost of compliance between small businesses and large businesses on a cost-per-hour-of-labor basis.

Mr. Pence 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 the adoption of a procedure in which tax credits due under the Insurance Code, Article 21.49, § 19, may be taken and verified in an orderly fashion, and the adoption in rule form of certain statutory interpretations so they are better known to the insurance industry and the public in general.

The anticipated economic cost to individuals who are required to comply with the rule is the cost to each insurer and to the association to compile and submit the information required by the rule under subsection (a), and for each insurer to cause its books and records to properly reflect the amount submitted to the association. This is not expected to substantially increase the cost to insurers because the same or similar steps would be required to properly receive the tax credit permitted under the Insurance Code, Article 21.49, § 19, in any case. The cost to the association was \$30,000 the first year. It is expected to be one-third less in years with no storms and equal to or more than that figure in years with large storms. Subsection (b) and subsection (c) are simply restatements of

extant statutory law and should, therefore, entail no additional costs.

Comments on the proposal may be submitted to Steve Pence, Assistant Director, Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

The new rule is adopted under authority of the Insurance Code, Article 21.49, particularly §§5, 5A, 9, and 19 thereof, and the Insurance Code, Article 4.10. Article 21.49 specifies various requirements for the association to provide certain insurance in a catastrophe area or inadequate fire insurance area as those terms are defined in Article 21.49. Article 21.49, §5A, authorizes the State Board of Insurance to issue any orders which it considers necessary to carry out the purposes of Article 21.49. Article 21.49, §5(c) specifies the manner of participation in the association by member insurers. Article 21.49, §9, specifies the procedure for appeals. Article 21.49, §19, permits a tax credit for certain insured losses under the conditions specified in that section. The provisions of subsection (b) of the rule are interpretations of §19. The Insurance Code, Article 4.10, authorizes the State Board of Insurance to establish fair and reasonable rules appropriate for the augmentation and implementation of that article.

.226 Certification of Assessments/Claims Paid, and Credit Against Premium Taxes for Members of the Texas Catastrophe Property Insurance Association under the Insurance Code, Article 21.49

(a) On or before the 15th day of February of each year, the Texas Catastrophe Property Insurance Association shall certify to the State Board of Insurance the total amount of assessments paid by members and the total amount of claims paid by the association during the preceding calendar year, which certification shall include a summary of the total amount of claims paid during the preceding calendar year showing the year or years in which the losses were incurred. In the event the aggregate amount of either assessments paid or claims paid on losses that were incurred in a single calendar year exceeds \$100 million, the association shall list the dollar amount of such excess of \$100 million that is attributable to each individual insurer. For the purpose of determining the amount attributable to each individual member insurer of a member group composed of two or more individual member insurers, the association shall obtain from each member group a certification of the following: the percentage participation of each individual member insurer in the member group's assessment or assessments during the previous calendar year and the total amount of money paid by each individual insurer of the member group for each assessment during the previous calendar year. On or before the first day of February of each year, each individual insurer of a member group shall cause the foregoing information to be certified to the association. The books and records of each individual insurer must reflect the amounts as certified to the association.

(b) An insurer is eligible for a tax credit under Article 21.49, §19, only to the extent its share or a portion of its share of the assessment (as determined by the association) of total insured losses exceeding \$100 million

in the year for which the tax credit is claimed has been paid. No insurer is entitled to a greater amount of aggregate tax credit than its share of total insured losses exceeding \$100 million which have been paid.

(c) Any dispute between an insurer and the association as to the amount allowable as an admitted asset or for credit against premium taxes is subject to the appeal provisions of Article 21.49, §9.

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 April 4, 1984

TRD-843789

James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption

May 14, 1984

For further information, please call (512) 476-2950.

059.01.15.251

The State Board of Insurance proposes new Rule 059.01.15.251, concerning instructions and forms for the preparation and filing of tax returns by various insurers and other entities required to file tax returns with the State Board of Insurance for the 1983 calendar year. This rule was adopted on an emergency basis and became effective on January 12, 1984. The emergency amendment appeared in the January 20, 1984, issue of the *Texas Register* (9 TexReg 398). The forms and instructions include requirements for information respecting gross premium, maintenance, and other taxes and certain incidental fees, and provide a form to be used in reporting and determining the amount owed. A line is included in the forms for certain property insurers to take any credit authorized by the Insurance Code, Article 21.49, §19 (the Texas Catastrophe Property Insurance Pool Act).

J. W. Arendall, Jr., Corporate Custodian and Tax Division 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 as a result of enforcing or administering the rule. The anticipated cost of compliance with the rule for small businesses is the administrative cost in completing the form and following the instructions. This will be at least partially offset because tax returns are statutorily required in some form in any case. There is no anticipated difference in the cost of compliance between small and large businesses on a cost-per-hour-of-labor basis.

Mr. Arendall 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 adoption of appropriate forms and instructions to facilitate proper tax returns by insurers and other entities required to report and pay taxes to the State Board of Insurance. The anticipated economic cost to individuals who are required to comply with the rule as proposed is the adminis-

trative costs in completing the forms and following the instructions. This will be at least partially offset because tax returns are statutorily required in some form in any case. The cost will depend on each company's record-keeping practices and type of operation.

Comments on the proposal may be submitted to J W Arendall, Jr., Director, Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

This new rule is adopted under authority of the Insurance Code, Articles 1.04, 1 10(9), 4.07, 4.10, 4 11, 5 12, 5.24, 5 49, 5 68, 9 46, and 23 08; the Texas Health Maintenance Organization Act, §22 and §33, and Texas Civil Statutes, Articles 4769, 6252-13a, §4, and 8306, §28. The Insurance Code, Article 1 10(9), requires the board to furnish to companies required to report to the board statement blanks for the statements required. The Insurance Code, Article 4.07, specifies the charges for certain fees. The Insurance Code, Article 4.10 and Article 4 11, Texas Civil Statutes, Article 4769 and Article 8306, §28, and the Texas Health Maintenance Organization Act, §33, require the payment of taxes on gross premiums by certain entities regulated by the board. The Insurance Code, Articles 5 12, 5 24, 5.49, 5 68, 9 46, 22.18, and 23.08 require the payment of maintenance taxes by certain entities regulated by the board. The Insurance Code, Article 4.10 and Article 4 11, and Texas Civil Statutes, Article 4769, give the board rule-making authority. The Texas Health Maintenance Organization Act, §22, gives the board rule-making authority. The Insurance Code, Article 1.04, places original jurisdiction for the adoption of rules in the board. Texas Civil Statutes, Article 6252-13a, §4, require and authorize the board to adopt rules of practice setting forth the nature and requirements of all procedures available.

.251. Preparation of Tax Returns. Forms and instructions for the preparation of tax returns and certain fees for insurance companies and other principals for the 1983 calendar year are adopted by reference. These instructions and forms are published by the State Board of Insurance and may be obtained from the Corporate Custodian and Tax Division of the State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. Each insurer or other entity shall follow such instructions and use and report on such forms as appropriate to its operation. The instructions and forms are more particularly identified as follows:

(1) a form identified as the 1983 Texas annual tax return for domestic, foreign, and alien life, health, and accident companies;

(2) a form identified as 1983 special instructions, Texas annual tax returns for domestic, foreign, and alien life, health, and accident companies;

(3) a form identified as the 1983 instructions for preparing Texas annual tax returns for foreign and alien life, health, and accident companies transacting business in Texas;

(4) a form identified as the 1983 Texas annual tax return for domestic, foreign, and alien companies,

lloyds, reciprocals, and miscellaneous organizations transacting fire and casualty business in Texas;

(5) a form identified as 1983 instructions for preparing the Texas annual tax return for domestic, foreign, and alien companies, lloyds, reciprocals, and miscellaneous organizations transacting fire and casualty business in Texas,

(6) a form identified as 1983 special instructions, Texas annual tax return for domestic, foreign, and alien companies, lloyds, reciprocals, and miscellaneous organizations transacting the business of fire and casualty insurance in the State of Texas;

(7) a form identified as the Texas annual tax return, including instructions for preparing the 1983 tax return for health maintenance organizations,

(8) a form identified as the Texas annual tax return, including instructions for preparing the 1983 tax return for nonprofit prepaid legal services corporations;

(9) a form identified as the quarterly premium tax return for domestic, foreign, and alien life, health, and accident insurance companies, and

(10) a form identified as the quarterly premium tax return for domestic, foreign, and alien companies, lloyds, reciprocals, and miscellaneous organizations transacting fire and casualty business in the State of Texas.

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 April 4, 1984

TRD-843790

James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption

May 14, 1984

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

059.01.15.261

The State Board of Insurance proposes new Rule 059.01.15.261, concerning annual statement blanks and other reporting forms and instructions to be used and followed by insurers and certain other entities regulated by the State Board of Insurance in reporting their operations to the State Board of Insurance in the 1983 calendar year. Detailed information is required by these forms from such insurers and entities to show their activities during 1983. The information required relates to the financial condition and business operations of such insurers. This rule was adopted on an emergency basis and became effective on December 16, 1983. The emergency amendment appeared in the December 23, 1983, issue of the *Texas Register* (8 TexReg 5387).

J W Arendall, Jr., Corporate Custodian and Tax Division 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 as a result of enforcing or administering the rule. The anticipated cost of compliance with the rule for small

business insurance companies is the administrative expense in completing the forms. This is at least partially offset because an annual statement in some form is required in any case. The amount will depend on the insurer's record-keeping practices and type of operation. There is no anticipated difference in cost between large and small businesses on a cost-per-hour-of-labor basis.

Mr. Arendall also has determined that for each of the first five years the rule as proposed is in the public benefit anticipated as a result of enforcing the rule as proposed is the adoption of forms and instructions to facilitate appropriate reporting to the board by entities it regulates. The anticipated economic cost to individuals required to comply with the rule as proposed is the administrative expense in completing the forms. This is at least partially offset by the fact that insurers are required by statute to complete some form of annual statement, in any case. The amount will depend on the company's record-keeping practices and type of operation.

Comments on the proposal may be submitted to J. W. Arendall, Director, Corporate Custodian and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The new rule is adopted under authority of the Insurance Code, Articles 1.04, 1.10, §9, 1.11, 1.24, 3.07, 6.11, 6.12, 8.07, 8.08, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 21.21, 21.43, 22.06, 22.18, and 23.26, the Texas Health Maintenance Organization Act, §10 and §22, and Texas Civil Statutes, Article 6252-13a, §4. The Insurance Code, Article 1.10(9), requires the board to furnish the necessary blank forms for companies to complete necessary statements. The Insurance Code, Article 1.11, authorizes the board to change the form of annual statements. Article 1.24 authorizes the board to address inquiries to insurance companies and requires companies to answer promptly. The Insurance Code, Article 1.04, places original rule-making jurisdiction in the board. Article 6252-12a, §4, authorizes and requires the State Board of Insurance to adopt rules of practice setting forth the nature and requirements of procedures available. Article 21.21 requires that all statements made by persons in the business of insurance be truthful and not misleading. Article 21.43 requires foreign insurers to comply with the provisions of the Insurance Code generally. The remaining statutes relate to the filing of annual reports and other information by certain specific entities regulated by the board, apply particular statutory law respecting reports to those entities, and specify particular rule-making authority relating to those specific entities.

.261. Annual Statement Blanks, Instructions, and Other Forms. The annual statement blanks, instructions, and other forms for operations in the 1983 calendar year and specified in this rule are adopted by reference. They are published by the State Board of Insurance and may be obtained from the Corporate Custodian

and Tax Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. The insurer or other entity specified in each form or instruction shall properly report to the State Board of Insurance using such blanks or forms and following such instructions as are appropriate to it. The adopted blanks or forms and instructions are as follows:

- (1) a 1983 Texas annual statement blank to be used by life and accident and health insurance companies;
- (2) a form titled "1983 Instructions for Completing Life and Accident and Health Annual Statement Blank";
- (3) a 1983 Texas annual statement blank for life and accident and health insurance company separate accounts, excluding variable life insurance;
- (4) a form titled "Instructions for Completing Separate Accounts Annual Statement Blank";
- (5) a 1983 Texas annual statement blank to be used by fire and casualty companies;
- (6) a form titled "1983 Instructions for Completing Fire and Casualty Annual Statement Blank";
- (7) a 1983 Texas annual statement blank to be used by fraternal orders;
- (8) a form titled "1983 Instructions to Fraternal Benefit Societies for Completing Annual Statement Blanks";
- (9) a 1983 Texas annual statement blank to be used by title insurance companies;
- (10) a form titled "1983 Instructions for Completing Title Insurance Annual Statement Blank";
- (11) a 1983 annual statement blank for health maintenance organizations;
- (12) a form titled "General Information and Instructions for Filing Health Maintenance Organization Annual Report of Affairs and Conditions";
- (13) a form titled "Supplement 'A' to Schedule T, Exhibit of Medical Malpractice Premiums Written Allocated by States and Territories," and revised in 1982;
- (14) a form titled "Fraternal Benefit Societies—Supplement to Valuation Report," and revised in 1978;
- (15) a form titled "Products Liability Insurance Supplement—1983";
- (16) a form titled "Schedule SIS, Stockholder Information Supplement," and revised in 1982;
- (17) a form titled "Insurance Expense Exhibit—1983";
- (18) a form identified as direct business in the State of Texas during the year 1983 and further identified as the Standard (NAIC) page 46, Form I;
- (19) a form titled "Medical Malpractice Business in the State of Texas Schedule 'P' For the Year Ended December 31, 1983";
- (20) a form identified as the 1983 Texas Annual Statement blank to be used by statewide mutual assessment associations, local mutual aid associations, burial associations, and exempt associations, which includes the 1983 Texas reporting supplement;
- (21) a form titled "Instructions for the 1983 Mutual Assessment Annual Statement";
- (22) a 1983 Texas annual statement blank to be used by farm mutual insurance companies, which includes the 1983 Texas reporting supplement;

(23) a form titled "Instructions for the 1983 Farm Mutual Annual Statement";

(24) a 1983 annual statement blank to be used by prepaid legal services corporations, which includes the 1983 Texas reporting supplement;

(25) a form titled "Instructions to Prepaid Legal Services Corporations for Completing Annual Statement Blank";

(26) a form identified as the 1983 Texas reporting supplement to the annual statement for domestic stock life companies, domestic stock fire companies, domestic stock fire and casualty companies, domestic stock casualty companies, and stipulated premium companies;

(27) a form identified as the 1983 Texas reporting supplement to the annual statement for domestic mutual life companies, domestic mutual fire and/or casualty companies, and domestic county mutual companies;

(28) a form identified as the 1983 Texas reporting supplement to the annual statement for foreign stock life companies, foreign stock fire companies, foreign stock fire and casualty companies, foreign stock casualty companies, and Mexican casualty companies;

(29) a form identified as the 1983 Texas reporting supplement to the annual statement for foreign mutual life companies and foreign mutual fire and/or casualty companies;

(30) a form identified as the 1983 Texas reporting supplement to the annual statement for domestic lloyds, foreign lloyds, domestic reciprocals, and foreign reciprocals;

(31) a form identified as the 1983 Texas reporting supplement to the annual statement for domestic fraternal societies and foreign fraternal societies;

(32) a form identified as the 1983 Texas reporting supplement to the annual statement for domestic title companies and foreign title companies;

(33) a form identified as the 1983 Texas reporting supplement to the annual statement for health maintenance organizations,

(34) a form identified as supplement pages 22-28 to the annual statement for health maintenance organizations; and

(35) a form identified as the officers and directors page to be used and completed by each insurer and other principals licensed by the State Board of Insurance, and revised 1978.

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

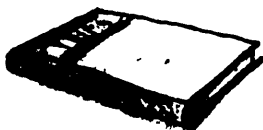
Issued in Austin, Texas, on April 4, 1984

TRD-843791 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption

May 14, 1984

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



Rating and Policy Forms Filing of Rates and Rating Information

059.05.15.001

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.001, which adopts manuals of liability insurance, including supplements and guide (a) rates. This manual is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of current manuals under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current manual adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

The repeal of Rule 059.05.15.001 is proposed under the authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating manuals for general liability insurance; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.001. Manuals of Liability Insurance, Including Supplements and Guide (a) Rates.

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 April 4, 1984

TRD-843792 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption

May 14, 1984

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

059.05.15.004

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.004, concerning standard provisions for general liability policies. These provisions are subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of current forms under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with current provisions adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.004 is proposed under the authority of the Insurance Code, Article 5.15, which provides the State Board of Insurance with authority to review and approve policy and endorsement forms, and pursuant to the board's authority to repeal any rule it has previously adopted.

.004. Standard Provisions for General Liability Policies

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 April 4, 1984

TRD-843793 James W. Norman
Chief Clerk
State Board of Insurance

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059.05.15.005

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

ined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.005, which adopts a composite rating plan for general liability insurance. This rating plan is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current rating plan under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current rating plan adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.005 is proposed under the authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating plans for general liability insurance, and pursuant to the board's authority to repeal any rule it has previously promulgated.

