

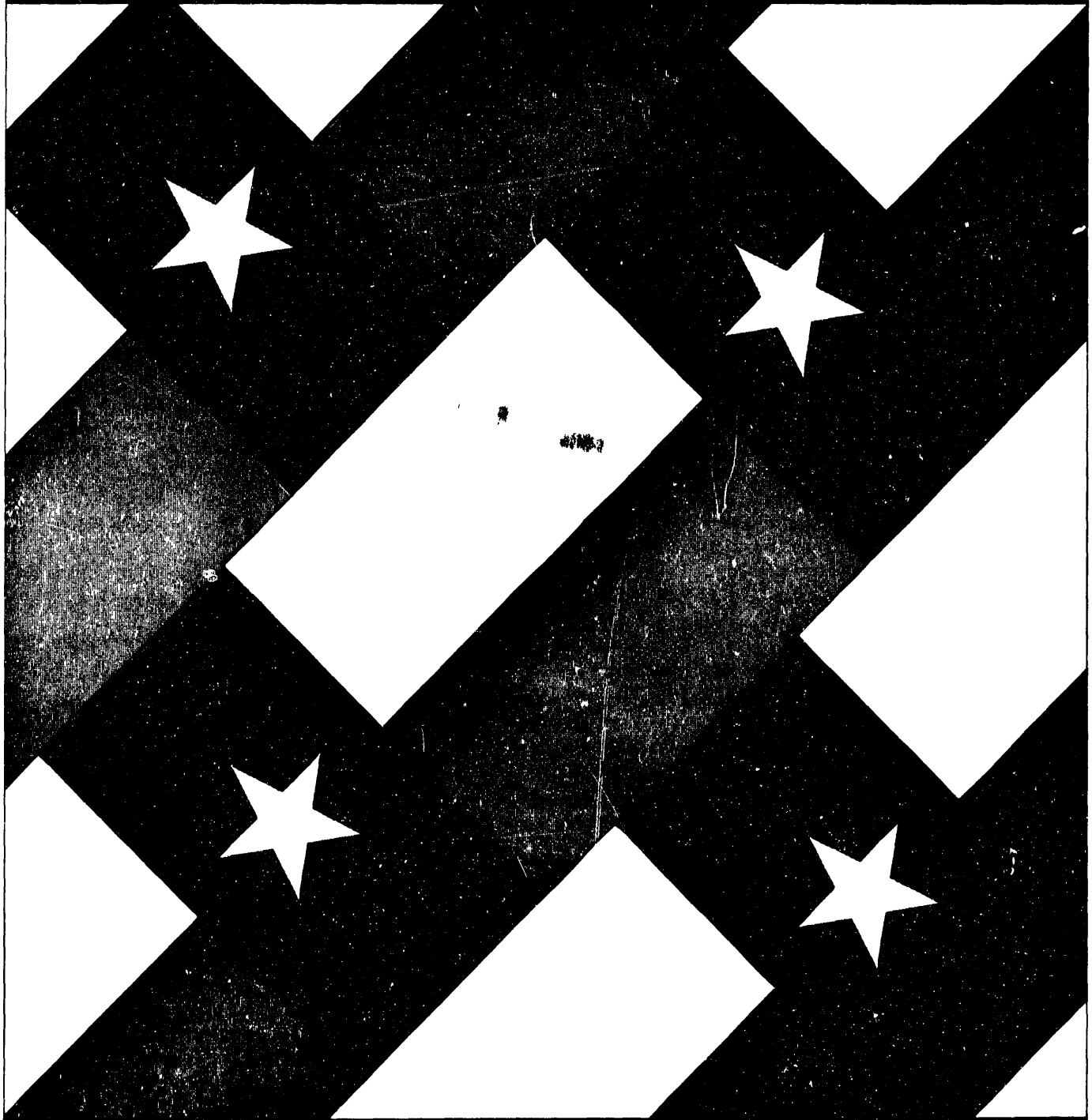
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Texas Register

Volume 9, Number 39, May 25, 1984

Pages 2845 - 2894



Highlights

The Public Utility Commission of Texas proposes amendments concerning electric submetering
Earliest possible date of adoption June 25 page 2850

The Texas Cosmetology Commission proposes

new sections in a chapter concerning general provisions Earliest possible date of adoption - June 25 page 2854

The Texas Commission for the Deaf adopts a new section in a chapter concerning general rules of practice and procedure
Effective date June 8 page 2869

**Office of
the Secretary
of State**

Texas Register

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- 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
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- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
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- In Addition—miscellaneous information required to be published by statute or provided as a public service

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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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The Governor

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

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

Appointment Made May 15

Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

For a term to expire January 31, 1985.

Gibson Duterroil
3530 West Dallas
Houston, Texas 77019

Mr. Duterroil is replacing Austin Scott of Dallas, who is deceased. Mr. Duterroil is also appointed chairman of the committee, for a term to continue at the pleasure of this governor.

Issued in Austin, Texas, on May 15, 1984

TRD-845453
845454

Mark White
Governor of Texas

Appointment Made May 16

143rd Judicial District

To be district attorney for the 143rd Judicial District, Loving, Reeves, and Ward Counties, until the next general election and until his successor shall be elected and duly qualified.

Jack Louis McGowen
1818 Hackberry
Pecos, Texas 79772

Mr. McGowen is replacing Mike Wade of Monahans, who resigned.

Issued in Austin, Texas, on May 16, 1984

TRD-845455

Mark White
Governor of Texas

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

The proposal, as published in the *Register*, must include a brief explanation of the proposed action, a fiscal statement indicating effect on state or local government 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.

Proposed Rules

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 21. Rules of Practice and Procedure

Docketing and Notice

16 TAC §21.22

The Public Utility Commission of Texas proposes an amendment to §21.22, concerning contents of notice for rate setting proceedings. If adopted as proposed, subsection (b)(2) will not apply to applications for changes in interexchange telephone service rates by carriers that are not local exchange telephone carriers.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Ryan 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 a savings for consumers of approximately \$1 million in mailing costs that would otherwise be incurred in providing notice of rate setting proceedings. This exemption is reasonable since other adequate methods of notice are required and because it will avoid confusion to consumers which might be

caused by receiving notice of an AT&T rate setting proceeding in a Bell Telephone mailing. 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 Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendment is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

§21.22 Contents of Notice for Rate Setting Proceedings

- (a) (No change)
- (b) Applicant notice. In all rate proceedings involving the commission's original jurisdiction, the applicant shall give notice in the following ways:
 - (1) (No change)
 - (2) The applicant shall also give notice of the proposed rate change by mail or hand delivery to all affected utility customers. On this notice shall be printed in prominent lettering "notice of rate change request." The notice shall contain the same information as set forth in paragraph (1) of this subsection. Notices may be mailed separately or may accompany customer billings, and shall be mailed to all customers no later than 30 days after the date the utility files its statement of intent with the commission. A copy of notice mailed to customers shall be forwarded to the commission as soon as available. This

paragraph does not apply to applications for changes in interexchange telephone service rates by carriers who are not local exchange telephone carriers.

(3)-(4) (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 May 21, 1984

TRD-845504 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption
June 25, 1984

For further information, please call (512) 458-0100.

Chapter 23. Substantive Rules Quality of Service

16 TAC §23.65

The Public Utility Commission of Texas proposes amendments to §23.65, concerning electric submetering. The amendments will set standards on billing, disconnection, and complaint procedures for consumers in apartment complexes which utilize electric submetering. All rental agreements will clearly state that the dwelling unit is submetered, that electrical consumption for all common areas is the responsibility of the apartment owner and not the tenant, and that any disputes concerning computation or accuracy of a bill will be between the tenant and apartment owner. An electrical bill may not be included as part of the rental payment or any other service. The due date of the bill shall not be less than seven days after issuance. In case of underbilling or overbilling, the apartment owner shall calculate an adjustment according to commission rules. Utility service may only be disconnected for nonpayment of utility bills. Service shall not be disconnected on or immediately preceding a day when personnel of the apartment house are not available to make collections or to reconnect service.

Rhonda Colbert Ryan, secretary of the commission, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Ms. Ryan 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 protection for consumers in apartment complexes with electric submetering by defining and outlining the standards for billing, disconnect, and complaint procedures. Some minimal costs will be associated with implementing these rules for individuals who are required to comply with the rule as proposed. However, no exact evaluation can be made due to the diverse size and operations of those affected.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800

Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendments are proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

§23.65. *Electric Submetering.*

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

(c) **Billing. All rental agreements between the apartment owner and the tenants shall clearly state that the dwelling unit is submetered, that the bills will be issued thereon, that electrical consumption for all common areas and common facilities will be the responsibility of the apartment owner and not of the tenant, and that any disputes relating to the computation of the tenant's bill and the accuracy of the submetering device will be between the tenant and the apartment owner. Each apartment owner shall provide a tenant, at the time the lease is signed, a copy of this section or a narrative summary as approved by the commission to assure that the tenant is informed of his rights and the apartment owner's responsibilities under this section of the substantive rules.**

(1) **Rendering and form of bill.**

(A){(1)} Bills shall be rendered for the same billing period as that of the utility, generally monthly, unless service is rendered for less than that period. Bills shall be rendered as promptly as possible following the reading of the submeters. The submeters shall be read within three days of the scheduled reading date of the utility's master meter.