.005 Composite Rating Plan for General Liability Insurance

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 April 4, 1984

TRD-843794 James W. Norman
Chief Clerk
State Board of Insurance

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

059.05.15.006

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Reg-

ister office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin)

The State Board of Insurance proposes the repeal of Rule 059 05 15 006, which adopts by reference rules, rates, and forms for miscellaneous standard and uniform insurance programs regulated under the Insurance Code, Chapter 5, Subchapter B. These rating rules, rates, and forms are subject to adoption under the Insurance Code, Article 5 97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of current programs under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current program adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059 05 15 006 is proposed under the authority of the Insurance Code, Article 5 15, pursuant to which the board may approve standard and uniform rates, rating manuals, and policy and endorsement forms for various lines of insurance, and pursuant to the board's authority to repeal any rule it has previously promulgated.

006 General Liability-Miscellaneous Program

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 April 4, 1984

TRD 843795 James W. Norman
 Chief Clerk
 State Board of Insurance

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

059.05 15.007

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.007, which adopts a manual for boiler and machinery insurance, including guide (a) rates. This manual is subject to adoption under the Insurance Code, Article 5 97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current manual under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current manual adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.007 is proposed under the authority of the Insurance Code, Article 5 15, pursuant to which the board may approve standards and uniform rating manuals for general casualty insurance; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.007. Manual of Boiler and Machinery Insurance, Including Guide (a) Rates.

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 April 4, 1984

TRD-843796 James W. Norman
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.008

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.008, which adopts boiler and machinery policy forms and endorsements. These forms are subject to adoption under the Insurance Code, Ar-

Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of current forms under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with current forms adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.008 is proposed under the authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform policy and endorsement forms for general casualty insurance, and pursuant to the board's authority to repeal any rule it has previously adopted.

.008. Boiler and Machinery Policy Forms and Endorsements.

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 April 4, 1984

TRD 843797 James W. Norman
Chief Clerk
State Board of Insurance

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May 14, 1984

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

059.05.15.009

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.009, which adopts boiler and machinery premium adjustment rating plans. This manual is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultane-

ously with this repeal, the board is considering the adoption of a current rating plan under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current rating plan adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.009 is proposed under the authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating plans for general casualty insurance, and pursuant to the board's authority to repeal any rule it has previously promulgated.

.009. Boiler and Machinery Premium Adjustment Rating Plans

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 April 4, 1984

TRD-843798 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.010

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.010, which adopts manual rules, rates, and forms for nuclear energy liability insurance. This material is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of current rules, rates, and forms

under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with current rules, rates, and forms adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.010 is proposed under the authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating manuals, rates, and forms for general liability insurance; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.010. Nuclear Energy Liability Insurance.

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 April 4, 1984

TRD-843799 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
May 14, 1984

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

059.05.15.011

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.011, which adopts endorsement forms and rating rules for governmental units. These forms and rating rules are subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of current forms and rating rules under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with current forms and rating rules adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.011 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating rules and forms for governmental units and pursuant to the board's authority to repeal any rule it has previously promulgated.

.011. Governmental Units Endorsement Forms and Guide (a) Rates Procedure.

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 April 4, 1984

TRD-843800 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:
May 14, 1984

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

059.05.15.012

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.012, which adopts rates, rating rules, and forms for liquor liability insurance. These rates, rules, and forms are subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current program. No present practice or requirement of the board is being changed as a result of this repeal.

Milton S. Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal

implications for state or local government or small businesses as a result of this repeal

Mr. Troxe!! also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with current rates, rules, and forms adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

The repeal of Rule 059 05 15 012 is proposed under authority of the Insurance Code, Article 5 15, pursuant to which the board may approve standard and uniform rates, rating rules, and forms for liquor liability insurance, and pursuant to the board's authority to repeal any rule it has previously promulgated.

.012 Liquor Liability Insurance—Host Coverage Guide (a) Rate Program.

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 April 4, 1984

TRD-843801 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.013

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin)

The State Board of Insurance proposes the repeal of Rule 059.05 15 013, which adopts bulletins concerning certain certificates of insurance The bulletins contain only a suggested procedure and are therefore not in the nature of a rule No present practice or requirement of the board is being changed as a result of this repeal.

Milton S Troxell, Casualty Division general liability director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal

Mr Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal

is the elimination of material which is not of a rule-type nature from the board's rules on file with the *Texas Register* There is no anticipated economic cost to individuals as a result of the repeal

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

The repeal of Rule 059.05.15.013 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rules, rates, and forms for various lines of insurance, and pursuant to the board's authority to repeal any rule it has previously promulgated.

.013. Certificates of Insurance.

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 April 4, 1984

TRD-843802 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.014

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin)

The State Board of Insurance proposes the repeal of Rule 059 05 15 014, which adopts a general liability insurance single limit rules and rating procedure A current version of this material is contained in the guide (a) rate portion of the commercial lines manual for general liability insurance The rule is, therefore, a duplication and may be repealed No present practice or requirement of the board is being changed as a result of this repeal

Milton S Troxell, Casualty Division general liability director, has determined that for the first five year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal

Mr Troxell also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is a duplication and is not necessary to be on file with the *Texas Register*. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Milton S. Troxell, Director, General Liability, Casualty

Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.014 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating manuals and rating procedures for general liability insurance; and pursuant to the board's authority to repeal any rule it has previously promulgated

.014. General Liability Insurance Single Limit Rules and Rating Procedure

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 April 4, 1984

TRD-843803 James W Norman
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.015

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin)

The State Board of Insurance proposes the repeal of Rule 059.05.15.015, which adopts a rate manual for fidelity, forgery, and surety bonds. This rating manual is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current rating manual under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current manual adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.015 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating manuals for certain insurance specified under the Insurance Code, Chapter 5, Subchapter B; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.015. Rate Manual of Fidelity, Forgery, and Surety Bonds.

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 April 4, 1984

TRD-843804 James W Norman
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.016

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin)

The State Board of Insurance proposes the repeal of Rule 059.05.15.016, which adopts certain standard forms for blanket and forgery bonds. These forms are subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of current forms under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with current forms adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.016 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform policy and endorsement forms for insurance regulated under the Insurance Code, Chapter 5, Subchapter B; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.016. Standard Forms of Blanket and Forgery Bonds of the Surety Association of America.

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 April 4, 1984.

TRD-843805 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.018

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.018, which adopts a rating manual for burglary insurance. This manual is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current rating manual under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current manual adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.018 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rate manuals for certain insurance adopted under the Insurance Code, Chapter 5, Subchapter B; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.018. Manual of Burglary Insurance.

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 April 4, 1984

TRD-843806 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.019

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.019, which adopts a rate manual and policy and endorsement forms for burglary, robbery, and theft coverage. The manual and forms are subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current manual and forms under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current rate manual and forms adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.019 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating manuals and forms for certain insurance coverage regulated under the Insurance Code, Chapter 5, Subchapter B; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.019. Manual of Burglary, Robbery, and Theft Policy and Endorsement Forms

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 April 4, 1984.

TRD-843807 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.020

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.020, which adopts a rate manual for glass insurance. This manual is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current manual under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current manual adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.020 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating manuals and forms for certain insurance coverage regulated under the Insurance Code, Chapter 5, Subchapter B; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.020. Manual of Glass Insurance.

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 April 4, 1984

TRD-843808 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.022

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.15.022, which adopts a rate manual for credit insurance. This manual is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current manual under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current manual adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

The repeal of Rule 059.05.15.022 is proposed under authority of the Insurance Code, Article 5.15, pur-

suant to which the board may approve standard and uniform rating manuals for certain insurance specified under the Insurance Code, Chapter 5, Subchapter B, and pursuant to the board's authority to repeal any rule it has previously promulgated

.022. American Credit Insurance Manual

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 April 4, 1984

TRD-843809 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

uniform policy and endorsement forms for certain insurance regulated under the Insurance Code, Chapter 5, Subchapter B, and pursuant to the board's authority to repeal any rule it has previously promulgated

.023. Credit Insurance Policy and Endorsement Forms

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 April 4, 1984

TRD-843810 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.15.023

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05 15 023, which adopts certain policy and endorsement forms for credit insurance. These forms are subject to adoption under the Insurance Code, Article 5 97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of current forms under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with current forms adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05 15 023 is proposed under authority of the Insurance Code, Article 5 15, pursuant to which the board may approve standard and

Rate Administration

059.05.19.006

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05 19 006, which adopts certain rating plans for surety bonds. This rating plan is subject to adoption under the Insurance Code, Article 5 97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current rating plan under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current rating plan adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.19.006 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating manuals for general liability insurance; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.006 Rating Plans of the Surety Association of America

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 April 4, 1984

TRD-843811 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.19.007

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.19.007, which adopts a theft experience rating plan. This manual is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current rating plan under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current rating plan adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.19.007 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and

uniform rating plans for the type of insurance regulated under the Insurance Code, Chapter 5, Subchapter B; and pursuant to the board's authority to repeal any rule it has previously promulgated.

.007. Theft Experience Rating Plan.

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 April 4, 1984

TRD-843812 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.19.008

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Sam Houston Building, Room 503E, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.19.008, which adopts a glass experience rating plan. This rating plan is subject to adoption under the Insurance Code, Article 5.97, which is an alternative to the Administrative Procedure and Texas Register Act. Simultaneously with this repeal, the board is considering the adoption of a current rating plan under that statute. No present practice or requirement of the board is being changed as a result of this repeal.

Robert L. Kurio, Casualty Division bond, burglary, and plate glass assistant director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Kurio also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and the replacement of the rule with a current rating plan adopted under an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Robert L. Kurio, Assistant Director, Bond, Burglary, and Plate Glass, Casualty Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05.15.008 is proposed under authority of the Insurance Code, Article 5.15, pursuant to which the board may approve standard and uniform rating plans for the types of insurance regu-

lated under the Insurance Code, Chapter 5, Subchapter B, and pursuant to the board's authority to repeal any rule it has previously promulgated.

.008 Glass Experience Rating Plan.

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 April 4, 1984

TRD-843813 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:

May 14, 1984

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

land marine insurance are "regulated" or "nonregulated." It is also proposed under the board's authority to repeal any rule it has previously promulgated.

.003. Texas Definition of Inland Marine Insurance and Inland Marine Bulletins.

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 April 4, 1984

TRD-843814 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:

May 14, 1984

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

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

059.05.53.003

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05 53.003, which adopts by reference a definition and certain classifications for inland marine insurance. A current version of this material is being adopted in Rules 059.05.53.101 and .102 in regular rule form. No present practice or requirement of the board is being changed as a result of this repeal and the simultaneous adoption of the new rules.

Lyndon Anderson, Property Division insurance lines manager, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of this repeal.

Mr. Anderson also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the repeal of an adoption by reference and an adoption of current rules in regular rule form. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Lyndon Anderson, Property Division Manager, Insurance Lines, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

This repeal is proposed under the Insurance Code, Article 5.53, pursuant to which the board may define inland marine insurance and which permits and requires board interpretation of which the classes of in-

059.05.53.005

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05 53 005, which adopts by reference manual rules, rates, and policy forms for oil and gas lease property. These manual rules and rates are subject to adoption under the Insurance Code, Article 5.97. Article 5.97 is an alternative to the Administrative Procedure and Texas Register Act for the adoption of certain technical matters, including manual rules, rates, and policy forms. Simultaneously with this repeal, the State Board of Insurance is considering the adoption of these manual rules and rates under that statute. No practice or requirement of the agency will be changed as a result of this rule change.

Lyndon Anderson, Property Division insurance lines manager, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Anderson also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal is the elimination of a rule which is not necessary to be on file with the *Texas Register* and its replacement with an alternative procedure which provides much greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Lyndon Anderson, Manager Insurance Lines, Property Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal of Rule 059.05 53 005 is proposed under authority of the Insurance Code, Article 5.53, pursuant to which the board may review manual rules,

forms, and rates, and pursuant to the board's authority to repeal any rule it has previously adopted.

.005. Oil and Gas Lease Property.

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

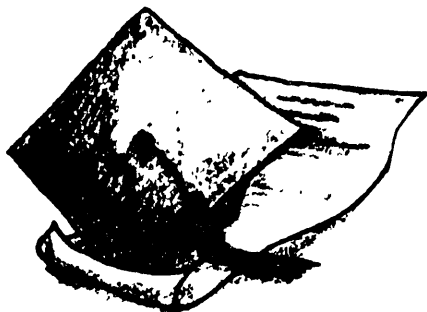
Issued in Austin, Texas, on April 6, 1984.

TRD-843881 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption

May 14, 1984

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



059.05.53.006

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.53.006, which adopts by reference rules, rates, and forms for mobile home dealers coverage. These rules, rates, and forms are subject to adoption under the Insurance Code, Article 5.97. Article 5.97 is an alternative to the Administrative Procedure and Texas Register Act for the adoption of certain technical matters, including rules, rates, and policy and endorsement forms. Simultaneously with this repeal, the State Board of Insurance is considering the adoption of these rules, rates, and forms under that statute. No agency practice or requirement is changed as a result of this repeal.

Lyndon Anderson, Property Division insurance lines manager, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Anderson also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of the repeal as proposed is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and its replacement with an alternative procedure which provides greater administrative efficiency.

There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Lyndon Anderson, Manager Insurance Lines, Property Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal is proposed under the Insurance Code, Article 5.53, pursuant to which the board may review rules, rates, and forms.

.006. Mobile Home Dealers Policy.

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 April 6, 1984.

TRD-843882 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption:

May 14, 1984

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

059.05.53.007

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The State Board of Insurance proposes the repeal of Rule 059.05.53.007, which adopts by reference rules, rates, and forms for household floater's coverage. These rules, rates, and forms are subject to adoption under the Insurance Code, Article 5.97. Article 5.97 is an alternative to the Administrative Procedure and Texas Register Act for the adoption of certain technical matters, including rules, rates, and policy and endorsement forms. Simultaneously with this repeal, the State Board of Insurance is considering the adoption of these rules, rates, and forms under that statute. No agency practice or requirement is changed as a result of this repeal.

Lyndon Anderson, Property Division insurance lines manager, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Anderson also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of enforcing the repeal as proposed is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and its replacement with an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Lyndon Anderson, Manager Insurance Lines, Property Di-

vision, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The repeal is proposed under the Insurance Code, Article 5.53, pursuant to which the board may review rules, rates, and forms.

.007. Householder's Floater Policy.

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 April 6, 1984

TRD-843880 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

The repeal is proposed under the Insurance Code, Article 5.53, pursuant to which the board may review rules, rates, and forms.

.010. Rates, Rules, and Forms for Rain Insurance.

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 April 6, 1984

TRD-843879 James W Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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

059.05.53.010

(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 State Board of Insurance, 1110 San Jacinto Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The State Board of Insurance is proposes the repeal of Rule 059 05 53 010, which adopts by reference rules, rates, and forms for rain insurance coverage. These rules, rates, and forms are subject to adoption under the Insurance Code, Article 5 97 Article 5 97 is an alternative to the Administrative Procedure and Texas Register Act for the adoption of certain technical matters, including rules, rates, and policy and endorsement forms. Simultaneously with this repeal, the State Board of Insurance is considering the adoption of these rules, rates, and forms under that statute. No agency practice or requirement is changed as a result of this repeal.

Lyndon Anderson, Property Division insurance lines manager, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government as a result of the repeal.

Mr. Anderson also has determined that for each year of the first five years the repeal as proposed is in effect the public benefit anticipated as a result of enforcing the repeal as proposed is the elimination of a rule which is not necessary to be on file with the *Texas Register*, and its replacement with an alternative procedure which provides greater administrative efficiency. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Lyndon Anderson, Manager Insurance Lines, Property Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

**Inland Marine Insurance, Rain Insurance,
or Hail Insurance on Farm Crops**

059.05.53.101-.103

The State Board of Insurance proposes new Rules 059.05 53.101- 103, concerning a definition and classification system for inland marine insurance. These rules identify various risks covered under the term "inland marine" insurance, they also classify those risks as either subject to rule, rate, and form approval by the board, not subject to rule, rate, and form regulation by the board; or not subject to rule, rate, and form approval by the board but for which the premium must be in excess of the manual rate for fire and extended coverage insurance. The rules track, for the most part, Rule 059 05 53 003, which is proposed to be repealed simultaneously with this proposal. Rule 059 05 53 003 is an adoption by reference; these rules are in regular rule form. In certain changes to Rule 059.05 53 102(D), (U), (CC), (DD), and (MM), and in the deletion of horse and wagon floaters from the definition of "inland marine" insurance, the board has either redefined or reclassified certain coverages since the original filing of Rule 059 05.53.003. These rules reflect current board action. No present practice or requirement of the board is changed by these new rules. A savings clause provision is added as Rule 059 05.53 103.