(B){(2)} The unit of measurement shall be a kilowatt-hour (kwh).

(C){(3)} The apartment owner shall be responsible for determining that the energy billed to any dwelling unit shall be only for energy consumed and metered within that unit[, and so metered].

(D) **A separate billing must be issued for the submetered readings. The bill may not be included as part of the rental payment or as part of billings for any other service to the tenant.**

(E) **The bill shall reflect only submetered usage. Electrical consumption for all common facilities will be the responsibility of the apartment owner and not of the tenant.**

(F){(4)} The apartment owner shall not impose any extra charges on the tenant over and above those charges which are billed by the utility to the apartment owner. **The bill may not include a deposit, late penalty, reconnect charge, or any other charges, unless otherwise provided for by these rules.**

(G){(5)} The tenant's bills shall be calculated in the following manner: after the apartment electric bill is received from the utility[,], the apartment owner shall **multiply each tenant's kilowatt-hour consumption by the cost per kilowatt-hour reflected on the bill from the utility** [divide the net total charges for electrical consumption, plus applicable tax, by the total number of kilowatt-hours to obtain an average cost per kilowatt-hour. This average kilowatt-hour cost shall then be multiplied by each tenant's kilowatt-hour consumption to obtain the charge to

the tenant]. The computation of charges to the tenant [of the average cost per kilowatt-hour] shall not include any penalties charged by the utility to the apartment owner for disconnect, reconnect, late payment, or other similar service charges.

(H)[(6)] The tenant's bill shall show all of the following information:

(i)[(A)] the date and reading of the submeter at the beginning and at the end of the period for which the bill is rendered;

(ii)[(B)] the number of kilowatt-hours metered;

(iii)[(C)] the computed rate per kilowatt-hour;

(iv)[(D)] the total amount due for electricity used;

(v)[(E)] a clear and unambiguous statement that the bill is not from the electric utility, which shall be named in the statement;

(vi)[(F)] the name and address of the tenant to whom the bill is applicable;

(vii)[(G)] the name of the firm rendering the submetering bill and the name or title, address, and telephone number of the person or persons to be contacted in case of a billing dispute;

(viii)[(H)] the date by which the tenant must pay the bill;

(ix) the name, address, and telephone number of the party to whom payment is to be made.

(2) Due date. The due date of the bill shall not be less than seven days after issuance. A bill for submetered electrical service is delinquent if not received by the party indicated on the bill by the due date. The postmark date, if any, on the envelope of the bill or on the bill itself shall constitute proof of the date of issuance. An issuance date on the bill shall constitute proof of the date of issuance if there is no postmark on the envelope or bill. If the due date falls on a holiday or weekend, the due date for payment purposes shall be the next work day after the due date.

(3)[(7)] Disputed bills. In the event of a dispute between the tenant and the apartment owner regarding any bill, the apartment owner shall forthwith make such investigation as shall be required by the particular case and report the results thereof to the tenant. The investigation and report shall be completed within 30 days from the date the tenant notified the apartment owner of the dispute

(4)[(8)] Tenant access to records. The tenants of any dwelling unit in an apartment house whose electrical consumption is submetered shall be allowed by the apartment owner to review and copy the master billing for the current month's billing period and for the 12 preceding months, and all submeter readings of the entire apartment house for the current month and for the 12 preceding months.

(9) All rental agreements between the apartment owner and the tenants and dwelling units therein shall clearly state that the dwelling unit is submetered, that the bills will be issued thereon, that electrical consumption for all common areas and common facilities will be the responsibility of the apartment owner and not of the tenant, and that any disputes relating to the computation

of the tenant's bill and the accuracy of the submetering device will be between the tenant and the apartment owner]

(5)[(10)] Estimated bills. Estimated bills shall not be rendered unless the meter has been tampered with or is out of order, and in such case the bill shall be distinctly marked as such.

(6) Overbilling and underbilling. If submetered billings are found to be in error, the apartment owner shall calculate a billing adjustment. If the tenant is due a refund, an adjustment shall be made for the entire period of the overcharges. If the tenant was undercharged, the apartment owner may backbill the tenant for the amount which was underbilled. The backbilling is not to exceed six months, unless the owner can produce records to identify and justify the additional amount of backbilling. If the underbilling is \$25 or more, the utility shall offer to such tenant a deferred payment plan option for the same length of time as that of the underbilling. However, the apartment owner may not disconnect service if the tenant fails to pay charges arising from an underbilling more than six months prior to the date the tenant was initially notified of the amount of the undercharges and the total additional amount due. Furthermore, adjustments for usage by a previous tenant may not be backbilled to the current tenant.

(d) Discontinuance of service.

(1) Disconnection for delinquent bills. Utility service may only be disconnected for nonpayment of utility bills. A tenant's electric utility service may be disconnected if a bill has not been paid within 12 days from the date of issuance and proper notice has been given. Proper notice shall consist of a separate mailing or hand delivery at least five days prior to a stated date of disconnection, with the words "termination notice" or similar language prominently displayed on the notice.

(2) Disconnection on holidays or weekends. Unless a dangerous condition exists, or unless the tenant requests disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the apartment house are not available for the purpose of making collections and reconnecting service.

(e)[(d)] Submeters

(1)-(4) (No change)

(5) Bill adjustment due to submeter error. If any submeter is found to not be [be not] within the accuracy standards for self-contained watt-hour meters as established by the latest edition of American National Standards Institute, Inc., Standard C12, proper correction shall be made of previous readings. An adjusted bill shall be rendered in accordance with subsection (c)(6) of this section [for the period of one month immediately preceding the test, or from the time the submeter was in service since last tested, but not exceeding one month, as the submeter shall have been shown to be in error by such test and an adjusted bill shall be rendered. No refund is required from the apartment owner except to the tenant last served by the submeter prior to the testing]. If a submeter is found not to register for any period, unless bypassed or tampered with, the apartment owner may make a charge for units used, but not metered, for a period not to exceed one month [based on amounts used under

similar conditions during periods preceding or subsequent thereto, or during the corresponding period in previous years].

(6)-(13) (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 May 21, 1984

TRD-845505 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption
June 25, 1984

For further information, please call (512) 458-0100.



**TITLE 19. EDUCATION
Part I. Coordinating Board, Texas
College and University System
Chapter 17. Campus Planning and
Physical Facilities Development
Subchapter B. Criteria for Approval of
New Construction and Major Repair
and Rehabilitation**

19 TAC §17.30

The Coordinating Board, Texas College and University System proposes amendments to §17.30, concerning provisions for emergency approval of new construc-

tion and major repair and rehabilitation projects. The amendments would change the composition of the special committee, clarify certain provisions in the rule, and reinforce a provision that the special committee may either refuse to consider a request, approve it, disapprove it, or refer it to the full board.

Gordon Flack, campus planning assistant commissioner, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Flack also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification for the institutions of the function of the special emergency committee. 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 Kenneth H. Ashworth, Coordinating Board, Texas College and University System, P O Box 12788, Austin, Texas 78711

The amendments are proposed under the Texas Education Code, §61.058, which provides the Coordinating Board, Texas College and University System with the authority to establish rules and regulations for the approval of new construction and major repair and rehabilitation projects

§17.30 Provisions for Emergency Approval

(a) The coordinating board delegates to a special committee authority to act on construction and major repair and rehabilitation requests between scheduled meetings of the board if they meet the guidelines under subsection (b) of this section. The committee will consist of the board chairman, vice-chairman, and chairman of the Committee on Facilities and Campus Planning. [Coordinating board consideration of an emergency construction request is delegated to a special committee composed of the chairman of the board, chairman of the facilities committee, and the commissioner of higher education, to act upon requests of an emergency nature between scheduled meetings of the board]

(b) Guidelines for requesting emergency approval of construction and major repair and rehabilitation projects costing more than \$500,000, and previously approved by the board [since January 1978] are as follows.

(1) If bids on a project approved by the coordinating board exceed cost estimates by more than 20% or if [reduce] square footage is changed [projects] by more than 10%, then the proposed project is subject to another review by the board or a special committee of the board as provided in subsection (a) of this section

(2) If bids on a project approved by the coordinating board have not been met within one year from the board's final approval date, then the proposed project is subject to another review by the board or this committee.

(3) The commissioner may enter into an inter-agency contract with the State Purchasing and General Services Commission for advice to ensure that the construction will be undertaken in an economical manner

consistent with ASHRA standards set out in §17.44(1) of this title (relating to Application Form), and that construction not be of elaborate or extravagant design and materials.]

(3)[(4)] The special committee of the board will be guided in its decision in part by its judgment as to whether or not the full board would approve the project were it being brought to the board for the first time with the revised cost figures. The action by the special committee will be final subject to appeal to the full board.

(4)[(5)] Emergencies arising in close proximity to a board meeting may be taken to the board for **board action or board guidance** to the special committee in its decision on an emergency request.