Lyndon Anderson, Property Division insurance lines manager, 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. Anderson 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 the adoption of current rules in regular rule form. 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 Lyndon Anderson, Property Division Manager, Insurance Lines, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

These new rules are proposed under authority of the Insurance Code, Article 5.53, pursuant to which the board may define inland marine insurance and which permits and requires board interpretation of which of the classes of inland marine insurance are regulated or nonregulated

101. Purpose and Classification Procedure

(a) The purpose of this definition is to identify the various classifications of risks defined by the State Board of Insurance as inland marine insurance subject to such standards of qualification as may be herein applied to any class or subclass of risk

(b) The regulatory status of each class (or subclass where indicated) is noted by the language "filed," "non-regulated," or "fire and extended" as specifically applied to each class or subclass and which shall be interpreted as follows

(1) "Filed" indicates those classes or subclasses for which rules, rates, and forms must be filed with the State Board of Insurance for approval

(2) "Nonregulated" indicates those classes or subclasses for which rules, rates, and forms are not subject to filing requirements or uniform standards of application

(3) "Fire and extended" indicates those classes or subclasses for which rules, rates, and forms are not subject to filing requirements but for which the premium for the inland marine policy must be in excess of the premium which would be otherwise produced by the application of approved fire and extended coverage rates if the inland marine policy insures against the perils of fire and extended coverage. "Approved rates," as used in this paragraph (3) of this subsection, are the maximum fire and extended coverage rates published by the State Board of Insurance

(c) The exclusion of fire and extended coverage does not make any risk automatically eligible for inland marine insurance in the absence of proper authority granted in these rules to qualify such risk as a proper subject for inland marine insurance

102. Texas Definition of Inland Marine Insurance Inland marine insurance is defined and classified as follows

(1) Imports (nonregulated) Imports may be insured under inland marine policies, when such property is not subject to import risk under marine (ocean) policies, as follows

(A) Imports on consignment may be covered wherever the property may be and without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation. A shipment "on consignment" means property consigned and entrusted to a factor or agent to be held in his or her care, or under his or her control for sale, for account of another, or for exhibit or trial or approval or auction, and if not disposed of, to be returned

(B) Imports not on consignment in such places of storage as are usually employed by importers, provided

the coverage of the issuing companies includes hazards of transportation. Such policies may also include the same coverage in respect to property purchased on "cost-insurance-freight" terms or "spot" purchases for inclusion with or in substitution for bona fide importations. An import, as a proper subject for inland marine insurance, is deemed to maintain its character as such so long as the property remains segregated in the original form or package in such a way that it can be identified and has not become incorporated and mixed with the general mass of property in the United States, and shall be deemed to have been completed when such property has been:

(i) sold and delivered by the importer, factor, or consignee; or

(ii) removed from place of storage as described in this subparagraph and placed on sale as part of importer's stock in trade at a point of sales distribution; or

(iii) delivered and accepted for manufacture, processing, or change in form to premises of the importer or of another used for any such purposes.

(2) Exports (nonregulated) Inland marine policies may cover property for export, when such property is not subject to export risk under marine (ocean) policies, as follows

(A) Export property may be covered wherever the property may be without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation

(B) Export property is deemed to acquire its character as such when designated as such or while being prepared for export and retain that character unless diverted for domestic trade, and when so diverted, the provisions of these rules respecting domestic shipments shall apply, provided, however, these provisions do not apply to long established methods of insuring certain commodities, e.g., cotton

(3) Domestic shipments (nonregulated)

(A) Domestic shipments on consignment for consignor and/or consignee may be written as follows provided that in all events the policy shall cover while in transit

(i) on consignment for sale or distribution for account of consignor, with no restriction as to time in storage or deposit, while in the custody of others and including return shipments, provided that in no event shall the policy cover on premises owned, leased, or controlled by the consignor,

(ii) on consignment for sale or distribution for account of consignee while in the custody of others and including return shipments, provided that in no event shall coverage be granted in excess of 120 days at premises owned, leased, or controlled by consignee, further provided that if coverage be issued jointly to consignee and consignor the same limitation of 120 days for coverage at premises owned, leased, or controlled by consignee shall be applicable only with respect to the interest of the consignee, and

(iii) on consignment for account of consignor and/or consignee for exhibition, trial, approval, or auction, without restriction as to time in storage or deposit or on exhibition and while in the custody of others and including return shipments

(B) Domestic shipments not on consignment may be written as follows, provided that in all events the policy shall cover while in transit.

(i) at premises of transportation companies or freight forwarders pending transportation without restriction as to time in storage or deposit. Note: For purposes of insurance under this clause, a freight forwarder is defined as a warehouse or transportation concern who takes custody of the property of others for storage and transport either by schedule or upon call;

(ii) furniture shipment policies without restriction as to time in storage or deposit to cover only used household furniture and used furniture and fixtures in course of transit while awaiting determination or availability of final destination. Such policies shall not cover after delivery to final destination and shall not include merchandise held for sale;

(iii) in all other situations provided the coverage shall not exceed 120 days at any place of storage or deposit operated by the assured except coverage at points of sales distribution or at manufacturing premises of the assured which may be written without regard to such restriction of time in storage; provided, however, that in no event shall any policy cover the perils of fire and extended coverage at such points of sales distribution or such manufacturing premises

(4) Bridges, tunnels, and other instrumentalities of transportation and communication (bridges and tunnels "filed"; all other risks in this paragraph "nonregulated") No policy shall be issued under this paragraph where the perils of fire and extended coverage are the only hazards to be covered, provided further that in all cases policies shall exclude buildings, office furniture, and supplies held in storage therein. Policies covering piers, wharves, docks, and slips shall exclude the hazards of fire and extended coverage. Other aids to navigation and transportation, including dry docks and marine railways may be covered against any and all risks. Property insured under this paragraph may include, but is not necessarily limited to:

(A) pipelines, including on-line propulsion, regulating, and other equipment appurtenant to such pipelines, but excluding all property at manufacturing, producing, refining, converting, treating, or conditioning plants;

(B) power transmission and telephone and telegraph lines, excluding all property at generating, converting, or transforming station, substations, and exchanges;

(C) radio and television communication equipment in commercial use as such, including towers and antennae, auxiliary equipment, electrical operating and control apparatus, and other property directly used for transmitting and/or receiving; and

(D) outdoor cranes, loading bridges, and similar equipment used to load, unload, and transport

(5) Other inland marine risks

(A) Accounts receivable (filed).

(B) Agricultural machinery and equipment (excluding dealers) (filed).

(C) Bailee customers policies (fire and e.c.). Covering property in the custody of bleacheries, throwsters, fumigatories, dyers, cleaners, laundries, needle work-

ers, and other bailees for the purpose of storage or performing work thereon. Such policies shall include coverage while in transit but shall not cover bailee's property at his or her premises.

(D) Block policies. Block policies presently approved under this section are:

(i) camera dealers (filed);

(ii) equipment dealers (filed);

(iii) furrier's block (filed);

(iv) jeweler's block;

(I) retailers with average inventories of less than \$250,000 (filed); and

(II) all other classes (nonregulated).

(E) Cold storage locker plan policies (fire and e.c.). Covering merchandise of customers such as meats, game, fish, poultry, fruit, vegetables, and property of a similar nature.

(F) Cotton buyers transit policies (filed).

(G) Domestic bulk liquids policies (nonregulated). Covering domestic bulk liquids stored in tanks, provided the risks of fire and extended coverage are excluded therefrom

(H) Exhibition policies covering property while on exhibition and in transit to or from such exhibition (nonregulated).

(I) Film floaters, including builders' risk during the production and coverage on completed negatives and positives and sound records (filed).

(J) Fine arts policies covering objects of art such as pictures, statuary, bronzes, and antiques, rare manuscripts and books, articles of virtu, etc.;

(i) private collection (filed), and

(ii) dealers (fire and e.c.).

(K) Floor plan policies (filed). Covering property for sale while in possession of dealers under a floor plan or any similar plan under which the dealer borrows money from a bank or lending institution with which to pay the manufacturer, provided

(i) such merchandise is specifically identifiable as encumbered to the bank or lending institution;

(ii) the dealer's right to sell or otherwise dispose of such merchandise is conditioned upon its being released from encumbrance by the bank or lending institution, and

(iii) that such policies cover in transit and do not extend beyond the termination of the dealer's interest, provided that such policies shall not cover automobiles or motor vehicles; merchandise for which the dealer's collateral is the stock or inventory as distinguished from merchandise specifically identifiable as encumbered to the lending institution

(L) Furriers' customers policies (filed) Policies under which certificates or receipts are issued by furriers or fur storers covering specified articles, the property of customers

(M) Garment contractors floaters (filed).

(N) Government service floaters (nonregulated)

(O) Home freezers and contents against loss resulting from power failure and/or mechanical breakdown (nonregulated)

(P) Installation risks or builders' risks (fire and e.c.). Covering loss to owner, seller, or contractor on ac-

count of physical damage to machinery, equipment, building materials, or building supplies being used with and during the course of installation, testing, building, renovating, or repairing of dwelling, commercial, or industrial construction. Such policies may cover at points or places where work is being performed, while in transit, and during temporary storage or deposit of property designated for and awaiting specific installation, building renovating, or repairing. In no event shall any policy cover such properties while contained in stock of merchandise held for sale to the public by dealers and such coverage shall be limited to installation risks or builders' risks where perils in addition to fire and extended coverage are to be insured. If written for account of the owner, the coverage shall cease upon completion and acceptance thereof or if written for account of a seller or contractor, the coverage shall terminate when the interest of the seller or contractor ceases.

(Q) Installment sales, leased property, and deferred payment policies (nonregulated). Covering the interest of vendor, mortgagee, and lessor in property sold under installment sales contract, partial or deferred payment contract, or leased. Such policies must include coverage while in transit and may be extended to include the interest of the vendee, mortgagor, or lessee, but in no event shall the policy cover beyond termination of the vendor's, mortgagee's, or lessor's interest.

(R) Live animal floaters as follows:

(i) cattle kept for feeding, dairy, breeding, or show purposes, sheep, swine, horses, and mules, except horses and mules used exclusively for racing or show, including breeding therefor (filed); and

(ii) range cattle and range sheep while on ranges; horses or mules used exclusively for racing or show, including breeding therefor; livestock while being transported to or from or while at stockyards; policies issued to assureds conducting sales or auction, covering livestock of others for public sale; livestock insured under "mortality policies" covering, among other perils, against death or destruction due to natural causes; livestock of circus, carnival, or theatrical enterprises; policies issued to veterinarians and humane societies to cover livestock of others in their custody or control for professional purposes (nonregulated)

(S) Mobile equipment and miscellaneous movable property (nonregulated); e.g., contractors' equipment, industrial and other special equipment not primarily designed for highway use, mechanical sales devices, storage batteries, stevedores, divers' equipment, undertakers' equipment, outboard boats and motors, parachutes, and balloons. Scientific and surveyors' instruments, articles for sport and recreation, musical scores and orchestrations, and all other similar movable and identified property not on sale or consignment, or in the course of manufacture, which has come into the custody and/or control of parties who intend to use such property for the purpose for which it was manufactured or created. Such policies shall not include coverage of storage risks at premises of the assured, except where incidental to the regular use of the equipment or property away from the premises.

(T) Musical instrument floaters (radios, televisions, record players, and combinations thereof are not deemed musical instruments (filed).

(U) Nuclear insurance (nonregulated). Insurance against loss resulting from physical damage (including risks in course of construction) to:

(i) designated nuclear facilities, including property associated therewith and subject to radiation damage therefrom;

(ii) other property directly related to such nuclear facilities; and

(iii) other facilities involving substantial quantities of radiation.

(V) Oil and gas lease property (filed).

(W) Pattern and die floaters, excluding coverage on the owner's premises (nonregulated).

(X) Personal effects floaters (filed).

(Y) Personal fur floaters (filed).

(Z) Personal jewelry floaters (filed).

(AA) Personal property floaters (filed).

(BB) Physicians' and surgeons' equipment floaters (excluding dealers) (filed).

(CC) Radium floaters (nonregulated).

(DD) Rolling stock covering locomotives and other rolling stock used on a railway system. Coverage may be provided on an all risk basis or named peril basis, subject to the inclusion of the perils of fire, collision, derailment, overturn, strikes, and riots (nonregulated).

(EE) Salesmen's samples floaters (nonregulated).

(FF) Sign and street clock policies, covering neon signs, automatic or mechanical signs, street clocks, while in use as such (filed).

(GG) Silverware floaters (filed)

(HH) Stamp and coin floaters.

(i) private collection (filed); and

(ii) commercial risks (fire and e.c.).

(II) Theatrical floaters, excluding buildings and their improvements and betterments and furniture and fixtures that do not travel about with theatrical troupes (filed).

(JJ) Tourists' floaters (filed).

(KK) Travel baggage (nonregulated).

(LL) Valuable papers and records (filed).

(MM) Wedding present floaters (nonregulated).

(NN) Wool growers and wool buyers floater policies, covering property usual to the conduct of the assured's business while in transit and all other situations customary and incidental thereto (nonregulated).

.103. *Savings Clause.* Each cause of action, pending litigation, matter in process before the State Board of Insurance or commissioner of insurance, or matter hereafter arising from an event occurring prior to the time these rules become effective respecting the subject matter of these rules shall be determined in accordance with and governed by the provisions of applicable statutes, of Rule 059.05.53 003 or other applicable rules, as such rules have been modified by subsequent board orders, and of interpretations of the State Board of Insurance in effect at the time of the occurrence of the subject event; and this section operates to save the application of such past procedure, orders, or interpretations and law to any such

event from amendment, change, or repeal notwithstanding any provision of these rules or any conflict or ambiguity therein.

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 April 4, 1984

TRD-843815 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
May 14, 1984

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



General Provisions Miscellaneous II

059.21.49.006

The State Board of Insurance proposes an amendment to Rule 059 21.49 006, concerning the plan of operation of the Texas Catastrophe Property Insurance Association (association). The amendment adds new subparagraph (D) to subsection (d), paragraph (4), and requires the association to give written notice to any person insured under the Insurance Code, Article 21.49 (the Texas Catastrophe Property Insurance Pool Act), who may be aggrieved by a total or partial denial of a claim by the association of the right to appeal as provided in Article 21 49, §9. The board believes this notice is very important because under statutory law, such a person may only appeal to the board within 30 days after such an act, ruling, or decision of the association. The notice helps to make people aware of their rights and obligations under Article 21.49.

G. J. Jones, Property Group deputy insurance commissioner, and Ray Marek, Business Practices and Enforcement Division manager, have determined that there will be fiscal implications to state government as a result of this amendment. The fiscal implications will be to the State Board of Insurance and will depend on any increased work load resulting from appeals of total or partial denials of claims by the association which would not have been filed had the persons not been made aware of their rights. No other effect on state or local government is anticipated.

To the extent small businesses are required to participate in the association's expenses, there will be an effect on small insurance businesses required to support the association. The expense will depend on the extent of any additional appeals generated by the requirement in the rule. Additional administrative cost, if any, entailed in requiring the association to inform persons of their rights in its correspondence is considered minimal.

There is no anticipated difference in cost between large and small businesses on a cost-per \$100-of sales basis. Participation in the expenses of the association depends on how much insurance business an insurer writes, the type of insurance, and the place where it is sold. There is no necessary difference in the effect of these variables between large and small businesses on the basis of size per se.

Mr. Jones and Mr. Marek also 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 increased awareness of their rights by persons insured by the association who may be aggrieved by a total or partial denial of a claim by the association. The anticipated economic cost to individuals required to comply with the rule is the cost to insurers required to participate in the association's expenses. The expense will depend on the extent of any additional appeals generated by the requirement in the rule. Any additional administrative cost entailed in requiring the association to inform persons or insurers of their rights in its correspondence is considered minimal.

Comments on the proposal may be submitted to Jack Jones, Deputy Insurance Commissioner, Property Group, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The amendment is proposed under the Insurance Code, Article 21 49, §5A, pursuant to which the board may issue any orders which it considers necessary to carry out the purposes of the Insurance Code, Article 21 49.

.006 Plan of Operation

- (a)-(c) (No change.)
- (d) Catastrophe insurance.
 - (1)-(3) (No change.)
 - (4) Payment of claims
 - (A)-(C) (No change.)

(D) Notice of appeal. The association shall, immediately upon totally or partially denying a claim of any person insured pursuant to the Insurance Code, Ar-

Article 21.49, give written notice by certified mail, return receipt requested, to such person of the right to appeal such total or partial denial under the Insurance Code, Article 21.49, §9. An offer of less than the amount claimed on the claimant's proof of loss is considered a partial or total denial of a claim. The notice must, at a minimum, contain the following information placed in a prominent position:

- (1) a clear, accurate, and complete description and statement of the partial or total denial of the claim;
- (2) a statement that the person has the right to appeal the association's determination to the State Board of Insurance under the Insurance Code, Article 21.49, §9;
- (3) a statement that, under applicable law, an aggrieved person who chooses to appeal must appeal to the

State Board of Insurance within 30 days after such determination of the association; and

- (4) a statement of the date of such determination.
- (c)-(g) (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 April 4, 1984.