(5) **The special committee may refuse to consider a request, disapprove it, approve it, or refer the request to the next meeting of the board.**

(6) **The committee shall report all actions to the board at its next meeting.**

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 May 15, 1984

TRD 845490 James McWhorter
Assistant Commissioner for
Administration
Coordinating Board, Texas
College and University System

Proposed date of adoption
July 20, 1984

For further information, please call (512) 475-2033.

gy Commission, Frank Joseph Cosmetology Building, 1111 Rio Grande Street, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 8451a, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§89.30 Examination Application. Applications for examination must be filed 10 days prior to the date set by law for the examination and verify the applicant has completed the total hours required in the particular course of instruction at that time; and certify that the applicant is competent to pass the examination. [Except, however, the commission will allow in the months of April, May, and June, hours needed for completion so to be extended to the 10th day of the month in which the applicant wishes to appear for the examination.] The transcript form on the permit must be properly executed and the total hour requirement validated for the student to be admitted on the exam floor. Students holding reservations and/or dates scheduled for exam who do not appear without a seven-day notice to the commission of cancellation will not be rescheduled for at least 60 days.

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

Issue in Austin, Texas, on May 17, 1984

TRD-845462 Herbert E. Cohen
Executive Director
Texas Cosmetology Commission

Earliest possible date of adoption
June 25, 1984

For further information, please call (512) 475-3304.

TITLE 22. EXAMINING BOARDS Part IV. Texas Cosmetology Commission

Chapter 89. General Provisions

22 TAC §89.30

The Texas Cosmetology Commission proposes an amendment to §89.30, concerning requirements for filing examination applications.

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

Mr. Cohen 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 clarification of the statutes, which will avoid confusion. 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 Herbert E. Cohen, Executive Director, Texas Cosmetology

22 TAC §89.34

(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 Texas Cosmetology Commission, 1111 Rio Grande Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Cosmetology Commission proposes the repeal of §89.34, concerning requirements for reciprocity.

Herbert E. Cohen, executive 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 the repeal.

Mr. Cohen also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is clarification of the statutes and avoidance of confusion. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Herbert E. Cohen, Executive Director, Texas Cosme-

tology Commission, Frank Joseph Cosmetology Building, 1111 Rio Grande Street, Austin, Texas 78701.

The repeal is proposed under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§89.34. Reciprocity.

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 May 17, 1984.

TRD-845461 Herbert E. Cohen
Executive Director
Texas Cosmetology Commission

Earliest possible date of adoption.
June 25, 1984

For further information, please call (512) 475-3304.

22 TAC §§89.34, 89.57-89.68

The Texas Cosmetology Commission proposes new §§89.34 and 89.57-89.68, concerning requirements for applying for licensure through reciprocity and incorporating the Administrative Procedure and Texas Register Act into the Texas Cosmetology Commission rules and regulations

Herbert E. Cohen, executive director, 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. Cohen 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 clarity in the language of the statute and avoidance of confusion. 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 Herbert E. Cohen, Executive Director, Texas Cosmetology Commission, Frank Joseph Cosmetology Building, 1111 Rio Grande Street, Austin, Texas 78701.

The new sections are proposed under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§89.34. Applicants for Licensure through Reciprocity.

(a) Any person who seeks licensure in the State of Texas through reciprocity from another state shall:

- (1) furnish his valid license from another state;
- (2) furnish a certified transcript of hours from the state board in the state from which the applicant is applying;
- (3) complete his application for reciprocity on a form provided by the commission and submit a \$75 reciprocity fee; and
- (4) furnish notarized letters of employment from past employers or employment records to prove work ex-

perience if applicant does not have required number of hours for license he is applying for. One year of work experience will equal 250 hours of training.

(b) Any person who seeks licensure in the State of Texas through reciprocity from another nation shall:

- (1) furnish his valid license or certificate from another nation;
- (2) furnish a certified transcript of training from school or nation;
- (3) furnish a copy of the nation's laws, rules, or regulations which set out the standards for licensure in that country;
- (4) furnish English translations and acknowledgment of statutes and other documentation written in another language;
- (5) furnish notarized letters of employment from past employers or employment records to prove work experience if applicant does not have required number of hours for license he is applying for. One year of work experience will equal 250 hours of training; and
- (6) complete his application for reciprocity on a form provided by the commission and submit a \$75 reciprocity fee.

(c) An applicant who can meet all of the requirements in subsection (a) or (b) of this section, with the exception of a current license or certificate, may take the examination.

(d) An applicant who is aggrieved by the decision of the commission not to grant reciprocity may request a formal commission hearing to review the decision. Such request must be in writing and submitted to the commission within 15 days of the decision not to grant reciprocity.

(e) Any commission hearings held as a result of a request for a review shall be conducted in accordance with §89.57 of this title (relating to Disciplinary Hearings); §89.58 of this title (relating to Administrative Procedure and Texas Register Act (APTRA)); §89.59 of this title (relating to Notice of Hearing), §89.60 of this title (relating to Continuances); §89.61 of this title (relating to Record of Hearing); §89.62 of this title (relating to Rules of Evidence and Discovery Rules for Commission Hearings); §89.63 of this title (relating to Findings and Final Orders); §89.64 of this title (relating to Proceedings for Review); §89.65 of this title (relating to Transmission of Record to Reviewing Court); §89.66 of this title (relating to Informal Disposition); and §89.67 of this title (relating to Enforcement).

§89.57. Disciplinary Hearings. Upon the filing of a complaint with the commission charging an individual licensee or an institutional licensee with any of the actions specified in the Cosmetology Act, §36, as grounds for disciplinary action, the commission shall provide for a hearing of the charges. All parties must be afforded an opportunity for hearing after reasonable notice of not less than 10 days prior to the hearing. Section 89.57 of this title (relating to Disciplinary Hearings); §89.58 of this title (relating to Administrative Procedure and Texas Register Act (APTRA)); §89.59 of this title (relating to Notice of Hearing); §89.60 of this title (relating to Continuances); §89.61 of this title (relating to Record of Hearing); §89.62 of this title (relating to Rules of Evidence and Discovery Rules for Commission Hearings); §89.63 of this title (re-

lating to Findings and Final Orders); §89.64 of this title (relating to Proceedings for Review); §89.65 of this title (relating to Transmission of Record to Reviewing Court); §89.66 of this title (relating to Informal Disposition); and §89.67 of this title (relating to Enforcement) also govern the conduct of hearings called to consider reinstatements of licenses and to review denials of licenses.

§89.58. Administrative Procedure and Texas Register Act (APTRA). The provisions of the Administrative Procedure and Texas Register Act shall apply to the conduct of disciplinary hearings, with additional rules as may be herein adopted by the commission, which shall be in addition to and not inconsistent with the APTRA.

§89.59. Notice of Hearing. The notice of hearing shall include:

- (1) a statement of the time, place, and nature of the hearing;
- (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) a reference to the particular sections of the statutes and rules involved;
- (4) a short and plain statement of the material facts concerning the violation of the statutes or the commission rules or the circumstances or practices alleged to constitute grounds for the proposed commission action;
- (5) a statement that the opportunity to respond, to present evidence and argument, and to be represented by counsel shall be provided to all parties; and
- (6) the notice of hearing and a copy of the charges or complaint shall be served on the accused, personally or by certified mail, at the last known address of the licensee, at least 10 days prior to the scheduled hearing.

§89.60. Continuances A licensee who has been served with proper notice of hearing may petition the commission in writing for a continuance of said hearing. Said petition must set out the reasons for the continuance request and be received in the commission office no later than five days prior to the scheduled hearing date.

§89.61. Record of Hearing.

(a) The record in a disciplinary hearing shall include:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections, and rulings on them;
- (5) proposed findings and exceptions;
- (6) any decision, opinion, or report by the officer presiding at the hearings;
- (7) all staff memoranda or data submitted to or considered by the hearing officers or members of the commission in connection with their consideration of the case.

(b) Oral proceedings, or any part of them, must be transcribed on written request of any party. The commission may pay the cost of the transcript or assess the cost to one or more parties. The commission is not limited to a stenographic record of the hearing.

§89.62. Rules of Evidence and Discovery Rules for Commission Hearings.

(a) In all hearings, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under these rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The commission shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, and barring prejudice to any party, any part of the evidence may be received in written form in order to expedite the proceedings.

(b) The commission may swear witnesses and take their testimony under oath in the conduct of the hearings.

(c) The commission may issue subpoenas for witnesses and documents and authorize the taking of depositions in accordance with the provisions of Texas Civil Statutes, Article 6252-13a, §14.

§89.63. Findings and Final Orders

(a) A final decision or order adverse to a party in a commission hearing must be in writing or stated in the hearing record. A final decision shall include:

- (1) findings of fact and conclusions of law, separately stated;
- (2) findings of fact, set forth in statutory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings, and

(3) if a party submits proposed findings, rulings on each proposed finding of fact.

(b) Parties shall be notified of the decision or order, either personally or by mail. On written request to the commission, a copy of the decision or order shall be delivered or mailed to any party and to his attorney of record.

(c) A decision is final, in the absence of a timely motion for rehearing on the expiration of the period for filing a motion for rehearing and is final and appealable on the date of rendition of the order overruling the motion for rehearing, or on the date the motion is overruled by operation of law.

(d) The final decision or order must be rendered within 60 days.

(e) If the agency finds that an imminent peril to the public health, safety, or welfare requires immediate effect of a final decision or order in a hearing, it shall recite the finding in the decision or order as well as the fact that the decision or order is final and effective on the date rendered; in which event the decision or order is final and appealable on the date rendered and no motion for rehearing is required as prerequisite for appeal.

(f) Except as provided in subsection (e) of this section, a motion for rehearing is a prerequisite to an appeal of a decision. A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the commission within 25 days after the date of rendition of the final decision or order, and the commission must take action on the motion within 45 days after the

rendition of the final decision or order. If the commission takes no action within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date of rendition of the final decision or order. The commission, by written order, may extend the period of time for filing the motions and replies and for taking action, except that an extension may not extend the period for taking action beyond 90 days from the date of rendition of the final decision or order. In the case of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date of rendition of the final decision or order.

§89.64. Proceedings for Review. Proceedings for judicial review of commission action are instituted by filing a petition in the district court of Travis County, Texas, within 30 days after the decision complained of is final and appealable, with copies of the petition served on the commission and all other parties of record in the proceedings before the commission. The filing of the petition does not vacate or affect the enforcement of the commission's decision.

§89.65. Transmission of Record to Reviewing Court. Within 30 days after service of the petition for review or within such further time as the reviewing court may allow, the commission shall transmit to the reviewing court the original or certified copy of the entire record of the proceeding under review, but, by stipulation for all parties to the review proceeding, the record may be shortened. The court may require subsequent correction of the record and may also require or permit additions to the record.

§89.66. Informal Disposition. Informal hearings of disciplinary actions may be conducted after the filing of a sworn complaint, but before any formal board action is taken. Notice of informal hearings shall be in accordance with §89.61 of this title (relating to Record of Hearing). Informal disposition may be made of any proceeding by stipulation, agreed settlement, consent order, or default. Informal hearings may be chaired by one board member or the designate or representative of the board. The commission shall present its information and the party or parties affected may present its evidence by correspondence or appearance at the informal hearings, in an effort to bring about an adjustment and equitable solution of the problems without a formal hearing before the full commission. All informal dispositions of matters shall not be final and effective until the full commission, at a regularly called session, endorses and renders its acceptance of the proposed agreement of the parties. Such informal hearings shall be held without prejudice to the right of the commission thereafter, if the controversy is not resolved, to institute a formal hearing governing the same matters, or the right of the licensee involved, if the controversy is not resolved, to request a formal hearing.

§89.67. Enforcement. A person who is in violation of the Cosmetology Act, the general rules and regulations of the commission, or the sanitary rulings of the commission may be enjoined and restrained by a district court from violating said Act or commission rules.

§89.68. Proceedings. Proceedings, or any part of them, must be transcribed on written request of any party.

The agency may pay the cost of the transcript if prepared by agency staff or, if prepared by someone other than agency staff, assess the cost to one or more parties.

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 May 17, 1984.

TRD-845463 Herbert E. Cohen
Executive Director
Texas Cosmetology Commission

Earliest possible date of adoption
June 25, 1984

For further information, please call (512) 475 3304.

Part XXII. Texas State Board of Public Accountancy Chapter 511. Certification as CPA CPA Examination

22 TAC §511.83

The Texas State Board of Public Accountancy proposes an amendment to §511.83, concerning granting of credit for the passing of the written CPA examination taken in another jurisdiction. The proposed amendment would provide that the candidate must achieve a passing grade of at least 75% on the subject(s) transferred.

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

Mr. Bradley 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 assurance that the passing grade for part of the examination taken in other jurisdictions by a candidate is equivalent to the grade requirement of Texas for candidates. 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 William A. Sansing, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct and to ensure that the conduct and competitive practice of licensees serves the best interest of the public.

§511.83. Granting of Credit. In order for the board to grant credit to a candidate for [his] satisfactory completion of a written examination given by the licensing

authority of another state, the candidate must have received a passing grade of at least 75% on the subject(s) transferred, and the candidate must have received credit for two or more subjects of the Uniform CPA examination at a single sitting, in accordance with the following:

(1)-(4) (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 May 14, 1984

TRD-845493 Bob E Bradley
Executive Director
Texas State Board of Public
Accountancy

Earliest possible date of adoption.
June 25, 1984

For further information, please call (512) 451-0241.

Certification

22 TAC §511.165

The Texas State Board of Public Accountancy proposes an amendment to §511.165, concerning the reinstatement of a certificate as a certified public accountant. The proposed amendment provide an exemption for individuals 65 and over from the 120-hour requirement for continuing professional education when applying for reinstatement in retired status.

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

Mr Bradley 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 allowance of individuals 65 and over who are seeking reinstatement of a certificate to be exempt from the 120-hour requirement for continuing professional education. 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 William A. Sansing, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct and to ensure that the conduct and competitive practice of licensees serves the best interest of the public

§511.165 Reinstatement of Certificate An individual seeking reinstatement of a certificate as a certified public accountant must, unless otherwise provided by board order, show satisfactory evidence of completion of a minimum of 120 hours of continuing professional education courses within the three years preceding reinstatement

Individuals who are over 65 years old who meet the board's qualifications to seek reinstatement under retired status are exempt from the 120-hour requirement for continuing professional education. It is the responsibility of the individual seeking reinstatement to determine whether the courses taken conform to the standards for continuing professional education courses as established by the board. The board is not bound to accept hours in courses that do not conform to those standards. An individual who has resigned or surrendered a certificate may not apply for reinstatement, but must file an application for issuance of a new certificate

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 May 14, 1984

TRD-845494 Bob E Bradley
Executive Director
Texas State Board of Public
Accountancy

Earliest possible date of adoption
June 25, 1984

For further information, please call (512) 451-0241.

TITLE 25. HEALTH SERVICES Part VII. Texas Medical Disclosure Panel

Chapter 601. Informed Consent Medical Treatment and Surgical Procedures Established by the Texas Medical Disclosure Panel

25 TAC §601 1, §601.2

The Texas Medical Disclosure Panel proposes amendments to §601 1 and §601 2, concerning lists of medical treatments and surgical procedures established by the panel. Section 601 1 adopts by reference the list of treatments and procedures which require full disclosure (List A). Section 601 2 adopts by reference the list of treatments and procedures which do not require disclosure (List B).

The proposed amendments are as follows. The list of eye treatments and procedures has been expanded in List A (see 601 1.6 1-9) and in List B (see 601 2 6 1-3), and the new treatment and procedure of splenoportography will be added under radiology in List A (see 601 1 14 5), and 32 new procedures will be added under radiology in List B (see 601 2 14.6-37). The changes to the lists are published in the "In Addition" section of this issue of the *Texas Register*. The changes under radiology are being repropose, they were originally published in the

December 9, 1983, issue of the *Texas Register* (8 Tex-Reg 5099).

Margaret Noack, executive secretary, 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

Ms. Noack has also 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 updating of lists of medical treatments and surgical procedures in §601.1 and §601.2.

There is an economic cost to individuals who are required to comply with the rule as proposed, but the panel is unable to determine the cost because it will vary from individual to individual. The cost items, however, will be for forms to be printed in hospitals and doctors' offices, files set up to keep a record of the procedures, and employees to spend time administering the files and forms

Comments on the proposal may be submitted to Margaret Noack, Executive Secretary, Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538. Comments will be accepted for 30 days after publication of the proposal in the *Texas Register*

The amendments are proposed under Texas Civil Statutes, Article 4590i, §6.04, which provide the Texas Medical Disclosure Panel with the authority to prepare lists of medical treatments and surgical procedures that do and do not require disclosure and to revise existing lists

§601.1. Procedures Requiring Full Disclosure (List A). The Texas Medical Disclosure Panel adopts by reference the list of medical treatments and surgical procedures requiring full disclosure, as amended July 1984. The list is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

§601.2 Procedures Requiring No Disclosure (List B). The Texas Medical Disclosure Panel adopts by reference the list of medical treatments and surgical procedures requiring no disclosure, as amended July 1984. The list is indexed and filed in the office of the Texas Medical Disclosure Panel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and is available for public inspection during regular working hours.

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 May 17, 1984

TRD-845508 James H. Duke, Jr., M.D.
Chairman
Texas Medical Disclosure Panel

Earliest possible date of adoption
June 25, 1984

For further information, please call (512) 458-7538.

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.)

Credit Insurance Credit Life and Credit Accident and Health Insurance on Loans of 60 Months or More

059.03.49.001

The State Board of Insurance proposes new Rule 059.03.49.001, concerning information to be completed by insurers writing credit life or credit accident and health insurance. Information is required to be entered on a form titled "Texas Credit Life, Credit Accident and Health, TX Form CRLAH 60M, Statistical Report". The form is adopted by reference and requires information which includes the amount of insurance in force for the current and previous calendar year, gross premiums and earned premiums losses, income, expenses, policyholder dividends, experience refunds, and retrospective rate credits. The information obtained will assist the board in carrying out its statutory duty, to report to appropriate committees of the legislature as required by the Insurance Code, Article 1.25, and in considering National Association of Insurance Commissioners' model legislation respecting credit insurance on loans of 60 months or more. The form adopted by this rule and the information required by it is proposed to be required to be submitted on or before May 1 of each year beginning May 1, 1985.