TRD-843816 James W. Norman
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption:
May 14, 1984

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

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 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 adopts an amendment to §113.2, without changes to the proposed text published in the February 24, 1984, issue of the *Texas Register* (9 TexReg 1121).

The term "written data" as used in Texas Civil Statutes, Article 601b, §3 11(e), has not been defined previously, and the lack of a definition has caused considerable difficulty in evaluating bids in cases where data was required but was not material to the evaluation.

The new definition limits "written data" to that information which is necessary to the evaluation process, and which is specifically required by express language in the bid. Failure to provide such data will result in disqualification of the bid.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 601b, §3, which authorize the commission to establish a centralized purchasing program for state agencies, and the proper evaluation of competitive bids is a necessary part of that 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 April 6, 1984

TRD-843850 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: April 27, 1984

Proposal publication date: February 24, 1984

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

1 TAC §113.2, §113.10

The State Purchasing and General Services Commission adopts amendments to §113.2 and §113.10, without changes to the proposed text published in the January 20, 1984, issue of the *Texas Register* (9 TexReg 402).

The spot purchase limits on delegated purchases were established in 1979 and had not been raised in the interim. Inflation rates in the intervening five years indicated the increase in those limits. Substantial savings in paperwork and increased response time should be realized by affected agencies.

The amendments raise the spot purchase limit from \$500 to \$700 and raise the level below which purchases may be acquired without competitive bidding from \$100 to \$150.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 601b, §3, which require the commission to establish a centralized purchasing program for state agencies, and §3.08, which allows the commission to change the level of spot purchases delegated to the agencies, as well as the level of purchases not requiring competitive bidding.

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 April 6, 1984

TRD-843851 Homer A. Foerster
Executive Director
State Purchasing and General
Services Commission

Effective date: April 27, 1984
Proposal publication date January 20, 1984
For further information, please call (512) 475-5966
or STS 822-5966

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.)

Powers and Duties

Surplus Lines Insurance

059.01.14.003, .007

The State Board of Insurance adopts the repeal of Rule 059.01.14.003 and Rule 059.01.14.007, without changes to the proposal published in the January 10, 1984, issue of the *Texas Register* (9 TexReg 268).

These rules are part of a series concerning surplus lines insurance. Rule 059.01.14.003 provides that the surplus lines series are a part of the board's permanent rules. Rule 059.01.14.007 provides that the surplus lines series remain open for amendments, corrections, and additions, and that such changes will be effective on a date as prescribed by the Administrative Procedure and Texas Register Act. These rules are unnecessary. Their provisions are either expressly stated or necessarily implied from the Administrative Procedure and Texas Register Act. This repeal will have no effect on any present practice or requirement of the board.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Administrative Procedure and Texas Register Act, pursuant to which the board's present rules are filed with the *Texas Register*, and pursuant to which rules are amended or repealed and new rules are adopted. It is also adopted under

the board's authority to repeal any rule it has previously promulgated.

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 April 6, 1984

TRD-843884 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: April 27, 1984
Proposal publication date: January 10, 1984
For further information, please call (512) 475-2950.

Surplus Lines Insurance

059.01.14.006, .012, .014, .018, .019, .021, .024-.026, .030-.032, .034-.036

The State Board of Insurance adopts amendments to Rules 059.01.14.006, .012, .014, .018, .019, .021, .024-.026, .030-.032, and .034-.036, without changes to the proposed text published in the January 10, 1984, issue of the *Texas Register* (9 TexReg 269).

The amendments are primarily nonsubstantive and editorial. In addition, certain explanatory material was added to the text of Rule 006 and certain wording was changed. There was a substantive change in Rule .018(c), which presently provides that a surplus lines agent is under a duty to inform the commissioner of insurance "on a confidential basis" if any reasonable doubt arises as to the capacity, competence, stability, claim practices, or good faith of an unauthorized insurer with whom the agent has placed insurance on behalf of an insurer. The words "on a confidential basis" are deleted as being inconsistent with the Open Records Act and the subpoena powers of the courts. Forms F-SBI-SL-1, F-SBI-SL-2A, F-SBI-SL-2B, F-SBI-SL-3, F-SBI-SL-4, F-SBI-SL-5, and F-SBI-SL-6 are adopted by reference. Rules .011 and .015 were proposed with these rule amendments. The State Board of Insurance is withdrawing these rules for further changes.

No comments were received regarding adoption of these amendments.

These amendments are adopted generally under authority of the Insurance Code, Article 1.14-1, which deals with unauthorized insurance and subject certain persons and insurers to the jurisdiction of the State Board of Insurance, of the courts of Texas, and insureds or beneficiaries under insurance contracts; the Insurance Code, Article 1.14-2, which regulates surplus lines insurance entered into by citizens of Texas as a result of difficulty in obtaining coverage from licensed insurers; and Texas Civil Statutes, Article 6252-13a, §4, and the Insurance Code, Article 1.04, which provide the State Board of Insurance with authority to pass procedural rules necessary or appropriate for it to carry out its statutory function. Particular sections of statutes involved include the

Insurance Code, Article 1 14-1, §8, respecting a failure to pay claims by certain unauthorized insurers, the Insurance Code, Article 1 14-2, §2(a)(2), which requires that surplus lines agents offer proof of financial solvency and demonstrate capacity in respect of responsibility to insureds under surplus lines insurance policies, or show proof of adequate bond and surety in respect of transactions with insureds under policies of surplus lines insurance in accordance with board rules; the Insurance Code, Article 1 14-2, §5 and §6, which specifies eligibility for surplus lines insurance contracts and requires an affidavit from a surplus lines agent to be filed with the board respecting issued surplus lines insurance, the Insurance Code, Article 1.14-2, §12, which requires surplus lines agents to file semi-annual tax reports with the board, and the Insurance Code, Article 1 14-2, §16, which requires surplus lines agents to file annual reports with the board, on a form prescribed by it, showing certain facts, including facts respecting the amount of insurance procured from surplus lines insurers

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

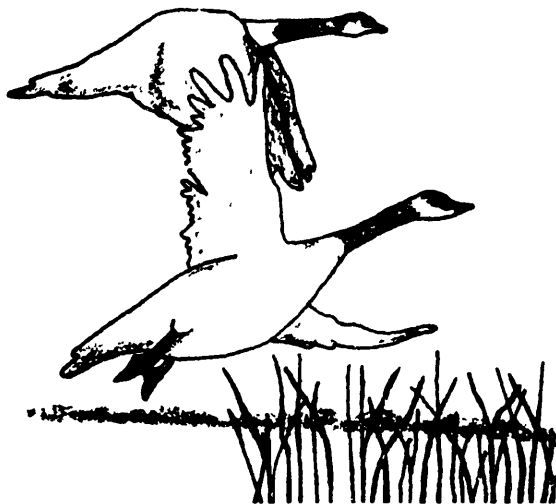
Issued in Austin, Texas, on April 6, 1984

TRD-843885 James W. Norman
Chief Clerk
State Board of Insurance

Effective date April 27, 1984

Proposal publication date January 10, 1984

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



Life, Health, and Accident Insurance Standard Valuation Law

059 03 28 021, 022

The State Board of Insurance adopts new Rule 059 03 28 021 and Rule 059 03 28 022, without changes to the proposed text published in the January 31, 1984, issue of the *Texas Register* (8 TexReg 569)

These rules apply to valuation standards for all life insurance contracts, annuity contracts, or annuity contracts attached to a rider with the following characteristics: there is at least one duration determined from the date of issue at which the contract contains more than one specific amount which might be the cash surrender value at such duration, the contract contains a provision for a surrender charge if the contract is surrendered and a provision pursuant to which the insurer is required to waive the surrender charge under certain conditions specified in the contract, the maximum amount payable as the guaranteed cash surrender value, specified in the contract, would be paid when the surrender charge must be waived, and a smaller amount would be payable when the insurance company is not obligated to waive the surrender charge. These types of contracts typically provide for the accumulation of policyholder funds over a specific term, bearing rates of interest comparable to interest rates available for investment opportunities. The board is of the opinion that these types of contracts are valid insurance products, however, insurers marketing these products must observe certain prudent financial requirements. Specifically, each company must assume it will pay the maximum amount for reserving purposes because it may be obligated to pay that amount under the terms of the contract.

Four comments were received regarding adoption of the new rules. Savers Annuity Life Insurance Company and American Security Life Insurance Company commented in favor of the rules. The board agrees with these comments.

Kemper Investors Life Insurance Company requested a waiver of the rules as applicable to it. It believes its current practice of reserving is sufficient to cover the minimum statutory requirement and adequate to cover the actual contingent liabilities of the company. The board disagrees with this comment. It believes the rules should be applied uniformly to all insurers as being a method consistent with the purposes of the Standard Valuation Law.

Charter Security Life Insurance Company (Charter Security) believes the rules are premature at this time. The issue of how to treat contracts of the type addressed in the rules has been assigned to a standing task force of the National Association of Insurance Commissioners (NAIC). Charter Security believes the insurance industry would be better served by having this issue decided on a uniform basis by the NAIC. It suggests the board defer adoption of any rules until that time. The board disagrees with this comment. It believes these rules are needed now for the types of policies addressed to be properly reserved. However, the board does intend to carefully consider any model regulation adopted by the NAIC at the time it is adopted if the regulation is different in substance from the rules adopted by this order. Charter Security also furnished a copy of a memorandum prepared by its actuary and sent to the NAIC task force which describes a new concept for calculating reserves for these types of contracts. This concept was developed quite recently and apparently has not been adopted.

by any other state. The board feels that it would not be appropriate to adopt this concept in Texas at the present time, since the NAIC is still in the process of studying it. It is the board's opinion that the rules should be adopted as proposed.

These new rules are adopted under the Insurance Code, Article 3.28, §11, which provides the State Board of Insurance with authority to promulgate and enforce reasonable rules to ensure that reserve calculations are computed by a method which is consistent with the principles of the Standard Valuation Law for the contracts within the scope of these rules.

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 April 5, 1984

TRD-843886 James W Norman
Chief Clerk
State Board of Insurance

Effective date April 27, 1984
Proposal publication date January 31, 1984
For further information, please call (512) 475-2950.

Accident and Sickness Insurance

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

059.37.01.053

The State Board of Insurance adopts an amendment to Rule 059 37 01 053, without changes to the proposed text published in the February 24, 1984, issue of the *Texas Register* (9 TexReg 1138).

Rule 059 37 01.053 deals with 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 68th Legislature, 1983, enacted the Insurance Code, Article 3.51-6B (House Bill 464), to provide that 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 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 the rule is amended to add a new paragraph (6), which will substantially track that prohibition. This amendment makes clear that the board's rules are in compliance with current statutory law.

There was one comment on the proposed amendment. National Home Life Assurance Company favors the rule. The board agrees with this comment.

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

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 April 5, 1984

TRD-843887 James W Norman
Chief Clerk
State Board of Insurance

Effective date April 27, 1984
Proposal publication date February 24, 1984
For further information, please call (512) 475-2950.

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part VII. Texas Commission on Law Enforcement Officer Standards and Education Chapter 211. Administrative Division Substantive Rules

37 TAC §211.74

The Texas Commission on Law Enforcement Officer Standards and Education adopts new §211.74, with changes to the proposed text published in the December 27, 1983, issue of the *Texas Register* (8 TexReg 5447). Subsection (n) has been reworded to be more specific.

The new section is mandated by Senate Bill 155, 68th Legislature, 1983, which requires the agency to implement a state licensing examination for peace officers.

The new section implements guidelines that ensure the security of the examination and protect the validity of each examination item.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413 (29aa), §6B, which provide the commission with the authority to conduct an examination of applicants for a license at least four times each year at times and places designated by the commission.

§211.74. Licensing Examination.

(a) Examinations required for licensing shall be conducted under conditions warranting honest results.

(b) Members of the commission staff (hereinafter referred to as examination proctors) shall monitor all examinations.

(c) The commission staff shall set the date and time of all examinations and all examinations shall be conducted at a location designated by the commission.

(d) Examination proctors shall require personal identification of persons appearing for an examination, and the examination proctors shall deny admittance to any person who cannot provide proper identification.

(e) Examination proctors shall refuse admittance to an examinee who reports to the proctor for admittance to the examination after the time the examination is scheduled to begin.

(f) Examination proctors may assign a specific seat or desk to each examinee. Proctors may require that an examinee be reseated during the course of an examination.

(g) Examination proctors may dismiss an examinee when, in the proctor's judgment, the examinee's conduct or demeanor is a disruptive influence on the other examinees.

(h) An examinee shall comply with all the instructions provided and shall comply with the verbal instructions of the examination proctor.

(i) Examinees shall not be permitted to bring any books, notes, papers, or memorandums into the examination room.

(j) Examinees shall not be permitted to communicate by word or sign with another examinee while an examination is in progress, nor shall an examinee leave the room except when permitted by the examination proctor.

(k) An examinee shall not:

(1) steal the whole or any part of an examination;
(2) copy, make a facsimile of, or duplicate in any way, or reproduce the whole or any part of, an examination;

(3) communicate or transmit any content of an examination to another person,

(4) engage in a deceptive or fraudulent act while an examination is in progress,

(5) give, receive, or attempt to give or receive answers to examination questions.

(l) The commission shall not issue a license to a person who violates the provisions of subsection (k) of this section.

(m) An examinee observed by the examination proctor to be in violation of subsection (k) of this section shall be dismissed from the examination room, and all examination materials in the possession of the examinee shall be collected by the examination proctor.

(n) A member of the commission staff shall at all times monitor the examination while the examination is in progress. A member of a law enforcement academy may be present in the examination room as an observer or to assist the examination proctor, provided such assistance or admittance is requested in advance. Only the persons required to administer the exam, an observer, and the persons taking the exam will be permitted in the examination room.

(o) The commission may file theft charges against an examinee who removes or attempts to remove an examination or any part thereof, whether by actual physical removal or by transcription.

(p) Certified academies shall take reasonable measures to insure compliance with the provisions of this section; and

(1) a certified academy shall not solicit, encourage, direct, authorize, aid, or attempt to aid an examinee to violate the provisions of subsection (k) of this section;

(2) a certified academy is deemed to have violated subsection (p)(1) of this section when the violation is performed by the academy coordinator, an officer, employee, or other person authorized to act in behalf of the certified academy.

(q) The commission shall revoke the certification of an academy found to be in violation of subsection (p)(1) of this section.

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 April 6, 1984

TRD-843848

Alfredo Villarreal
General Counsel
Texas Commission on Law
Enforcement Officer Standards
and Education

Effective date: April 27, 1984

Proposal publication date December 27, 1983

For further information, please call (512) 834-9222

37 TAC §§211.75, 211.76, 211.78, 211.79

The Texas Commission on Law Enforcement Officer Standards and Education adopts amendments to §§211.75, 211.76, 211.78, and 211.79, without changes to the proposed text published in the March 2, 1984, issue of the *Texas Register* (9 TexReg 1252).

The amendments to §211.75 uniformize minimum standards relating to peace officers and peace officer training instructors. The amendment to §211.76 corrects a typographical error. Amendments to §211.78 and §211.79 standardize attendance requirements.

The amendments to §211.75 require that certified peace officer training instructors comply with the minimum peace officer licensing standards as a condition of maintaining instructor certification. The amendment to §211.78 requires trainers of a basic jailer course to comply with mandatory attendance requirements. The amendment to §211.79 requires trainees of an intermediate or advanced peace officer training course to comply with mandatory attendance requirements.

No comments were received regarding adoption of the amendments.

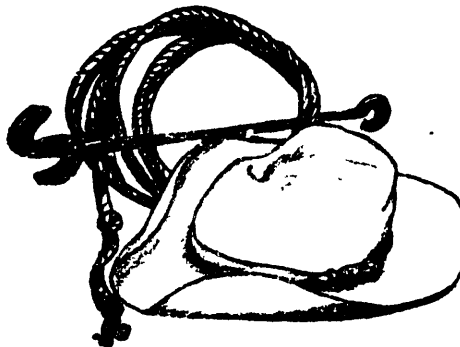
The amendments are adopted under Texas Civil Statutes, Article 4413(29aa), which provide the Texas Commission on Law Enforcement Officer Standards and Education with the authority to approve institutions and facilities operated for the purpose of training peace officers and jailers, and which provide the commission with the authority to establish minimum training standards for peace officers and jailers.

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 April 6, 1984.

TRD-843849 Alfredo Villarreal
 General Counsel
 Texas Commission on Law
 Enforcement Officer Standards
 and Education

Effective date: April 27, 1984
Proposal publication date: March 2, 1984
For further information, please call (512) 834-9222.



State Board of Insurance Exempt Filings

State Board of Insurance Notifications 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).

The board has adopted physical damage rating symbols for certain models of 1984 Alpha Romeo, Avanti, Bertone, Chrysler, Dodge, Mazda, Pininfarina, and Plymouth private passenger automobiles.

All of the models for which symbols have been adopted are newly announced models or models for which data was not available from the manufacturer at the time of their introduction

The symbols adopted were developed from manufacturers F.O.B. list price data and adjusted in accordance with the prescribed vehicle series rating rule. The F.O.B. list price/symbol chart from which the appropriate symbols are derived is on page two of the symbol

and identification section of the *Texas Automobile Manual*.