Donald H. Bunnell, Credit Life Section manager, has determined that for the first five-year period the rule will be in effect there will be slight fiscal implications for state government as a result of enforcing or administering this rule in terms of staff time and materials used by State Board of Insurance personnel. The ultimate cost will depend on the board's use of the information. It is estimated that cost will be no more than \$5,000 per year. No increase in staff is anticipated. There is no anticipated fiscal implication for local government. There is no expected significant difference in the cost to small businesses and large businesses on the basis of size per se on a cost per hour of labor basis

Mr. Bunnell also has determined that for each year of the first five years the rules as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is the apprising of the board of activity in certain areas of credit life and credit accident and health insurance which is not regulated under the Insurance Code, Article 3.53. Moreover, the board needs to be informed of activities in the insurance industry to carry out its duties under the Insurance Code

generally. Specifically, under the Insurance Code, Article 1 25, it must submit to the legislature a biennial written report indicating needed changes in the laws relating to regulating the insurance industry. It is believed that the board's increased ability to carry out its statutory responsibilities will be of ultimate benefit to the public.

The anticipated economic cost to individuals who are required to comply with the rule is the cost for insurers to compile the information requested and completing the form. Estimates on the cost of compliance with the rule range from no cost or negligible cost to a high of \$2,000 for an initial cost of programming for a portion of the required information. Other estimates by three other insurers regulated under the rule include a slight increase in cost, and \$150 and \$250 respectively. One service company which contracts with several companies estimated that the cost of compliance would be significantly less than the cost of completing forms previously sent to companies by the State Board of Insurance as part of required annual statements. Other insurers have said there will be no difference in cost between past requirements and this rule. A survey of several companies indicated little difference in the cost of providing the information required by this rule and information relating to insurance on loans of less than 60 months.

Certain State Board of Insurance staff persons believe almost all of the information requested by this rule has been already required by the annual statement blanks previously required to be filed with the board each year, although not in precisely the same form required by the annual statement blanks. For instance, certain information is not required to be broken down by states in the annual statement blanks. Some of the information has not previously been required in this detail for business written on loans of 60 months or more. It is believed that the cost of compliance will not be very significant. Since the form proposed to be adopted by this rule will replace other forms previously required in the annual statement blanks, the net cost effect is not believed to be significant. The cost to each insurer will depend on such matters as the amount of the business written, the record-keeping practices of the insurer, and the personnel necessary to compile the information required.

Comments on the proposal may be submitted to Donald H. Bunnell, Manager, Credit Life Section, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The new rule is proposed under authority of the Insurance Code, Article 1 24, pursuant to which the board may address any inquiries to any insurance company in relation to its business and condition, or any matter connected with its transactions, which the board deems necessary for the public good or the proper discharge of its duties, under the Insurance Code, Article 1 25, which requires the board to submit to the appropriate committees of each house of the legislature a written report that indicates any needed change in the laws relating to the regulation of the insurance industry, under the Insurance Code, Arti-

cle 1.10(9), which requires the board to furnish to companies required to report to the board the necessary blank forms for the statements required; and under authority of the Insurance Code, Article 1.04(b), pursuant to which the board determines rules.

.001 Information Relating to Credit Insurance on Loans of 60 Months or More. Each insurer having credit life or credit accident and health insurance in force during the preceding calendar year, shall, on or before May 1 of each year, complete the "Texas Credit Life, Credit Accident and Health TX Form CRLAH 60M Statistical Report" in accordance with the instructions contained in and information required by that form. The form shall be filed with the manager of the Credit Life Section as specified in the form. The information required relates to the amount of insurance in force, gross premiums and earned premiums, losses, income, expenses, policyholder dividends, experience refunds, and retrospective rate credits. This form is adopted herein by reference. Copies of the form may be obtained from the Manager, Credit Life Section, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. The information required by this rule is additional to and not in lieu of information required by any other law.

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 May 15, 1984

TRD-845464 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
June 25, 1984

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

Experience Calls

059 53.08.003

The State Board of Insurance proposes new Rule 059 53 08 003, concerning information to be completed by insurers writing credit life or credit accident and health insurance. The information is required to be entered on a form titled "Texas Credit Life, Credit Accident and Health, TX Form CRLAH L60, Statistical Report". The form is adopted by reference.

The information required to be reported is for credit life and credit accident and health insurance written on loans of less than 60 months. The form requires information which includes the amount of insurance in force for the current and previous calendar year, gross premiums and earned premium losses, income, expenses, policyholder dividends, experience refunds, and retrospective rate credits. The information obtained will assist the board in carrying out its statutory duty to promulgate just, reasonable, adequate, and not excessive presumptive rates for credit insurance as required by the Insurance Code, Article 3 53, 58, and in reviewing and verifying credit calls. The form

adopted by this rule and the information required by it are proposed to be submitted to the State Board of Insurance on or before May 1 of each year beginning May 1, 1985.

Donald H. Bunnell, Credit Life Section manager, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. There is no anticipated economic effect on small businesses different from other insurers required to comply with the rule generally on a cost-per-hour-of-labor basis.

Mr. Bunnell 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 board's receipt of information in detail, which will assist the board in promulgating appropriate presumptive rates under the Insurance Code, Article 3.53, §8. Moreover, the board needs to be informed of activities in the insurance industry to carry out its general duties under the Insurance Code. It is believed that the board's increased ability to carry out its statutory responsibilities will be of ultimate benefit to the public. The anticipated economic cost to individuals who are required to comply with the rule as proposed is the cost for insurers to compile the information requested and complete the form. Estimates on the cost of compliance with the rule range from no cost or negligible cost to an estimate of about \$2,000. Estimates by three other insurers regulated under the rule were a slight increase in cost, \$150, and \$250, respectively. One service company which contracts with several companies estimated that the cost of compliance would be significantly less than the cost of completing forms previously sent to companies by the State Board of Insurance as part of required annual statements. Other insurers have said there will be no difference in cost between past requirements and this new rule. A survey of several companies indicated little difference in the cost of providing the information required by this rule and information relating to insurance on loans of 60 months or over.

Certain State Board of Insurance staff persons believe almost all of the information requested by this rule has been required already by the annual statement blanks previously required to be filed with the board each year, although not in precisely the same form required by the annual statement blanks. For instance, certain information is not required to be broken down by states in the annual statement blanks. Since the form proposed to be adopted by this rule will replace other forms previously required in the annual statement blanks, the net cost effect is not believed to be significant. The cost to each insurer will depend on such matters as the amount of the business written, the record-keeping practices of the insurer, and the personnel necessary to compile the information required.

Comments on the proposal may be submitted to Donald H. Bunnell, Manager, Credit Life Section, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

The new rule is proposed under the Insurance Code, Article 3.53, §12, which provides the board with the authority to adopt such rules as are appropriate for the supervision of Article 3.53; the Insurance Code, Article 1.10(9), which requires the board to furnish to companies required to report to the board the necessary blank forms for the statements required; and the Insurance Code, Article 1.04(b), pursuant to which the board determines rules.

.003. Information Relating to Credit Insurance on Loans of Less than 60 Months. Each insurer having credit life or credit accident and health insurance in force during the preceding calendar year shall, on or before May 1 of each year, complete the "Texas Credit Life, Credit Accident and Health, TX Form CRLAH L60, Statistical Report" in accordance with the instructions contained in, and information required by, that form. The form shall be filed with the manager of the Credit Life Section as specified in the form. The information required relates to the amount of insurance in force, gross premiums and earned premiums, losses, income, expenses, policyholder dividends, experience refunds, and retrospective rate credits. This form is adopted herein by reference. Copies of the form may be obtained from the Manager, Credit Life Section, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. The information required by this rule is additional to and not in lieu of information required by Rules 059.53 08.001 and .002 or any other law.

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 May 15, 1984

TRD-845501 James W. Norman
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
June 25, 1984

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 47. Primary Home Care General Provisions and Services

40 TAC §47.903

The Texas Department of Human Resources proposes an amendment to §47.903, concerning services, in its primary home care rule chapter. The rule is amended to increase the number of hours of primary home care a recipient may receive per week. Currently, recipients may receive up to 20 hours of service per week; the department proposes to raise the number of hours to 30.

David Hawes, programs budget and statistics director, has determined that there will be fiscal implications as a result of enforcing or administering the rule. Additional cost to the state is estimated to be \$29,885 in fiscal year 1984; \$988,542 in fiscal year 1985; \$1,254,494 in fiscal year 1986; \$1,335,954 in fiscal year 1987; and \$1,460,056 in fiscal year 1988. There is no anticipated cost to units of local government and no effect on small businesses.

Mr. Hawes also has determined that for each year of the first five years the amendment as proposed is in effect the anticipated public benefit is more hours of care for recipients with high need levels.

Comments may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division—334, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§47.903. Services.

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

(c) Each recipient is eligible for no more than 30 [20] hours of services a week.

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 May 18, 1984.

TRD-845458 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

June 25, 1984

For further information, please call (512) 441-3355,
ext. 2037.

**Part IX. Texas Department on
Aging
Chapter 251. Support Documents
Statutes and Regulations**

40 TAC §251.6

The Texas Department on Aging proposes new §251.6, concerning the reporting system.

The new section outlines procedures for grantees and subcontractors to provide quarterly reports of accrued expenditures of administrative costs by service to the department. Further, this proposed new section contains definitions of administrative costs. This new section is proposed pursuant to Texas Sunset Advisory Commission recommendations

Russell Gregorczyk, fiscal director, has determined that for the first five-year period the rule will be in ef-

fect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Craig F. Sandling, legal services developer, 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 that the Texas Department on Aging will have a clearly enumerated fiscal and service reporting system policy detailing what has been done with Older Americans Act Title III funds. 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 Craig F. Sandling, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, §101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§251.6. Reporting System—Older Americans Act, Title III.

(a) Policy. It is the policy of the Texas Department on Aging (TDOA) to require that Title III grantees and subcontractors prepare budgets and keep financial records in a manner to provide quarterly reports of accrued expenditures of administrative costs by service. Budget pages III-5, III-6, and III-7, which are submitted with the area plan, have been revised to reflect budgeted administrative costs. Likewise, budget amendment Forms 202-5, 202-6, and 202-7 have been revised to identify administrative costs in any amendments which may be processed during the budget period. Finally, the quarterly financial status report state supplemental Form 269a has been revised to reflect quarterly administrative costs expended within supportive and nutrition services. The definition of administrative costs proposed by the TDOA is presented in the following subsections

(b) Definitions. OMB Circular A-87, included in the uniform grant and contract management standards, defines supporting services as:

auxiliary functions necessary to sustain the direct effort involved in administering a grant program or an activity providing service to the grant program. These services may be centralized in the grantee department or in some other agency, and include procurement, payroll, personnel functions, maintenance and operation of space, data processing, accounting, budgeting, auditing, mail and messenger service, and the like

(c) Indirect costs. Indirect costs are defined as: those incurred for a common or joint purpose benefiting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved

(d) Administrative costs. Since administrative costs have characteristics of both supporting service costs and indirect costs, administrative costs are defined as:

costs associated with auxiliary functions necessary to sustain the direct effort involved in delivering a service, or costs incurred for a common or joint purpose benefiting more than one service or program but not readily assignable to a specific service or program

Administrative costs would include all costs associated with the following activities.

- (1) procurement;
- (2) payroll;
- (3) personnel functions;
- (4) maintenance and operation of space;
- (5) data processing;
- (6) accounting;
- (7) budgeting;
- (8) auditing;
- (9) mail and messenger service;
- (10) board and advisory council meetings;
- (11) general program planning and evaluation;
- (12) staff supervision; and
- (13) reporting.

(e) Direct service costs. All indirect costs would be administrative costs; however, indirect costs allocable (via an approved indirect cost rate) to a direct service provided by an area agency on aging would not be reported as administrative costs. These costs would be reported as direct service costs. Any costs necessary to and identified specifically with providing a direct service would not be considered administrative costs.

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 May 15, 1984

TRD-845412 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption
June 25, 1984

For further information, please call (512) 475-2717.

40 TAC §251.7

The Texas Department on Aging proposes new §251.7, concerning carryover policy.

The new section outlines procedures for reviewing budget amendment requests for authorization to expend Older Americans Title III funds during the fiscal year immediately following the fiscal year for which the funds were initially awarded. The new section is proposed pursuant to Texas Sunset Advisory Commission recommendations.

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

Craig F. Sandling, legal services developer, 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 that the Texas Department on Aging will have a clearly enumerated carryover policy on Older Americans Act Title III funds. The anticipated economic cost to individuals who are required to comply with the rule as proposed is not determinable at this time because the amount of carryover will depend upon the amount of unexpended funds for each year by each of 28 grantees.

Comments on the proposal may be submitted to Craig F. Sandling, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, §101.021, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§251.7. Carryover Policy—Older Americans Act, Title III.

(a) The Texas Department on Aging (TDOA) has revised the policy regarding the carryover of unexpended funds awarded in the prior fiscal year. The new policy establishes procedures for reviewing budget amendment requests for authorization to expend Older Americans Act (OAA) Title III funds during the fiscal year immediately following the fiscal year for which the funds were initially awarded.

(b) The notification of grant award issued by the TDOA authorizes the use of OAA Title III funds for the specific federal fiscal year during which the award is issued (currently October 1, 1983-September 30, 1984). At the end of each federal fiscal year, OAA grantees are provided a 90-day closeout period to determine the balance of unexpended funds. During the closeout period, an end-of-year report is completed indicating the unexpended balance or carryover remaining. The grantee then prepares a budget amendment request to add the identified carryover funds to the current federal fiscal year award.

(c) It is the policy of the TDOA to approve the carryover of up to 5.0% of unexpended funds for each program (administration, supportive services, direct service, congregate meals, or home-delivered meals) upon submission of an acceptable budget amendment request. For unexpended funds in excess of 5.0%, the TDOA will evaluate each grantee's budget amendment request for carryover funds on a case-by-case basis considering the following criteria:

(1) comparison of carryover funds from previous years with the present year carryover amount. The objective of the review is to establish trends regarding unexpended funds;

(2) the rate of quarterly expenditures during the fiscal year which generated the carryover. Expenditure rates are reviewed to determine whether spending was consistent during the year or whether there are indications of sporadic spending which may have contributed to an unpredictably high carryover amount;

(3) program income generated quarterly is reviewed to determine if an increased or unexpectedly high amount of program income was generated which may have contributed to a higher carryover amount;

(4) supportive or nutrition service funds remaining uncontracted by grantees during the fiscal year. Grantees are encouraged to contract all service funds to avoid carryover balances resulting from uncontracted funds;

(5) the timing of awards issued by the TDOA is reviewed to determine if any funds were awarded too late in the fiscal year to reasonably allow grantees to prudently expend the funds prior to the end of the project period;

(6) subcontracted amounts are reviewed to determine if a small number of the grantee's subcontractors generated a significant portion of the carryover funds;

(7) grantee administrative costs and other direct service costs are reviewed to determine whether the grantee generated a significant portion of carryover funds;

(8) the rationale of the narrative justification explaining the reasons(s) funds were not expended during the authorized fiscal year is reviewed;

(9) the rationale of the narrative justification of the need to carry funds forward into the subsequent fiscal year is reviewed.

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 May 15, 1984

TRD-845413 Tim Shank
 General Counsel
 Texas Department on Aging

Earliest possible date of adoption

June 25, 1984

For further information, please call (512) 475-2717.



Withdrawn Rules

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

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

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

TITLE 25. HEALTH SERVICES Part VII. Texas Medical Disclosure Panel

Chapter 601. Informed Consent Medical Treatment and Surgical Procedures Established by the Texas Medical Disclosure Panel

25 TAC §601.1, §601.2

The Texas Medical Disclosure Panel has withdrawn from consideration for permanent adoption proposed amendments to §601.1 and §601.2, concerning informed consent. The text of the amended sections as proposed appeared in the December 9, 1983, issue of the *Texas Register* (8 TexReg 5099).

Issued in Austin, Texas, on May 17, 1984

TRD-845507 James H. Duke, Jr.
Chairman
Texas Medical Disclosure Panel

Filed May 21, 1984
For further information, please call (512) 458-7538



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.)

Credit Insurance Experience Calls

059 53 08 003

The State Board of Insurance has withdrawn from consideration for permanent adoption proposed new Rule 059 53 08 003, concerning experience calls. The text of the new rule as proposed appeared in the November 25, 1983, issue of the *Texas Register* (8 TexReg 4889).

Issued in Austin, Texas, on May 18, 1984

TRD-845502 James W. Norman
Chief Clerk
State Board of Insurance

Filed May 18, 1984
For further information, please call (512) 475-2950.

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.

Adopted Rules

TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 81. Elections Nominations

1 TAC §§81.123-81.135

The Office of the Secretary of State adopts the repeal of §§81.123-81.135, without changes to the proposal published in the November 18, 1983, issue of the *Texas Register* (8 TexReg 4787).

The repeal eliminates procedures made obsolete by the adoption of new sections covering the same subject matter.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Election Code, Articles 3, 186, and 186a (Vernon's Texas Election Code Annotated, Articles 1.03, 13.08, and 13.08a), which provides the Office of the Secretary of State with the authority to obtain and maintain uniformity in the application, operation, and interpretation of the election laws, to promulgate any reasonable rules which will minimize the costs of the primary elections, to promulgate rules in regard to necessary office personnel employed to assist in the performance of the duties placed upon the county chairman, and to prescribe and furnish to the county chairmen the forms

which they are to use in submitting statements and reports to the Office of the Secretary of State.

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 May 17, 1984.

TRD-845451 John W. Fainter, Jr.
Secretary of State

Effective date: June 7, 1984
Proposal publication date: November 18, 1983
For further information, please call (512) 475-2015.

1 TAC §§81.123-81.141

The Office of the Secretary of State adopts new §§81.123-81.141, without changes to the proposed text published in the November 18, 1983, issue of the *Texas Register* (8 TexReg 4787).