If applicable, the appropriate symbol has been raised or lowered based on the experience thresholds set out in the vehicle series rating rule in the *Texas Automobile Manual*, symbol and identification section.

The amendment is effective at 12:01 a.m. on the 16th day after notice of this action is published in the *Texas Register*

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

Issued in Austin, Texas, on April 4, 1984

TRD-843817 James W Norman
 Chief Clerk
 State Board of Insurance

Effective date: April 29, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual* (Rule 059.05 .01.005).

The board has adopted amendments to Rule 124, §C, subsections 2 and 3, concerning motorcycles, in the miscellaneous section of the *Texas Automobile Manual*.

The amendments add the Texas Department of Public Safety as the administrative agency for the Motorcycle Safety Foundation's motorcycle rider course and

better biking course. The amendments also show the Texas Department of Public Safety as the issuing agency for certificates of completion for the two courses.

House Bill 306, enacted by the 68th Legislature, 1983, charged the governor with the responsibility of designating an agency to establish and administer motorcycle operator and safety programs. The Texas Department of Public Safety has been designated as that administrative agency. The Texas Department of Public Safety has in turn adopted the Motorcycle Safety Foundation's better biking and motorcycle rider courses as the standard motorcycle operator and safety program in Texas.

Since all of the certificates of completion for these courses will now be issued by the Texas Department of Public Safety instead of the Motorcycle Safety Foundation, it was necessary to amend the subject rules to prevent confusion.

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

Issued in Austin, Texas, on April 4, 1984

TRD-843818 James W. Norman
Chief Clerk
State Board of Insurance

Effective date May 1, 1984
For further information, please call (512) 475-2950

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 *Standard Provisions for Automobile Policies* (October 1, 1974, edition) (Rule 059 05 06 001).

Concerning Rule 131 of the *Texas Automobile Manual*, Section F, towing and labor costs coverage, has been amended to increase the limit of liability for such coverage to \$40 per disablement instead of \$25. Six endorsements have been amended to delete the towing and labor costs coverage limit of \$25 to coincide with the change in coverage limit. Concerning Endorsement 523, the rental reimbursement coverage—personal auto policy has been amended to increase the limits of liability for rental reimbursement coverage to \$20 per day and \$600 maximum instead of \$15 per day and \$450 maximum.

The policy declarations pages for the personal auto policies in the *Standard Provisions for Automobile Policies* (June 1, 1981, edition) have been amended to delete the \$25 limit of liability for towing and labor costs coverage.

The various physical damage coverage parts and declarations pages in the *Standard Provisions for Automobile Policies* (October 1, 1974, edition) have been amended to delete the \$25 limit of liability for towing and labor costs coverage.

These amendments are effective May 1, 1984.

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

Issued in Austin, Texas, on April 5, 1984

TRD-843888 James W. Norman
Chief Clerk
State Board of Insurance

Effective date May 1, 1984
For further information, please call (512) 475-2950

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual* (Rule 059.05 .01.005). Rule 38, §G, of the *Texas Automobile Manual* has been amended to include new subsections 10 and 11, reading as follows:

10 Canadian Safety Council's Professional Driver Improvement Course Credit

(a) An auto afforded personal auto coverage shall have a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate or photostate thereof issued by the Texas Safety Association) is presented to the company that the principal operator of such auto has successfully completed a professional driver improvement course meeting the standards established.

(b) If the policy insures two or more autos, the credit shall apply only to the autos principally operated by a person who has satisfactorily completed the Canadian Safety Council's professional driver improvement course.

(c) The credit shall apply for a period of 36 months subsequent to the date of completion of the course. Following such 36-month period to again qualify for such credit, the course must be successfully repeated and evidence presented. The credit shall only apply if the certificate of completion is issued on or after May 1, 1984.

11 Van T. Smith Driving Schools - Defensive Driving - Awareness Driver Improvement Course

(a) An auto afforded personal auto coverage shall be subject to a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate of completion or photostate thereof issued by Van T. Smith Driving Schools) is presented to the company that the principal operator of such auto has successfully completed the defensive driving - awareness driver improvement course.

(b) If the policy insures two or more autos, the credit shall apply only to the autos principally operated by the person awarded the defensive driving - awareness driver improvement course certificate of completion.

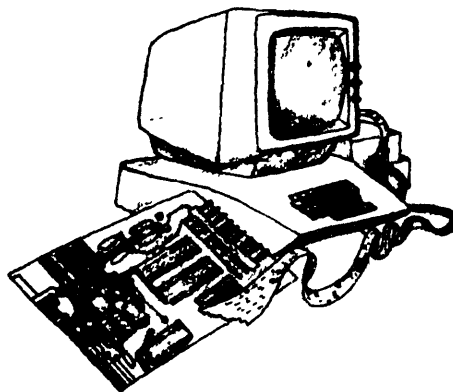
(c) The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36-month period, in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after May 1, 1984.

These amendments are effective May 1, 1984. This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on April 4, 1984.

TRD-843890 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 Adult Probation Commission

Friday, April 13, 1984, 9 a.m. The Texas Adult Probation Commission made an addition to the agenda of a meeting to be held at the Hilton Southwest Hotel, 6780 Southwest Freeway, Houston. The addition concerns a discussion of the separation of Hood and Erath Counties in the executive director's report.

Contact: Virginia Grote, 812 San Antonio Street, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: April 5, 1984, 3:26 p.m.
TRD-843843

Addition to the previous agenda:

In the Grand Champion Ballroom, consideration on an emergency basis of grant applications for restitution center planning for Midland County under the program services report. The emergency status was necessary because Midland County was omitted from the original agenda.

Contact: Virginia Grote, 812 San Antonio Street, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: April 9, 1984, 3:34 p.m.
TRD-843968

Texas Department on Aging

Tuesday, April 17, 1984, 2:30 p.m. The State Citizens Advisory Council of the Texas Department on Aging will meet on the fifth floor, 210 Barton Springs Road, Austin. According to the agenda summary, the council will approve the January 10, 1984, minutes (as mailed on March 20, 1984); and consider the subject of a new vice-chairman, committee and staff reports, the annual state poster contest report, the silver-haired legislature, an invitation to board members to attend council committee meetings, Steering Committee membership subsequent to the redistricting of regions, and recommendations of the sunset review relating to membership requirements of the council.

Contact: Bob Bobbitt, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717

Filed: April 5, 1984, 2:25 p.m.
TRD-843842

Texas Air Control Board

Friday, April 13, 1984, 9 a.m. The Monitoring and Research Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will consider

a report on the final Research Advisory Council meeting, the formation of the Research Division, and proposed research areas and projects.

Contact: Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354

Filed: April 5, 1984, 11:05 a.m.
TRD-843825

Texas Commission on the Arts

Tuesday, April 17, 1984. Task forces of the Texas Commission on the Arts will meet at the Americana Hotel, 200 Main Street, Fort Worth. Times, task forces, and agendas follow.

10 a.m. The Task Force on the Grants Process will conduct a public discussion and discuss the state plan revision process.

2 p.m. The Task Force on Appropriations will conduct a public discussion and consider an appropriations request for state fiscal years 1986 and 1987.

Contact: Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593

Filed: April 9, 1984, 11:52 a.m.
TRD-843929, 843930

Wednesday, April 18, 1984, 10 a.m. The Texas Commission on the Arts will meet at the Fort Worth Art Museum, 1309 Montgomery, Fort Worth. According to the agenda summary, the commission will conduct a public hearing, consent to the agenda, and consider resolutions, individual items, and information-only items. The commission also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, if necessary.

Contact: Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: April 9, 1984, 11:52 a.m.
TRD-843931

Coordinating Board, Texas College and University System

Thursday, April 19, 1984, 10:30 a.m. The Administrative Council of the Coordinating Board, Texas College and University System will meet in Conference Room 209, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the council will consider final adoption of proposed amendments to 19 TAC §25.34, concerning basic procedural and administrative practices, an institutional program review; receipt of an Advisory Committee recommendation, the legislative package for the 69th session of the Texas legislature, discussion on Senate Bill 1287 and OPR reporting requirements, and the executive secretary's report.

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711, (512) 475-2033.

Filed: April 6, 1984, 3:44 p.m.
TRD-843894

Texas State Board of Examiners of Professional Counselors

Saturday, April 14, 1984, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet in Training Room A, Service Building, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve the February 4, 1984, minutes; hear the executive secretary's report, consider license, license renewal, speciality certificates, areas for specialty designation, licensure applications and procedures, including reviews of disapproved files (applicants with disapproved files may appear for review of their applications), continuing education requirements for renewal of licensure, and complaints against licensees; discuss matters relating to development and administration of the licensure examination and other matters relating to the licensure and regulation of professional counselors, and set the next meeting date.

Contact: Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: April 6, 1984, 4:23 p.m.
TRD-843896

Employees Retirement System of Texas

Friday, April 6, 1984, 1:30 p.m. The Board of Trustees of the Employees Retirement System (ERS) of Texas met in emergency session at the ERS Building, 18th and Brazos Streets, Austin. According to the agenda, the board discussed and acted on the tender or sale of the system's holdings of Masonite stock and reinvestment of the proceeds. The emergency status was due to the system's desire to take advantage of the increased price resulting from the attempted takeover of Masonite, and, under system rules, the board must give prior approval to all purchases and sales of stock.

Contact: Clayton T. Garrison, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431.

Filed: April 6, 1984, 8:49 a.m.
TRD-843847

Texas Employment Commission

Wednesday, April 11, 1984, 10 a.m. The Texas Employment Commission (TEC) made an emergency addition to the agenda of an emergency rescheduled meeting held in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. The addition concerned MR-83-00658-10-010984, regarding Mildred F. Hastings, and 83-02976-10-022484, regarding Travis Skeeters and J&W Lucky 7 Grocery. The emergency status was due to having to comply with federal time lapse requirements and having the original meeting cancelled due to a conflict in the commissioners' schedules.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas 78701, (512) 397-4415.

Filed: April 6, 1984, 11:02 a.m.
TRD-843852

Tuesday, April 17, 1984. The Texas Employment Commission will meet in the TEC Building, 15th Street and Congress Avenue, Austin. Times, rooms, and agendas follow.

9 a.m. In Room 644, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 16, and set the date of the next meeting.

Contact: Courtenay Browning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415.

Filed: April 9, 1984, 3:42 p.m.
TRD-843969

Noon. In Room 630, the commission will meet with representatives of the John Gray Institute, AFL-CIO, and Texas Association of Business to discuss how the John Gray Institute may provide assistance to the TEC, labor, and management.

Contact: Patricia Vistein, TEC Building, Room 624, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4505.

Filed: April 9, 1984, 3:43 p.m.
TRD-843970

Finance Commission of Texas

Wednesday, April 18, 1984, 10 a.m. The Banking Section of the Finance Commission of Texas will meet at 2601 North Lamar Boulevard, Austin. Items on the agenda include capital policy, brokered funds, regulation of prepaid funeral contracts and trust companies, securities activities of state banks, relations with accountants, work in progress, the training manual, the memorandum system, holding company supervision, and a report on department personnel.

Contact: Archie Clayton, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: April 10, 1984, 9:42 a.m.
TRD-844017

Commission on Fire Protection Personnel Standards and Education

Tuesday, April 17, 1984, 10 a.m. The board of the Commission on Fire Protection Personnel Standards and Education will meet in the basement level conference room, 510 South Congress Avenue, Austin. According to the agenda, the board will discuss the

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process for selecting an executive director from six candidates. The board also will meet in executive session to interview six candidates for the executive director position. After all the interviews have been conducted, the board will reopen the meeting for general discussion.

Contact: Ray L. Goad, 510 South Congress Avenue, Austin, Texas 78704, (512) 475-8066.

Filed: April 5, 1984, 11 29 a.m.
TRD-843827

Wednesday, April 18, 1984, 9 a.m. The Board for Public Hearing of the Commission on Fire Protection Personnel Standards and Education will meet in the basement level conference room, 510 South Congress Avenue, Austin. According to the agenda, the board will conduct a public hearing to receive recommendations from fire departments, airport managers, and interested parties regarding training standards for aircraft crash and rescue fire fighters.

Wednesday, April 18, 1984, 1 p.m. The Committee on Fire Protection of the Commission on Fire Protection Personnel Standards and Education will meet in the basement conference room, 510 South Congress Avenue, Austin. According to the agenda, the committee will discuss the request by several fire departments to grant fire inspector certification to fire suppression personnel and develop a recommendation for presentation to the full commission.

Wednesday, April 18, 1984, 2 p.m. The board of the Commission on Fire Protection Personnel Standards and Education will meet in the basement level conference room, 510 South Congress Avenue, Austin. According to the agenda summary, the board will receive reports from the standing committees, address old business, and hear any new business.

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

Filed: April 5, 1984, 11 29 a.m.
TRD-843828-843830

Office of the Governor

Saturday, April 14, 1984, 9 a.m. The Governor's Advisory Committee on Minority Business of the Governor's Small Business and Equal Employment Opportunity Office of the Office of the Governor will meet at the Pan American National Bank, 2707 West Northwest Highway, Dallas. According to the agenda, the committee will discuss

minority business enterprise recommendations.

Contact: Deborah Brown, Sam Houston Building, Room 107, 201 East 14th Street, Austin, Texas 78701, (512) 475-6507.

Filed: April 6, 1984, 3:15 p.m.
TRD-843892

Monday, April 23, 1984, 7 p.m. The Nuclear Waste Programs Office of the Governor's General Counsel of the Office of the Governor will meet in the auditorium, Tulia High School, 501 Northeast Fourth Street, Tulia. According to the agenda, the office will solicit comments from interested public officials, individuals, and organizations on a document titled "Identification of Sites Within the Palo Duro Basin" (BMI/OWNI-531), which designates sites that the U.S. Department of Energy may continue to investigate as potential high-level nuclear waste disposal sites.

Contact: Steve Frishman, Sam Houston Building, Room 204, 201 East 14th Street, Austin, Texas 78701, (512) 475-4444.

Filed: April 9, 1984, 10 58 a.m.
TRD-843917

Thursday, April 26, 1984, 7 p.m. The Nuclear Waste Programs Office of the Governor's General Counsel of the Office of the Governor will meet in the auditorium, Hereford High School, 700 Union Street, Hereford. According to the agenda, the office will solicit comments from interested public officials, individuals, and organizations on a document titled "Identification of Sites Within the Palo Duro Basin" (BMI/OWNI-531), which designates sites that the U.S. Department of Energy may continue to investigate as potential high-level nuclear waste disposal sites.

Contact: Steve Frishman, Sam Houston Building, Room 204, 201 East 14th Street, Austin, Texas 78701, (512) 475-4444.

Filed: April 9, 1984, 10 58 a.m.
TRD-843918

Texas Department of Health

Saturday, April 14, 1984, 9:30 a.m. The Texas Board of Health of the Texas Department of Health will meet in the McNelly Room, Uvalde First State Bank, 200 East Nopal, Uvalde. According to the agenda summary, the board will approve the March 10, 1984, minutes, hear the commissioner's report, conduct an overview of programs for Public Health Region 9; consider a re-

sponse to a petition by the Texas Pesticide Project, the Consumers Union, and the Anti-hunger Coalition, pertaining to 1, 2, dibromo ethane (EDB), a proposed amendment to a rule concerning petitions to the department for the adoption of a rule, a proposed amendment to the emergency medical services rules for block grant funding, a proposed repeal of the March of Dimes rules, and a proposed repeal of the Early Periodic Dental Screening Treatment (EPDST) rules; final adoption of the repeal of water hygiene rules and federal regulations on Communicable Disease Program grants and adoption of rules for the management of sludges and similar wastes and the licensure of dietitians, an emergency adoption and proposed rules concerning violations, complaints, and subsequent board actions relating to the licensure of dietitians and an amendment to the licensure rules, Budget Committee reports on request for approval to purchase data processing equipment, and to increase the monthly rent of on-campus housing at state chest hospitals, Personnel Committee reports on designation of terms for the Lay Midwifery Advisory Board and requests for extension of employment beyond age 70, announcements and comments requiring no board action, and setting the meeting date for May 1984. The board also will meet in executive session.

Contact: Gary A. Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: April 6, 1984, 4:23 p.m.
TRD-843897

Sunday, April 15, 1984, 8:30 a.m. The Home Health Services Advisory Council of the Texas Department of Health will meet in the board room, El Paso Marriott, 1600 Airway Boulevard, El Paso. According to the agenda, the council will review proposed rules concerning the licensure of home health agencies.

Contact: Juanita Carrell, Ed D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

Filed: April 6, 1984, 4:23 p.m.
TRD-843898

Thursday, April 19, 1984, 10 a.m. The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room G-209, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve the minutes; hear an interim report from the Subcommittee on Architectural Manual and Policies; consider the licensure of dietitians, the Bureau of Long-Term Care study on nurse aide duties, the permitting of nurse

aides, facility training coordinators, and the next scheduled meeting.