The new sections promote the orderly and efficient funding of primary elections by establishing guidelines for employment of necessary personnel and instructions for performance of duties by the various county chairmen, and by providing for the submission of reports of necessary expenditures.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Election Code, Articles 3, 186, and 186a (Vernon's Texas

Election Code Annotated, Articles 1.03, 13.08, and 13.08a), which provides the Office of the Secretary of State with the authority to obtain and maintain uniformity in the application, operation, and interpretation of the election laws, to promulgate any reasonable rules which will minimize the costs of the primary elections, to promulgate rules in regard to necessary office personnel employed to assist in the performance of the duties placed upon the county chairman, and to prescribe and furnish to the county chairmen the forms which they are to use in submitting statements and reports to the Office of the Secretary of State.

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 May 17, 1984

TRD-845452 John W. Fainter, Jr.
Secretary of State

Effective date: June 7, 1984
Proposal publication date: November 18, 1983
For further information, please call (512) 475-2015.



**TITLE 16. ECONOMIC
REGULATION**
**Part 1. Railroad Commission of
Texas**
Chapter 3. Oil and Gas Division
Natural Gas Policy Act (NGPA)
Determination Procedures

16 TAC §3.103

The Railroad Commission of Texas adopts amendments to §3.103, without changes to the proposed text published in the March 30, 1984, issue of the *Texas Register* (9 TexReg 1788)

The Federal Energy Regulatory Commission (FERC) guidelines on filing for a Natural Gas Policy Act (NGPA) well category determination require less documentation than the Texas alternative filing requirements. This is due to many changes recently made by the FERC in their rules and regulations. The changes make it essential to revise the operating rules for the Railroad Commission's NGPA section.

The revised NGPA rules for Texas clarify what the current minimum filing requirements are for operators who are seeking a well category determination with the Railroad Commission of Texas.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Natural Resources Code, §81.052, which provides the Railroad Commission of Texas with the authority to adopt rules which govern matters under its jurisdiction.

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 May 14, 1984

TRD-845482 Mack Wallace, Chairman
Jim Nugent, Commissioner
Railroad Commission of Texas

Effective date: June 8, 1984
Proposal publication date: March 30, 1984
For further information, please call (512) 445-1186.

**TITLE 40. SOCIAL SERVICES
AND ASSISTANCE**
**Part I. Texas Department of
Human Resources**
Chapter 15. Medicaid Eligibility
**Subchapter GG. Resources for
Individuals Related to the SSI Program**

40 TAC §15.3201

The Texas Department of Human Resources adopts an amendment to §15.3201, without changes to the proposed text published in the February 17, 1984, issue of the *Texas Register* (9 TexReg 976)

The amendment clarifies the department's definition of liquid resources and deletes internal department operating procedures.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorize the department to administer public assistance programs.

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 May 18, 1984

TRD-845459 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: June 29, 1984
Proposal publication date: February 17, 1984
For further information, please call (512) 441-3355,
ext. 2037

40 TAC §15.3216

The Texas Department of Human Resources adopts an amendment to §15.3216, without changes to the proposed text published in the March 6, 1984, issue of the *Texas Register* (9 TexReg 1325).

This amendment is necessary to comply with a change in supplemental security income (SSI) policy. Supplemental security income policy no longer requires individuals to have accounts changed at financial institutions to designate funds for burial expenses. The amendment allows individuals to provide their case-worker with a written statement that an asset is designated for burial expenses.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

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 May 18, 1984

TRD-845460 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date June 29, 1984

Proposal publication date March 6, 1984

For further information, please call (512) 441-3355,
ext 2037

Chapter 16. ICF/SNF

The Texas Department of Human Resources adopts amendments to §§16.1503, 16.6102, and 16.6115, without changes to the proposed text published in the December 9, 1983, issue of the *Texas Register* (8 Tex-Reg 5122), and will not be republished. The amendments to §16.1101 and §16.6103 are adopted with changes to the proposed text.

These rules are amended to incorporate the applicable provisions of the Human Resources Code, Chapter 102 (House Bill 1726, Acts of the 68th Legislature, 1983) Section 16.1101 is also amended to delete the definition of involuntary transfer and clarify the definition of the medical-social care plan. The rules stipulate requirements to be met by nursing facilities that serve elderly individuals.

Comments were received from both individuals and representatives of groups or associations. The following groups or associations commented on the proposal: ARA Living Centers, Advocacy Incorporated, and Texas Health Care Association. No group or associa-

tion commented clearly for or against the rules. Comments received consisted primarily of concerns and recommendations about specific portions of the rules

The following is a summary of comments received and the department's response to each comment. Commenters suggested reducing or deleting the 40 hours a week definition of full-time employment in §16.1101. The department agrees with the requests to delete the 40 hours a week definition of full-time employment and has deleted it. The definition is considered too restrictive for the innovative staffing patterns used by some facilities to attract and keep good personnel. The department recommends that facilities define full-time employment according to their own operating policies.

A commenter requested that the rules be reworded to reflect that both elderly individuals and disabled individuals are cared for in nursing facilities in Texas. The department disagrees with the request that the adopted rules should be reworded to reflect that both elderly individuals and disabled individuals are cared for in nursing facilities. The department feels that this is unnecessary because the "Compliance with Federal Laws" section of the ICF/SNF rules (§§16.1301-16.1304) contains references to services for the handicapped and elderly.

A commenter requested that §16.6103 be reworded to define "facility's policies" as "facility's admission policies." The department agrees with the request to change "facility's policies" to "facility's admission policies" for clarity. Section 16.6103 is reworded to reflect this.

A commenter requested that the state furnish copies of any laws or codes that a facility is required to distribute without expense to the facility. The department disagrees with this request. The cost of dispensing any material as required by the ICF/SNF standards for participation is a covered expense in the facility's reimbursement. State charges for furnishing copies of laws or codes are required under state law.

A commenter requested that the definition of elderly individual in §16.1101 be changed from a person at least 55 years old to a person at least 65 years old. The department disagrees with this request. House Bill 1726 defines the age of an elderly individual as 55 years old or older. The department is required to use this definition because it is part of state law.

A commenter requested that §16.6103 be revised to clearly state that facilities are required to provide to elderly individuals only information about the rights contained in House Bill 1726. The department agrees with this request and has restructured and reworded §16.6103 to clearly state that facilities are required to provide to elderly individuals only information about the rights contained in House Bill 1726.

A commenter requested that the department allow facilities the option of providing a "list of rights" or a copy of House Bill 1726 to elderly individuals. The department agrees with this request and has reworded §16.6103 to allow facilities this option.

Terms

40 TAC §16.1101

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorize the department to administer public assistance programs

§16.1101 Definitions The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise

Elderly individual—A person at least 55 years old.

Medical-social care plan—The coordinated plan of care which is developed for each recipient-patient after admission. The plan consists of the following components: medical, nursing, rehabilitative services, social care, dietetics, and activities.

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 May 16, 1984

TRD-845426 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date June 6, 1984
Proposal publication date December 9, 1983
For further information, please call (512) 441-3355,
ext. 2037

Compliance with State and Local Laws

40 TAC §16.1503

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs

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 May 16, 1984

TRD-845427 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date June 6, 1984
Proposal publication date December 9, 1983
For further information, please call (512) 441-3355,
ext. 2037

Recipient-Patient Rights

40 TAC §§16.6102, 16.6103, 16.6115

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorize the department to administer public assistance programs

§16.6103. Policies.

(a) The facility must provide to each recipient-patient, family representative, and/or legal guardian the following documents upon the recipient-patient's admission or request or if the documents are revised.

- (1) A copy of the facility's admission policies,
- (2) A copy of recipient-patients' rights, and
- (3) A copy of all rules and regulations governing each recipient-patient's conduct and responsibilities.

(b) The facility must make copies available to representatives of any federally mandated ombudsman. The facility must provide to each elderly individual:

- (1) A copy of the Human Resources Code, Chapter 102 (House Bill 1726, 68th Legislature, 1983), or
- (2) A written list of the rights and responsibilities contained in the Human Resources Code, Chapter 102 (House Bill 1726, 68th Legislature, 1983).

(c) The facility must obtain written confirmation from each recipient-patient, family, or legal guardian that the recipient-patient has received a copy of these documents. The facility must obtain written confirmation that each elderly individual has received:

- (1) A copy of the Human Resources Code, Chapter 102 (House Bill 1726, Acts of the 68th Legislature, 1983), or
- (2) A written list of the rights and responsibilities contained in the Human Resources Code, Chapter 102 (House Bill 1726, 68th Legislature, 1983).

(d) The facility must post a copy of each document in a conspicuous location.

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 May 16, 1984.

TRD-845428 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date June 6, 1984
Proposal publication date December 9, 1983
For further information, please call (512) 441-3355,
ext. 2037



Part VI. Texas Commission for the Deaf

Chapter 181. General Rules of Practice and Procedure

Operations

40 TAC §181.20

The Texas Commission for the Deaf adopts the repeal of §181 20, without changes to the proposal published in the February 10, 1984, issue of the *Texas Register* (9 TexReg 816).