Contact: Howard C. Allen, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: April 6, 1984, 4:23 p.m.
TRD-843899

Thursday, May 17, 1984, 7 p.m. The Texas Department of Health will meet in Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the department and the Texas Department of Water Resources will issue a notice of intent to seek final authorization from the U.S. Environmental Protection Agency (EPA) to administer a hazardous waste management program for the State of Texas. The state agencies intend to submit an application for final authorization to the EPA in accordance with the Resources Conservation and Recovery Act of 1976, Subtitle C, as amended, 42 United States Code §6901, *et seq*.

Contact: Glendon D. Eppler, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271

Filed: April 6, 1984, 4:23 p.m.
TRD-843900

**Texas Health Facilities
Commission**

Thursday, April 19, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificates of Need

Gramercy Ambulatory Hospital,
Houston
AS83-0912-164

Institute of Eye Surgery, Houston, Inc.,
Houston
AS83-0613-622

Baptist Memorial Center, San Antonio
AH84-0109-021

Diagnostic Clinic of Houston, Houston
AO83-1219-454

Contact: Judith A. Monaco, P.O. Box 50049, Austin, Texas 78763, (512) 475-6940

Filed: April 9, 1984, 9:21 a.m.
TRD-843905

University of Houston System

Monday, April 9, 1984. A committee of the Board of Regents of the University of

Houston (UH) System and the full board submitted revised agendas for meetings held in the board room, Room 220, Ezekiel Cullen Hall, UH-University Park campus, 4800 Calhoun, Houston. Times and agendas follow.

11 a.m. The State Affairs Committee met in executive session to discuss and/or approve a personnel item and the appointment of personnel.

1:30 p.m. The Board of Regents discussed and/or approved the election of officers and reports from the president and the Student, Alumni, and Athletics Affairs, the University Relations, the Campuses, Faculty, and Academic Affairs, the Facilities, Planning, and Building, and the State Affairs Committees. The board also met in executive session to consult with an attorney.

Contact: Patricia A. Bailey, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: April 6, 1984, 10:41 a.m.
TRD-843854, 843855

State Board of Insurance

Monday, April 9, 1984, 2 p.m. The State Board of Insurance met in emergency session in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board considered a staff report on pending activities. The emergency status was necessary because decisions on these matters needed to be made as soon as possible.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: April 6, 1984, 1:58 p.m.
TRD-843878

Tuesday, April 17, 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 7639—application for amendment to the articles of incorporation of Bates-Cooper-Weems Insurance Company, Mount Pleasant.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

Filed: April 9, 1984, 10:57 a.m.
TRD-843932

Tuesday, April 17, 1984. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Times and agendas follow.

10 a.m. The board will consider the commissioner's and fire marshal's reports, including personnel matters; requesting an attorney general's opinion respecting whether the state can make premium contributions for dependents of state employees; final action on Rules 059.41 43 300-326, concerning planning, selling, installing, maintaining, or servicing fire protection sprinkler systems, as proposed at 9 TexReg 1076; a decision on a motion for dismissal in the appeal of Peter Mark from action of the Texas Catastrophe Property Insurance Association; and board orders on several different matters as itemized on the complete agenda.

2 p.m. The board will discuss the National Association of Insurance Commissioners model variable life insurance regulation and its applicability to flexible premium variable life products; a form to obtain information from insurers respecting their credit life, accident, and health insurance business; and Rule 059 53 08 003, as proposed at 8 TexReg 4889.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: April 9, 1984, 11:11 a.m.
TRD-843933, 843935

Wednesday, April 18, 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 7635—application of Thomas Mathew Cuomo, El Paso, for a legal reserve life insurance agent's license.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

Filed: April 9, 1984, 10:58 a.m.
TRD-843936

The State Board of Insurance will conduct public hearings in Room 414, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Wednesday, April 18, 1984, 9 a.m. Appeal of Aztec Insurance Company from a commissioner's decision to deny an application for an extension of time for filing a motion for rehearing of Commissioner's Order 83-2896.

Thursday, April 19, 1984, 9 a.m. Consideration of whether the board should reclassify the experience rating modifier applied to the

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workers' compensation premium of Payne Brick Company, Ltd

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: April 9, 1984, 11:11 a.m.
TRD-843937, 843938

Thursday, April 19, 1984, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin Rooms and dockets follow

In Room 342, Docket 7636—application of John Thurman Ward Summers, Waco, for a legal reserve life insurance agent's license.

Contact: J C Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 9, 1984, 10.58 a m.
TRD-843939

In Poom 353, Docket 7648—application for original charter of Windsor Life Insurance Company, Dallas.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287

Filed: April 9, 1984, 10 58 a m.
TRD-843940

Long-Term Care Coordinating Council for the Elderly

Tuesday, April 17, 1984, 10 a.m. The Long-Term Care Coordinating Council for the Elderly will meet in the Texas Department of Human Resources board room, 706 Bannister Lane, Austin According to the agenda summary, the council will approve a summary of the February 23, 1984, meeting and consider highlights of recent long-term care activities and legislation, long-term care initiatives in Texas, task force organization, and a future work schedule for the council

Contact: Peggy Davidson, P.O. Box 12786, Austin, Texas 78711, (512) 475-2717.

Filed: April 9, 1984, 4 22 p.m.
TRD-843974

Texas State Board of Medical Examiners

Thursday, April 26, 1984, 4:30 p.m. The Reciprocity Committee of the Texas State Board of Medical Examiners will meet at 300 East Travis, San Antonio According to the agenda summary, the committee will discuss requirements for a distinguished professor permit under the current rules/training requirement in the Act, board cer-

tified physicians (foreign graduates) who have not trained in a board-approved program, the University of Miami Ph.D.-M.D. Program, and current requirements for reciprocity applicants. The committee also may meet in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4 05(d), §5 06(e)(1), and Attorney General Opinion H-484, 1974.

Contact: Jean Davis, 1101 Camino La Costa, Suite 201, Austin, Texas 78701, (512) 452-1078.

Filed: April 6, 1984, 3:44 p.m.
TRD-843895

Board of Pardons and Paroles

Monday-Friday, April 23-27, 1984, 9 a.m. daily. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will review cases of inmates for parole consideration, take action on requests for executive clemency; review and act upon reports regarding administrative releasees; review procedures affecting the daily operation of staff; consider and act regarding needed administrative rule changes; take action upon gubernatorial directives; take action concerning certifying and contracting with community residential facilities; and consider and act in personnel matters

Contact: John W Byrd, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2716

Filed: April 9, 1984, 10.26 a m
TRD-843910

Texas Parks and Wildlife Department

Friday, April 20, 1984, 10 a.m. The Operation Game Thief Committee of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin According to the agenda, the committee will approve the October 31, 1983, public hearing minutes, consider a financial report and the payment of rewards; and set the date of the next meeting

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: April 9, 1984, 2 10 p m
TRD-843943

State Property Tax Board

Tuesday-Thursday, April 10-12, 1984, 10:30 a.m. Tuesday and 8:30 a.m. daily Wednes-

day and Thursday. The Correction Review Panel Division of the State Property Tax Board submitted an emergency revised agenda for a meeting held in the conference room, 9501 IH 35 North, Austin. According to the revised agenda, the division considered purposes of determinations with regard to appraisal district correction review submissions to the 1983 property value study The emergency status was necessary to finalize the correction review hearing schedule based upon final receipt and consideration of correction review submissions.

Contact: Ron Patterson, 9501 IH 35 North, Austin, Texas, (512) 837-8622

Filed: April 6, 1984, 2:28 p.m.
TRD-843891

Texas State Board of Public Accountancy

Tuesday, April 17, 1984, 9:30 a.m. The Continuing Education Committee of the Texas State Board of Public Accountancy will meet in the executive room, 2001 Club, Bryan Tower, 2001 Bryan Street, Dallas. According to the agenda, the committee will review the February 15, 1984, minutes; discuss enhancement to the board's Quality Continuing Education (CE) Program; conduct a discussion regarding amendments to substantive rules regarding mandatory CE requirements; review exemption requests, forms for exemption, requests for additional credit for published articles and books, and sponsor registration; and consider other pertinent items

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241

Filed: April 9, 1984, 10 09 a.m.
TRD-843911

Texas Public Building Authority

Tuesday, April 17, 1984, 10 a.m. The Texas Public Building Authority will meet in Room 100D, John H Reagan Building, 105 West 15th Street, Austin According to the agenda, the authority will approve the February 29, 1984, minutes and consider reports concerning the introduction of the executive secretary, a review of applications and interviewing, the status of office operation, coordination with other agencies and departments, and administrative procedures The authority also will meet in executive session to consider personnel matters The authority will then reconvene in open session to discuss matters considered

in executive session and set the time and place of the next meeting.

Contact: Gayle Baker, Sam Houston Building, Room 1008, 201 East 14th Street, Austin, Texas 78711, (512) 475-0290.

Filed: April 9, 1984, 10:07 a.m.
TRD-843912

Public Utility Commission of Texas

Friday, April 6, 1984, 9 a.m. The Hearings Division of the Public Utility Commission of Texas made an emergency addition to the agenda of a meeting held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. The emergency addition concerned consideration of an appeal of the examiner's order granting a general counsel's motion to require Gulf States Utilities to republish notice and reestablish its effective date in Docket 5560—application of Gulf States Utilities Company for authority to change rates. The emergency status was necessary so that if the appeal was granted, the hearing on the merits would be able to begin on April 16, 1984, as originally scheduled

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 5, 1984, 4:22 p.m.
TRD-843844

Tuesday, April 17, 1984, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in a rescheduled session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 5595—application of Guadalupe River Estates Water Company for a rate increase. The meeting was originally scheduled for April 16, 1984.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 9, 1984, 10:09 a.m.
TRD-843913

Monday, May 21, 1984, 10 a.m. The Hearings Division of the Public Utility Commission of Texas submitted a revised agenda for a meeting to be held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the revised agenda, the division will conduct a hearing in Docket 5486—application of Spring Valley Water Company, doing business as Spring Valley Utility Company,

for water and sewage certificates of convenience and necessity.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 9, 1984, 10:08 a.m.
TRD-843914

State Purchasing and General Services Commission

Monday, April 16, 1984, 2 p.m. The State Purchases and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. Items on the agenda include a report on the implementation of recommendations on Findings 27, 30, and 31 from the operational audit of facilities planning and construction, building and property services, and capitol security; status reports on a plan for changes in voucher processing and changes in auditing delegated services; commission monthly reports; and the setting of the time and date for the next meeting. The commission also will meet in executive session to discuss the status of acquisition of real property in the Capitol complex

Contact: Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211, or STS 822-2211

Filed: April 6, 1984, 3:24 p.m.
TRD-843893

Railroad Commission of Texas

Monday, April 9, 1984, 9 a.m. Divisions of the Railroad Commission of Texas submitted emergency revised agendas for meetings held in Room 309, 1124 IH 35 South, Austin. Divisions and revised agendas follow

The Gas Utilities Division considered various matters falling within the division's regulatory jurisdiction. The emergency status was necessary because these items were properly noticed for conference on April 2, 1984, and the conference was cancelled

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461

Filed: April 6, 1984, 10:40 a.m.
TRD-843856

The Oil and Gas Division considered category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108. The emergency status was necessary because this item

was properly noticed for conference on April 2, 1984, and the conference was cancelled.

Contact: Madalyn J. Girvin, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: April 6, 1984, 10:43 a.m.
TRD-843872

Emergency addition to the previous agenda:

Consideration of various matters falling within the commission's oil and gas regulatory jurisdiction. The emergency status was necessary because these items were properly noticed for conference on April 2, 1984, and the conference was cancelled.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307

Filed: April 6, 1984, 10:44 a.m.
TRD-843873

Monday, April 9, 1984, 9 a.m. The Transportation Division of the Railroad Commission of Texas met in emergency session in the third floor conference room, Room 309, 1124 IH 35 South, Austin. According to the agenda summary, the division considered various matters falling within the commission's transportation regulatory jurisdiction. The emergency status was necessary because these items were properly noticed for conference on April 2, 1984, and the conference was cancelled

Contact: Walter Wendlandt, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: April 6, 1984, 10:41 a.m.
TRD-843857

Emergency addition to the previous agenda:

Consideration of a motion for rehearing in the application of Oil Field Haulers Association, Inc., Docket 025665ZZT—machinery, pipe, heavy, or bulky articles, OFHA Tariff 6-Y—amend items 220, 700, 710, 740, and 760 revising rates and provisions, establish distance rate items on machinery, etc., and oil field pipe, etc., subject to increase minimum weights, and application of K. L. Breeden Trucking, Inc., Docket 024978ZZT—machinery, heavy, and bulky articles, etc., 30,000- and 36,000-pound minimums, pipe or casing or oil well tubing, iron or steel, 40,000-pound minimum, establish distance rate scales in new items in OFHA Tariff 6-Y. The emergency status was necessary because in its final order, the commission ordered reduced scales of rates on shipments of oil field pipe and machinery, and some carriers worried that these rate reductions would have a calamitous impact on the support industry for a substantial portion of the state's economy,

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which constitutes an imminent peril to the public welfare. April 9, 1984, was the last regularly scheduled conference before the rates went into effect.

Contact: Sandy Yates, 1124 IH 35 South, Austin, Texas 78704

Filed: April 6, 1984, 10:40 a.m.
TRD-843858

Monday, April 16, 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: April 6, 1984, 10:45 a.m.
TRD-843859

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: April 6, 1984, 10:44 a.m.
TRD-843860

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: April 6, 1984, 10:45 a.m.
TRD-843861

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: April 6, 1984, 10:39 a.m.
TRD-843862

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: April 6, 1984, 10:43 a.m.
TRD-843863

The LP-Gas Division will consider Docket 289, regarding the temporary suspension of LPG License 4875 of Superior Fuels, Inc., and 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: April 6, 1984, 10:42 a.m.
TRD-843864

The Oil and Gas Division will consider various matters falling within the commission's oil and gas regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: April 6, 1984, 10:44 a.m.
TRD-843865

Addition to the previous 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: April 6, 1984, 10:45 a.m.
TRD-843866

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, (512) 445-1120.

Filed: April 6, 1984, 10:44 a.m.
TRD-843867

The Office of Research, Analysis, and Statistics will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Box 12967, Austin, Texas 78711

Filed: April 6, 1984, 10:43 a.m.
TRD-843868

The Office of 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 Lillie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: April 6, 1984, 10:45 a.m.
TRD-843869

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: April 6, 1984, 10:42 a.m.
TRD-843870

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: April 6, 1984, 10:42 a.m.
TRD-843871

Red River Compact Commission

Tuesday and Wednesday, April 24 and 25, 1984, 2 p.m. and 9 a.m. respectively. The Red River Compact Commission will meet at the Kiva Inn, 401 Broad Street, Wichita Falls. According to the agenda summary, on Tuesday the commission will tour the Red River Chloride Control Project and conduct committee meetings as scheduled by the chairman. On Wednesday, the commission will approve the April 26, 1983, agenda and minutes; hear reports from the chairman, the secretary/treasurer, commissioners, and committees, consider unfinished business, including a proposed amendment to rules for internal organization, proposed interim rules to compute enforce compact compliance, the status of the appointment of a federal chairman, a cost sharing requirement on the Red River Chloride Control Project, and the approval of the commission stationery; and consider new business regarding Caddo Lake and Cypress Bayou permits, the Chicot pumping station, House Rule 3678, a planning study, the election of officers, and the fifth annual meeting.

Contact: John P. Saxton, One Capitol Mall, Suite 2D, Little Rock, Arkansas 72201, (501) 371-1611.

Filed: April 5, 1984, 1:58 p.m.
TRD-843835

School Land Board

Tuesday, April 17, 1984, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the

agenda, the board will approve the previous meeting minutes and consider an application for lease suspension, pooling applications, pooling agreement amendments, excess acreage applications, good faith claimant applications, final approval of land trades in Bexar, Aransas, and San Patricio Counties, a lease application for coastal public lands, easement applications, cabin permit transfer requests, cabin permit relocation requests, and a procedure for streamlining the processing of certain non-commercial, private coastal easements

Contact: Linda K Fisher, Stephen F Austin Building, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-4307.

Filed: April 9, 1984, 3:49 p.m.
TRD-843973

State Securities Board

Wednesday, April 25, 1984, 10 a.m. The Securities Commissioner of the State Securities Board will conduct a rescheduled hearing at 1800 San Jacinto Street, Austin. According to the agenda summary, the hearing will determine whether the registration of Robco Oil, Inc., as a securities dealer, the registration of James W Robson, Sr., and James W Robson, Jr (also known as Robbie Robson) as principals of a securities dealer, and the registration of Dennis Doyle Dalton (also known as Dusty Dalton) as a securities salesman should be denied, revoked, or suspended, and whether a cease and desist order should be issued prohibiting the sale of securities issued by Robco Oil, Inc., James W Robson, Jr., James W Robson, Sr., and sold by James W Robson, Jr., Bradford Harris Blazar, Dennis Doyle Dalton, and Scott Frederick Washburn. The hearing was originally scheduled for April 10, 1984, as published at 9 TexReg 1907

Contact: Sue B Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233

Filed: April 9, 1984, 10:08 a.m.
TRD-843915

Boards for Lease of State-Owned Lands

Friday, April 13, 1984, 10:15 a.m. The Board for Lease of the Texas Indian Commission of the Boards for Lease of State-Owned Lands will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previ-

ous meeting minutes and consider an easement application

Contact: Linda K Fisher, Stephen F. Austin Building, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-4307

Filed: April 5, 1984, 4:40 p.m.
TRD-843846

Texas Tech University

Monday, April 16, 1984, 10 a.m. The Finance and Administration Committees of the Texas Tech University Board of Regents and the Texas Tech University Health Science Board of Regents will meet in the Coleman Bank conference room, Coleman. According to the agendas, the committees will meet jointly in executive session to consider an investment policy and procedures for preparing legislative requests

Contact: Freda Pierce, P O. Box 4039, Lubbock, Texas 79409, (806) 742-2161

Filed: April 9, 1984, 2:49 p.m.
TRD-843971, 843972



University of Texas System

Thursday and Friday, April 12 and 13, 1984, 1 p.m. and 9 a.m. respectively. The Board of Regents and standing committees of the University of Texas System met in Room 40312, John Peace Library Building, University of Texas at San Antonio (UTSA), John Peace Boulevard, San Antonio. According to the agenda summary, the board and committees considered the sale of UTSA combined fee revenue bonds, Series 1984, appointments to advisory councils, policies for the preparation of legislative budget requests, buildings and grounds matters, including authorization for a project, the approval of final plans, and the awarding of contracts, the chancellor's docket (index submitted by the system administration); amendments to R&R, affiliation agreements, appointments to endowed academic positions, 1984-1985 rates for university housing, UT-Austin and UT-Arlington; an increase in the student services fee, UT-Dallas and UT-El Paso; land

and investment matters; the acceptance of gifts, bequests, and estates; the establishment of endowed positions and funds; leases; the sale of real estate, pending litigation; and personnel matters, land acquisition and negotiated contracts.

Contact: Arthur H Dilly, P O. Box N, Austin, Texas 78713, (512) 471-1265.

Filed: April 6, 1984, 1 07 p.m.
TRD-843874

Addition to the previous agenda:

A recommended revision to the architect/engineer contract and revised schedule of fees as shown in Item 5 in the Buildings and Grounds Committee.

Contact: Arthur H Dilly, P O Box N, Austin, Texas 78713, (512) 471-1265.

Filed: April 9, 1984, 11:59 a.m.
TRD-843934

University Interscholastic League

Friday, April 6, 1984, 9 a.m. The Advisory Committee on Illegal Sex Discrimination in University Interscholastic League (UIL) Activities of the UIL met in emergency session in Room 606, Belmont Hall, University of Texas campus, Austin. According to the agenda summary, the committee organized a committee and determined experts to request input for future meetings. The emergency status was necessary because acceptances were not received from those asked to serve on this committee until April 4, 1984.

Contact: Bailey Marshall, P O. Box 8028, Austin, Texas 78712, (512) 471-5883

Filed: April 5, 1984, 4 30 p m
TRD-843845

Veterans Land Board

Thursday, April 12, 1984, 4 p.m. The Veterans Land Board of the General Land Office submitted a revised agenda for an emergency meeting held in Room 831, Stephen F Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda, the board approved the March 21, 1984, minutes and considered the adoption of a resolution approving bidding instructions, official notice, and official statement for veterans land bonds, Series 1984A, a resolution authorizing the issuance and sale of veterans land bonds, Series 1984A, bids and awarding a contract for paying agent/registrars bids for bonds and action in connec-

tion with the sale of bonds consistent by the board to be appropriate and/or necessary; the approval of rules for the Housing Assistance Program concerning straight \$20,000 loans, second lien loans and "take-out" loans; forfeiture action on delinquent board accounts, and general business of the board. The emergency status was necessary to consider the adoption of the resolution approving bidding instructions, official notice, and official statement for veterans land bonds, Series 1984A.

Contact: Harmon Lisnow, Stephen F. Austin Building, Room 711, 1700 North Congress Avenue, Austin, Texas, 78701, (512) 475-3766

Filed: April 5, 1984, 11:14 a.m.
TRD-843826

Texas Water Commission

Tuesday, April 10, 1984, 10 a.m. The Texas Water Commission made an emergency addition to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The emergency addition concerned an order *Nunc Pro Tunc* correcting the commission's order dated March 28, 1984, pertaining to Application 1218E of the Chocolate Bayou Water Company. The emergency status was necessary for the applicant to meet certain deadlines.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: April 9, 1984, 11:28 a.m.
TRD-843941

Tuesday, April 17, 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 consider water district bond issues, a release from escrow, the use of surplus funds, water quality proposed permits, amendments and renewals, water use applications, 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: April 5, 1984, 1:58 p.m.
TRD-843836

Wednesday, May 23, 1984, 10 a.m. The Texas Water Commission will meet in the city commission chambers, Amarillo City Hall, 509 East Seventh Avenue, Amarillo.

According to the agenda summary, the commission will consider the application to the Texas Department of Water Resources by the City of Canyon, 301 16th Street, Canyon, Texas 79015, for an amendment to Permit 10073-01 to authorize a relocation of the effluent land application site from an area southeast of Canyon, approximately 2.5 miles south of State Highway 217 and 2.5 miles east of FM Road 1541 in Randall County, to an area southeast of the city between the Atchison, Topeka, and Santa Fe Railroad and FM Road 1541 and south of an easterly extension of FM Road 1714 in Randall County. The applicant proposes to treat the same flow rate and use the same treatment process as specified in the existing permit. No discharge of pollutants to surface water in the state is authorized.

Contact: Diana L. Granger, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: April 5, 1984, 1:57 p.m.
TRD-843837

Friday, May 25, 1984, 10 a.m. The Texas Water Commission will meet in the council chambers, second floor, Conroe City Hall, 505 West Davis, Conroe. According to the agenda summary, the commission will consider an application to the Texas Department of Water Resources by C & W Constructors, Inc., 2300 Fairway Park Drive, Houston, Texas 77092, for proposed Permit 12761-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 100,000 gallons per day from the proposed Westmont Park Wastewater Treatment Plant. The applicant proposes to build a wastewater treatment plant to serve a mobile park complex and commercial development.

Addition to the above agenda:

Application to the Texas Department of Water Resources by Lanco Properties, 12400 North Freeway, Suite 208, Houston, Texas 77060, for proposed Permit 12890-01, to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 225,000 gallons per day from the proposed Woodland Oaks Wastewater Treatment Plant, which the applicant proposes to build in phases to serve the needs of the Woodland Oaks Subdivision.

Contact: Paul C. Elliott, P.O. Box 13087, Austin, Texas 78711, (512) 475-1317.

Filed: April 6, 1984, 1:29 p.m.
TRD-843875, 843876

Texas Department of Water Resources

Monday, April 23, 1984, 1:30 p.m. The Texas Water Development Board of the Texas Department of Water Resources will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider approval of the minutes; the status of the development fund manager's report; the extension of loan commitments to the Cities of Bertram and Princeton; financial assistance to the Town of Wolfforth and the City of Meridian; recommendations for funding several research and flood protection planning projects in various amounts, allocating funds in the amount of \$1 million from the water assistance fund to the research and planning fund, amending the fiscal year 1984 master agreement with the United States Geological Survey; approval of rules for the regulation of private sewage facilities of Calhoun and Rockwall Counties; and a briefing on the state auditor's management letter for the fiscal year 1983 audit.

Contact: Charles E. Nemir, P.O. Box 13087, Austin, Texas 78711, (512) 475-3187.

Filed: April 9, 1984, 1:32 p.m.
TRD-843942

Thursday, May 17, 1984, 7 p.m. The Texas Department of Water Resources will meet in Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the department and the Texas Department of Health will issue a notice of intent to seek final authorization from the U.S. Environmental Protection Agency (EPA) to administer a hazardous waste management program for the State of Texas. The state agencies intend to submit an application for final authorization to the EPA in accordance with the Resources Conservation and Recovery Act of 1976, Subtitle C, as amended, 42 United States Code §6901, *et seq*.

Contact: Dan Eden, P.O. Box 13087, Austin, Texas 78711, (512) 475-2041

Filed: April 6, 1984, 1:29 p.m.
TRD-843877

Regional Agencies Meetings Filed April 5

The Brazos Valley Development Council, Executive Committee, met in the council offices, 3006 East 29th Street, Bryan, on April 12, 1984, at 1:30 p.m. Information may be

obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 822-7421.

The Region VIII Education Service Center, Board of Directors, rescheduled a meeting held in Room 107, 100 North Riddle Street, Mount Pleasant, on April 10, 1984, at 6 p.m. The meeting originally was scheduled for April 5, 1984. Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455, (214) 572-8551.

The Region X Education Service Center, Board of Directors, met in the board room, 400 East Spring Valley, Richardson, on April 11, 1984, at 12:30 p.m. Information may be obtained from H. W. Goodgton, 400 East Spring Valley, Richardson, Texas 75080, (214) 231-6301.

The Hays County Central Appraisal District, Board of Directors, met in the courthouse annex, first floor, San Marcos, on April 10, 1984, at 2 p.m. Information may be obtained from Lynnell Sedlar, Courthouse Annex, 102 LBJ, San Marcos, Texas 78666.

TRD-843824

Meetings Filed April 6

The Bastrop County Appraisal District, Board of Directors, will meet in the commissioners courtroom, Bastrop County Courthouse, 804 Pecan Street, Bastrop, on April 13, 1984, at 2 p.m. Information may be obtained from Clifton Kessler, 705 Spring Street, Bastrop, Texas 78602, (512) 321-4316

The Blanco County Central Appraisal District, Board of Directors, met at the Blanco County Courthouse Annex, Johnson City, on April 9, 1984, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624

The Bosque County Appraisal District, Board, will meet at the Bosque County Courthouse, Meridian, on April 19, 1984, at 7 p.m. Information may be obtained from David G. Cooper, Box 393, Meridian, Texas 76665, (817) 435-2019

The Dallas Area Rapid Transit Authority, Budget Committee, met at 601 Pacific Avenue, Dallas, on April 9, 1984, at 4 p.m. The Special Service Needs Committee will meet at the same location on April 12, 1984, at 4:30 p.m. The Service Plan/Work Program

Committee will meet at the same location on April 13, 1984, at 1:30 p.m. The Personnel Committee will meet at the same location on April 13, 1984, at 4 p.m. The Communication and Community Involvement Committee will meet at the same location on April 16, 1984, at 2 p.m. Information may be obtained from Michael Miles, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Deep East Texas Council of Governments—Area Agency on Aging, Regional Aging Advisory Council, will meet at the Angelina County Senior Citizens Center, 2801 Valley Avenue, Lufkin, on April 13, 1984, at 1:30 p.m. Information may be obtained from Martha Jones, 272 East Lamar Street, P.O. Drawer 1170, Jasper, Texas 75951, (409) 384-5704

The Region I Education Service Center, Board of Directors, revised the agenda of a meeting held at 1900 West Schunior, Edinburg, on April 10, 1984, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611

The Ellis County Tax Appraisal District met at 406 Sycamore Street, Waxahachie, on April 12, 1984, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552

The Gray County Appraisal District, Appraisal Review Board, met in emergency session in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on April 9, 1984, at 10 a.m. Information may be obtained from Charles Buzzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791

The Hansford County Appraisal District, Board, met at 13 West Kenneth Avenue, Spearman, on April 11, 1984, at 9 a.m. Information may be obtained from Alice Pedy, Box 567, Spearman, Texas 79081, (806) 659-5575

The Henderson County Appraisal District, Board of Directors, will meet at 101 East Corsicana, Athens, on April 16, 1984, at 7:30 p.m. Information may be obtained from Linda Hagar, 101 East Corsicana, Athens, Texas, (214) 675-9296

The Kendall County Appraisal District, Board of Directors, met at 207 East San Antonio Street, Boerne, on April 12, 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 Lamb County Appraisal District, Board of Directors, will meet at 318 Phelps Avenue, Littlefield, on April 19, 1984, at 7:30 p.m. Information may be obtained from Jack Samford, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474

The Middle Rio Grande Development Council, Criminal Justice Advisory Committee, will meet in the Uvalde city council chambers, Uvalde, on April 17, 1984, at 10 a.m. Information may be obtained from Ramon S. Johnston, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533

The Nolan County Central Appraisal District, Board of Directors, met in Suite 305B, Nolan County Courthouse, 100 East Third Street, Sweetwater, on April 11, 1984, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421

The Trinity River Authority of Texas, Administration Committee, met at the Lake Livingston Dam and reservoir, FM Road 1988, Livingston, on April 12, 1984, at 10 a.m. The Utility Services Committee will meet at the same location on April 16, 1984, at 10 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

TRD-843853

Meetings Filed April 9

The Atascosa County Appraisal District, Board of Directors, will meet at 1010 Zanderson, Jourdanton, on April 19, 1984, at 1:30 p.m. Information may be obtained from Vernon Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730

The Burnet County Appraisal District, met at 215 South Pierce Street, Burnet, on April 12, 1984, at 6:30 p.m. Information may be obtained from Alvin C. Williams, P.O. Box 157, Burnet, Texas 78611, (512) 756-8291.

The Capital Area Rural Transportation System, Board of Directors, met in emergency session in the conference room, Suite 100, Capital Area Rural Transportation System Office, 2520 IH 35 South, Austin, on April 12, 1984, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2520 IH 35 South, Austin, Texas 78704, (512) 443-0904

The Concho Valley Council of Governments, Executive Committee, met in emergency session at 5002 Knickerbocker Road, on April 11, 1984, at 7 p.m. Information

Texas Register

may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Region III Education Service Center, Board of Directors, will meet at 1905 Leary Lane, Victoria, on April 16, 1984, at 1 p.m. Information may be obtained from Dennis Grizzle, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731.

The Region XIV Education Service Center will meet at 1850 State Highway 351, Abilene, on April 19, 1984, at 5:30 p.m. Information may be obtained from Bettye Evans, 1850 State Highway 351, Abilene, Texas, (915) 676-8201

The Region XV Education Service Center, Joint Committee, will meet at 612 South Irene Street, San Angelo, on April 17, 1984, at 10 a.m. The Board of Directors will meet at the same location on the same day at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 655-6551, or 658-6571

The Grayson Appraisal District, Board of Directors, will meet in the commissioner's courtroom, Grayson County Courthouse, Sherman, on April 18, 1984, at noon. Information may be obtained from Sandra Bollner, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673

The Gregg County Appraisal District, Board of Directors, met in a rescheduled emergency session at 2010 Gilmer Road, Longview, on April 11, 1984, at noon. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015

The Hockley County Appraisal District, Board, will meet at 913 Austin Street, Levelland, on April 16, 1984, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Jones County Appraisal District, Board of Directors, will meet at 1137 East Court Plaza, Anson, on April 19, 1984, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422

The Lampasas County Appraisal District will meet at 403 East Second, Lampasas, on April 13, 1984, at 3 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76650, (512) 556-8058

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on April 17, 1984, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Lower Rio Grande Valley Development Council, Board of Directors, met in emergency session in the town meeting room, Harlingen City Hall, 118 East Tyler, Harlingen, on April 11, 1984, at 1:30 p.m. Information may be obtained from Robert A. Chandler, Texas Commerce Bank Building, Suite 207, McAllen, Texas 78501, (512) 682-3481

The Texas Municipal Power Agency, Board of Directors, met at the Gibbons Creek Steam Electric Station, Carlos, on January 12, 1984, at 10:25 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013

The Nortex Regional Planning Commission, Executive Committee, will meet in the Wichita I Room, Kiva Inn, 401 Broad Street, Wichita Falls, on April 19, 1984, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on April 18, 1984, at 2 p.m. The Board of Trustees, Employees Retirement Trust, will meet at the same location on the same day at 3:30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373, or 227-1374.

The South Plains Association of Governments, Board of Directors, met in emergency session at 3424 Avenue H, Lubbock, on April 10, 1984, at 10 a.m. Information may be obtained from Jerry D. Castevens, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721

The Swisher County Appraisal District, Board of Directors, revised the agenda of a meeting held in the meeting room, K-Bob's Restaurant, 219 Southeast Second Street, Tulia, on April 12, 1984, at 7 p.m. Information may be obtained from Rose Lee Powell, 130 North Armstrong, Tulia, Texas 79088, (806) 995-4118

The Upshur County Appraisal District, Board of Directors, will meet at the district office, Trinity and Warren Streets, Gilmer, on April 16, 1984, at 7 p.m. Information may be obtained from Louise Stracener,

P.O. Box 31, Gilmer, Texas 75644, (214) 843-3041.

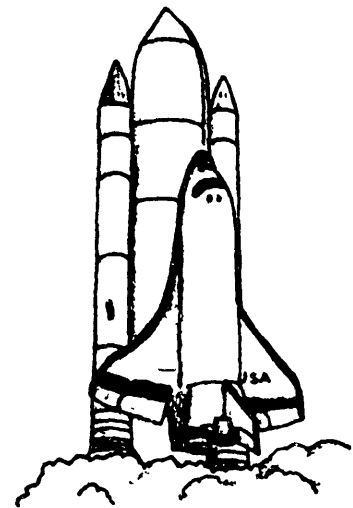
The Wise County Appraisal District, Board of Directors, met in emergency session at 206 South State, Decatur, on April 12, 1984, at 9 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081. TRD-843916

Meetings Filed April 10

The Capital Area Planning Council, Executive Committee, will meet at the Quality Inn South, 2200 IH 35 South, Austin, on April 17, 1984, at 10:00 a.m. The General Assembly also will meet at the same location on the same day at 11:30 a.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Austin, Texas 78704, (512) 443-7653

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on April 17, 1984, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The San Antonio River Authority, Board of Directors, made an addition to the agenda of a meeting to be held in the conference room, 100 East Guenther Street, San Antonio, on April 18, 1984, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, 100 East Guenther Street, San Antonio, Texas 78204, (512) 227-1373. TRD-843979



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

State Banking Board Public Hearings

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, May 22, 1984, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the charter application for Aztec State Bank, Dallas

Additional information may be obtained from O. A. Cassity III, Hearing Officer, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on April 3, 1984

TRD-843781 O. A. Cassity III
Hearing Officer
State Banking Board

Filed April 4, 1984

For further information, please call (512) 475-4451

The hearing officer of the State Banking Board will conduct a hearing on Thursday, May 10, 1984, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the charter application for Liberty Hill State Bank, Liberty Hill

Additional information may be obtained from O. A. Cassity III, Hearing Officer, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451

Issued in Austin, Texas, on April 3, 1984

TRD-843782 O. A. Cassity III
Hearing Officer
State Banking Board

Filed April 4, 1984

For further information, please call (512) 475-4451.

Texas Department of Community Affairs

Extension of Deadline

In the March 30, 1984, issue of the *Texas Register* (9 Tex-Reg 1822), the Texas Department of Community Affairs (TDCA) published a consultant proposal request to operate workshops for TDCA training and employment development staff and for the staff of service delivery area administrative entities. The deadline for the submission of proposals, as set out in that notice, has been extended to 5 p.m. on April 27, 1984. Proposals will be considered on time and acceptable if received at the TDCA by Friday, April 27, 1984, and are acceptable after this date only if postmarked no later than April 25, 1984. Only the proposal deadline has been extended, no other instructions or provisions of the consultant proposal request are changed or in any way affected by this notice.

For further information please contact Gwen Foster, Texas Department of Community Affairs, Training and Employment Development Division, 2015 IH 35 South, P O Box 13166, Austin, Texas 78711, (512) 443-4100, ext 318.

Issued in Austin, Texas, on April 9, 1984

TRD-843908 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: April 9, 1984

For further information, please call (512) 443-4100,
ext 318

**Office of Consumer Credit
Commissioner
Rate Ceilings**

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 04/16/84-04/22/84	19.75%	19.75%
Monthly Rate— Article 1.04(c)⁽¹⁾ 04/01/84-04/30/84	19.25%	19.25%
Standard Quarterly Rate—Article 1.04(a)(2) 04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Quarterly Rate— Article 1.11⁽¹⁾ 04/01/84-06/30/84	18.27%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d)⁽³⁾ 04/01/84-06/30/84	18.27%	N/A
Standard Annual Rate— Article 1.04(a)(2)⁽²⁾ 04/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Annual Rate— Article 1.11⁽¹⁾ 04/01/84-06/30/84	18.27%	N/A
Annual Rate Applica- ble to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 04/01/84-06/30/84	18.00%	N/A
Judgment Rate— Article 1.05, §2 04/01/84-04/30/84	10.00%	10.00%

(1) For variable rate commercial transactions only
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(1)
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on April 9, 1984

TRD-843904 Sam Kelly
Consumer Credit Commissioner

Filed April 9, 1984
For further information, please call (512) 475-2111

**Texas Department of Health
Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions with regard to licenses for the possession and use of radioactive materials as listed in the following table. The sub-heading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Beaumont	Liquid Air Corpo- ration	10-03570	Beaumont	0	03/19/84
Houston	EFFH and Associates	11-03568	Houston	0	03/19/84
Houston	Robert G. Parker, D.P.M., F.A.C.F.S.	11-03569	Houston	0	03/12/84
Throughout Texas	Tech Ops, Inc.	11-03567	Houston	0	03/19/84
Throughout Texas	Henderson Engineering	11-03566	Spring	0	03/19/84
Throughout Texas	Well Services Inter- national, Inc.	05-03563	Plano	0	03/19/84
Throughout Texas	Southern Wireline Inc.	06-03571	Cuddings	0	03/19/84

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend- ment #	Date of Action
Amarillo	Muleshoe Wheels brator Coal Services Company	01-02672	Amarillo	6	03/19/84
Beaumont	L. J. du Pont de Nemours & Com- pany, Inc.	10-00517	Beaumont	41	03/19/84
Clarksville	Red River General Hospital	07-02978	Clarksville	7	03/19/84
Corpus Christi	Coastal States Petrochemical Company	08-01268	Corpus Christi	8	03/19/84
Dallas	Texas Employers Insurance Assn.	08-02004	Dallas	4	03/19/84
Dallas	Doctors Hospital	05-01366	Dallas	23	03/13/84
Dallas	Medical City Dallas Hospital	05-01976	Dallas	38	03/13/84
Denison	Texasoma Medical Center	05-01624	Denison	19	03/20/84
Fort Worth	Trinity Division General Portland Inc.	05-01698	Fort Worth	7	03/19/84
Grand Prairie	Poly America, Inc.	8-03001	Grand Prairie	6	03/16/84
Hearne	Robertson County Community Hospital	06-03564	Hearne	2	03/16/84
Houston	Rig All Interna- tional, Inc.	11-03547	Houston	1	03/19/84
Houston	The University of Texas Health Science Center Houston	11-02774	Houston	4	03/20/84
Houston	Texas Research Institute of Mental Sciences	11-00318	Houston	32	03/16/84
Houston	City of Houston Health Department	11-00149	Houston	24	03/19/84
Houston	Lone Star X-Ray	11-02420	Houston	9	03/19/84
Houston	Cypress Fairbanks Medical Center Inc.	11-03424	Houston	1	03/12/84
Houston	Armco, Inc. South- western Steel Di- vision	11-01424	Houston	13	03/19/84

La Porte	The Upjohn Company	11-00510	La Porte	32	03/14/84
Orange	E I du Pont de Nemours & Company	10-00005	Orange	46	03/19/84
Pasadena	Texas Industrial X-Ray, Inc.	11-01851	Pasadena	29	03/19/84
San Angelo	St. John's Hospital	04-02343	San Angelo	9	03/12/84
Throughout Texas	Holmes Wireline Services, Inc.	12-02562	Odessa	1	03/19/84
Throughout Texas	Henderson Engineering	11-03566	Spring	1	03/21/84
Throughout Texas	Metils, Inc.	11-00928	Houston	79	03/16/84
Throughout Texas	Jet Log, Inc.	04-02041	Graham	5	03/19/84
Throughout Texas	Geosource Wireline Service, Inc.	11-03127	Houston	10	03/14/84
Throughout Texas	K and N Perforators	08-02300	Victoria	9	03/19/84
Throughout Texas	The Western Company of North America	05-01323	Fort Worth	32	03/19/84
Throughout Texas	U S Petro Services, Inc.	11-02865	Channelview	11	03/19/84
Throughout Texas	Suntrac Services	11-03062	Webster	2	03/19/84
Throughout Texas	C & H Industrial X-Ray Company	11-03134	Houston	2	03/16/84
Throughout Texas	Phillips Petroleum Company	01-02480	Borger	7	03/16/84
Throughout Texas	Jim's Surveys, Inc.	07-03341	Tyler	3	03/19/84
Throughout Texas	City of Midland	12-01858	Midland	7	03/19/84
Tyler	Halliburton Services	07-01835	Tyler	19	03/19/84
Vernon	Wilbarger General Hospital	04-03047	Vernon	5	03/16/84

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Dumas	Memorial Hospital	01-03540	Dumas	1	03/16/84
Fort Worth	Williams Instruments, Inc.	05-01472	Fort Worth	4	03/19/84
Hearne	Robertson County Community Hospital	06-03564	Hearne	1	03/12/84
Throughout Texas	American Pipe Inspection, Inc.	11-02576	Houston	4	03/19/84
Throughout Texas	Curley's Inspection Service, Inc.	12-02437	Monahans	4	03/19/84
Waco	Radiation Physics Associates	06-01955	Waco	4	03/16/84

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Houston	City of Houston	11-00662	Houston	8	03/19/84
Tatum	Texas Utilities Generating Company	07-03066	Tatum	1	03/21/84
Throughout Texas	City of McAllen	08-03039	McAllen	1	03/19/84

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment, the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment, the issuance of the license(s) will not be inimical to the health and safety of the public or the environment, and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas, from 8 a. m. to 5 p. m. Monday through Friday (except holidays).

Issued in Austin, Texas, on April 4, 1984

TRD-843823 Robert A MacLean
Commissioner
Texas Department of Health

Filed: April 5, 1984
For further information, please call (512) 835-7000.

**Texas Health Facilities
Commission
Applications Accepted for
Amendment, Declaratory Ruling,
and Notices of Intent**

Notice is hereby given by the Texas Health Facilities Commission 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.

York Associates, Chicago, Illinois
AN84-0228-129

NIEH—Request for a declaratory ruling that a certificate of need is not required for York Associates to acquire by purchase Graystone Manor Nursing Home 1, an existing 90-bed ICF nursing facility located in Houston, from Natatana Convalescent Center, Inc.

Med West Health Care Management Corporation,
Richardson
AN84-0228-130

NIEH—Request for a declaratory ruling that a certificate of need is not required for Med West Health Care Management Corporation to acquire by lease Graystone Manor Nursing Home 1, an existing 90-bed ICF nursing facility located in Houston, from York Associates, an Illinois partnership.

San Antonio Diagnostic Imaging Center,
a to-be-formed limited partnership, San Antonio
AS84-0402-205

NIEH—Request for a declaratory ruling that a certificate of need is not required for San Antonio Diagnostic Imaging Center, a to-be-formed limited partnership, to acquire by purchase a whole body CT scanner. The proposed scanner will be located in leased space at 4940 Von Scheele Drive, San Antonio, and utilized on an outpatient basis only.

Summit Care-Texas, Inc., a Texas corporation,
Burbank, California
AN84-0402-204

NIEH—Request for a declaratory ruling that a certificate of need is not required for Summit Care-Texas, Inc., a Texas corporation, to acquire by purchase 100% of the assets and the leasehold interest of Valvista Pavilion Nursing and Convalescent Home, an existing 118-bed ICF nursing facility located in Athens, from Adams Management Services, Inc.—Harold Shilling, M.D., a joint venture.

Summit Care-Texas, Inc., a Texas corporation,
Burbank, California
AN84-0402-203

NIEH—Request for a declaratory ruling that a certificate of need is not required for Summit Care-Texas, Inc., a Texas corporation, to acquire by purchase 100% of the realty and leasehold interest of Jarvis Heights Nursing Center, an existing 124-bed skilled nursing facility located in Fort Worth, from Jarvis Heights Nursing Center, Inc., a Texas corporation.

City of Austin for Brackenridge Hospital, Austin
AH80-0922-037A(033084)

CN/AMD—Request for an extension of the completion deadline from March 30, 1984, to July 31, 1984, in Certificate of Need AH80-0922-037, which authorized the certificate holder to conduct a renovation and construction project to replace eight ancillary departments, 21 support services, and the obstetrical/gynecological nursing unit which are now located in a nonconforming structure and to expand 21 existing hospital departments and redesignate 10 existing hospital beds as obstetrical beds.

Issued in Austin, Texas, on April 9, 1984

TRD-843909 Judith Monaco
Assistant General Counsel
Texas Health Facilities
Commission

Filed April 9, 1984

For further information, please call (512) 475-6940

Texas Parks and Wildlife Department

Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Parks and Wildlife Department is requesting proposals from interested parties to provide assistance to this agency in compiling and preparing reports and documents, as well as providing written and oral statements, to be presented to the Sunset Advisory Commission and its staff in their review of the Texas Parks and Wildlife Department. In addition, the party will provide ongoing counsel and advice to the Texas Parks and Wildlife Department concerning technical and procedural aspects of the sunset review process and engage in such other necessary activities that will facilitate the efficient exchange of information between the Sunset Review Commission and its staff and the employees of the Texas Parks and Wildlife Department and members of the Texas Parks and Wildlife Commission.

Selection of a consultant will be based on the person's qualifications and previous experience working with the sunset review process in Texas. Proposals will be reviewed and final selection made by the executive director of the Texas Parks and Wildlife Department.

It is the intent of the Texas Parks and Wildlife Department to continue using the services of a consultant who is presently being retained by this agency, unless a better offer is received from a person possessing the necessary qualifications and experience to provide the requested services.

Additional information regarding this request for services may be obtained by contacting Roy Hogan, Assistant Director, Administrative Services, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas

78744 To be considered, all proposals for service must be received on or before 5 p.m. on May 15, 1984

Issued in Austin, Texas, on April 5, 1984

TRD-843822 Charles D. Travis
Executive Director
Texas Parks and Wildlife
Department

Filed April 5, 1984

For further information, please call (512) 479-4806

State Committee of Examiners for Speech-Language Pathology and Audiology Public Hearing

The State Committee of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on proposed new rules concerning the licensure and regulation of speech-language pathologists and audiologists, and aides in audiology and speech-language pathology.

The new rules, 22 TAC §§741.1-741.198, were published in the March 23, 1984, issue of the *Texas Register* (9 Tex-Reg 1677). They include the general procedures for the committee's operation, a code of ethics, academic requirements for licensure, application and examination procedures, licensing, renewal of licenses, fees, procedures for licensing persons with a criminal background, procedures for complaints, violations, and formal hearings.

The hearing will be held at 9 a.m. on Friday, April 13, 1984, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin.

For further information, contact June Robertson, Executive Secretary, State Committee of Examiners for Speech-Language Pathology and Audiology, 1100 West 49th Street, Austin, Texas 78756-3183, (512) 458-7531.

Issued in Austin, Texas, on April 5, 1984

TRD-843902 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed April 6, 1984

For further information, please call (512) 458-7236

Texas State Treasury Department Consultant Proposal Requests

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant service desired is a continuation of a service previously performed by a private consultant. The Texas State Treasury Department intends to award the contract for consulting services to the private consultant who previously performed the services, unless a better offer is submitted.

The Texas State Treasury Department is requesting proposals to assist with the development of an escheat audit program. The proposal should include the design and implementation of a program to systematically collect and account for unclaimed property. The consultant will be expected to be familiar with unclaimed property law and examination procedures.

Additional information may be obtained from Paula Smith, Director of the Unclaimed Property Division, Texas State Treasury Department, P.O. Box 12608, Austin, Texas 78711.

Proposals are due by 4 p.m. on April 27, 1984.

Selection criteria will include the following:

- (a) experience and qualifications of the consultant in conducting similar projects,
- (b) consultant's reputation with previous customers;
- (c) timeliness of proposed work,
- (d) suitability of work plan, and
- (e) projected cost.

Issued in Austin, Texas, on April 5, 1984

TRD-843833 Jorge A. Gutierrez
General Counsel
Texas State Treasury
Department

Filed April 5, 1984

For further information, please call (512) 475-2591.

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The Texas State Treasury Department is requesting bids to assist with the development of an integrated cash management system. The project will involve the analysis, design, programming, and installation of five major cash management subsystems:

- (a) revenue management,
- (b) disbursement management,
- (c) investment management;
- (d) depository support, and
- (e) fund accounting.

Additional information may be obtained from Wes McGehee, Administrative Assistant, Texas State Treasury Department, P.O. Box 12608, Austin, Texas 78711, (512) 475-2924.

Proposals are due by May 4, 1984, at 4 p.m.

The Texas State Treasury Department will award the contract for consulting services based on demonstrated competence, knowledge, qualifications, timeliness, and suitability of the proposed work plan and reasonableness of the proposed fee for the services.

Issued in Austin, Texas, on April 5, 1984

TRD-843834 Jorge A. Gutierrez
General Counsel
Texas State Treasury
Department

Filed April 5, 1984

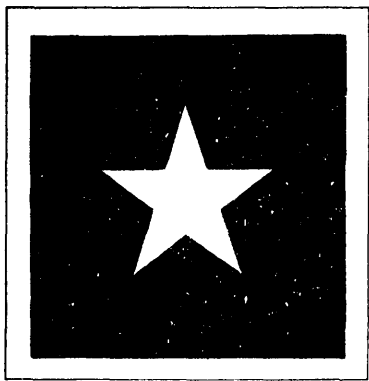
For further information, please call (512) 475-2591.

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