Adoption of the repeal allows for the introduction of new language and the updating of certain requirements in a revised new section regarding the operation of the Board for Evaluation of Interpreters of the Texas Commission for the Deaf

No comments were received regarding adoption of the repeal

The repeal is adopted under the Human Resources Code, Chapter 81, §81 007, which provides the Texas Commission for the Deaf with the authority to establish a program for the certification of interpreters who have reached varying levels of proficiency in manual communication skills.

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 May 3, 1984

TRD-845465 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Effective date June 8, 1984
Proposal publication date February 7, 1984
For further information, please call (512) 475-2492.

The Texas Commission for the Deaf adopts new §181 20, with changes to the proposed text published in the February 10, 1984, issue of the *Texas Register* (9 TexReg 816).

The new section assures the continuation of quality interpreter services provided by the Texas Commission for the Deaf through its certification program. Changes to the proposed version appear to clarify language and guarantee skills of interpreters at differing levels of certification, and these changes are found under certification procedures and validation/maintenance requirements

The section will function as a guideline for the Board for Evaluation of Interpreters in the Statewide Interpreter Certification Program

Comments received included concerns regarding a two-year intensive training program offered by a post-secondary institution and the lack of actual skills learned from these institutions, dissatisfaction with the Registry of Interpreters for the Deaf (RID) membership/maintenance fee and its impact on the Com-

mission for the Deaf's interpreter certification fee, and the lack of clarity in defining intermediary interpreter

Those commenting in favor of the section were Don England, Elizabeth Criswell, Lucy Maxwell, and Jack Hensley, all of the Board for the Evaluation of Interpreters; Joan Lathrop, service provider, Gus Cordero, counselor, Lil Browning, Ron Granbury, Grady Altom, and Sara P. Machniak. There were no commenters against the adoption of the new section

The agency agrees with all comments, and they have been incorporated into the adopted version of the rule.

The new section is adopted under the Human Resources Code, Chapter 81, §81 007, which provides the Texas Commission for the Deaf with the authority to establish a program for the certification of interpreters who have reached varying levels of proficiency in manual communication skills.

§181.20 Operations of the Board for Evaluation of Interpreters

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

(1) recommend to the commission any rules which are reasonably necessary for the proper performance of its duties and which are consistent with the laws of this state;

(2) establish levels of certification, determine skill levels of interpreters, train and evaluate evaluators, administer and supervise the evaluations conducted by teams of evaluators, and certify interpreters for the deaf for the State of Texas;

(3) determine and establish method of application; method of evaluation; necessary evaluation materials; appropriate criteria for the evaluation teams; the term of the certification; procedures for grievance, procedures for revocation, suspension, or cancellation of certification, procedures for certification renewal, and any other pertinent activities relevant to the certification of interpreters,

(4) have the authority and responsibility to make recommendations to the commission for approval regarding the charging of fees for the evaluation and renewal of certification of interpreters for the deaf,

(5) recommend, for commission approval, committees, advisory groups, or task forces to assist in the consideration of pertinent matters. These groups shall make recommendations to the board for their consideration and vote

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

(1) Term of members The first board shall consist of one member appointed for a one-year term from March 1980 through March 1981; one member appointed for a two-year term from March 1980 through March 1982; and one member appointed for a three-year term from March 1980 through March 1983. Two additional

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

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

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

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

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

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

(7) **Location and maintenance of records.** The board shall maintain its offices within the offices of the Texas Commission for the Deaf. The board shall preserve a record of its proceedings and minutes to be maintained in the offices of the Texas Commission for the Deaf. The board shall also maintain, in the offices of the Texas Commission for the Deaf, a record of evaluations. The record shall show the name of the evaluatee, address, phone number, date and place evaluated, evaluation team, and any other information deemed pertinent and necessary by the board. The record shall indicate whether the applicant was rejected or the level of certification awarded. This record, along with other pertinent data, will be used

by the Texas Commission for the Deaf to compile a directory of certified interpreters for the deaf which will be made available to courts, hospitals, agencies, organizations, individuals, or other groups as deemed necessary by the Board for Evaluation of Interpreters or the Texas Commission for the Deaf.

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

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

(d) **Board certification procedures.**

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

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

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

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

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

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

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

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

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

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

(2) **Certification procedures.** The Board for Evaluation of Interpreters has established a certification process involving five levels of certification. The requirements for certification and the process for becoming certified are as follows:

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

(i) receive application forms,

(ii) validate certifications held by the interpreter from the Texas Society of Interpreters for the Deaf at the level of general interpreting skills certification (GISC), or equivalent certification from appropriate organizations as determined by the board;

(iii) collect a fee for certification, and
 (iv) grant certification at Level I; or
 (v) receive application forms;
 (vi) administer a test of proficiency in interpreting skills in the areas of expressive and receptive interpreting,
 (vii) administer a written test;
 (viii) evaluate tests;
 (ix) collect a fee for certification; and
 (x) grant certification at Level I, depending upon test performance

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

(i) receive application forms;
 (ii) validate certifications held by the interpreter from the Registry of Interpreters for the Deaf at the interpretation certification (IC) level, transliteration certificate (TC) level, and/or reverse skills certificate (RSC-hearing person) level;
 (iii) collect a fee for certification, and
 (iv) grant certification at Level II; or
 (v) receive application forms;
 (vi) validate certification held by the interpreter at Level I from the Texas Commission for the Deaf, certification held by the interpreter from Texas Society of Interpreters for the Deaf (TSID) at the GISC level, or equivalent certification from appropriate organizations as determined by the board;

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

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

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

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

(iii) collect a fee for certification, and
 (iv) grant certification at Level III; or
 (v) receive application forms;
 (vi) validate certification held by the interpreter at Level I or Level II from the Texas Commission for the Deaf, certification held by the interpreter from the Texas Society of Interpreters for the Deaf at the GISC level, certification held by the interpreter from the Registry of Interpreters for the Deaf at the IC, TC, IC/TC, RSC-hearing, or any combination of these levels, or equivalent certification from appropriate organizations as determined by the board,

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

(viii) administer a written test;
 (ix) evaluate tests;
 (x) collect a fee for certification; and

(xi) grant certification at Level III or Level II, depending upon test performance

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

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

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

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

(viii) receive application forms;
 (ix) validate certification held by the interpreter from the Registry of Interpreters for the Deaf at the specialist certificate legal (SC-L) level or masters comprehensive skills certificate (MCSC) level,
 (x) collect a fee for certification, and
 (xi) grant certification at Level IV.

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

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

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

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

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

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

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

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

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

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

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

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

(A) Level I

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

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

(iii) payment of validation/maintenance fee.

(B) Level II

(i) maintenance of a valid Registry of Interpreters for the Deaf IC, IC, RSC-hearing person, or any combination of the three, or equivalent certification from appropriate organizations as determined by the board, if such certification was the basis for the Texas Commission for the Deaf Level II certification, or application in writing for a TCD Level II or III test within 30 days following the expiration of the validation date and testing at Level III within one year following the 30-day period,

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

(iii) payment of validation/maintenance fee.

(C) Level III

(i) maintenance of a valid Registry of Interpreters for the Deaf CSC or RSC, or equivalent certification from appropriate organizations as determined by the board, if such certification was the basis for the Texas Commission for the Deaf Level III certification, or application in writing for a TCD Level III test within 30 days following the expiration of the validation date and testing within one year following the 30-day period,

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

(iii) payment of validation/maintenance fee.

(D) Level IV

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

(ii) payment of validation/maintenance fee.

(E) Level V

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

(ii) payment of validation/maintenance fee.

(7) Yearly interpreting certification validation/maintenance fees.

- (A) Level I—\$10.
- (B) Level II—\$10.
- (C) Level III—\$10.
- (D) Level IV—\$10.
- (E) Level V—\$10.

(8) Validation/maintenance of certification.

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

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

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

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

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

(i) Level I—\$20

(ii) Level II—\$20

(iii) Level III—\$20.

(iv) Level IV—\$20

(v) Level V—\$20

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

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

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

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

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

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

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

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

(3) This basic standard is as follows:

(A) interpreters/transliterators shall keep all assignment-related information strictly confidential,

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

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

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

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

(F) interpreters/transliterators shall function in a manner appropriate to the situation,

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

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

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

(1) Procedure for filing a complaint with the board

(A) The complainant may file a written complaint with the Board for Evaluation of Interpreters within 30 days from receipt of test results, stating why the decision of the board is not reasonable. The written, signed complaint shall be filed with the chairperson of the board.

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

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

(2) Procedure for filing an appeal with the commission

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

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

(C) The commission shall hold a hearing to review all pertinent facts and receive additional comments or evidence from the board and/or the complainant. The commission shall notify in writing the chairman of the board and the complainant 30 days in advance of such

scheduled hearing that a hearing will be held. The hearing will be scheduled no later than the next regularly scheduled commission meeting.

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

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

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

This agency hereby certifies that the 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 May 3, 1984

TRD-845466 Fred R. Tammen
Executive Director
Texas Commission for the Deaf

Effective date June 8, 1984

Proposal publication date February 10, 1984

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

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

Chapter 25. Maintenance Division Oversize and/or Overweight Permits for Certain Oil Well Related Vehicles

43 TAC §25.95

The State Department of Highways and Public Transportation adopts amendments to §25.95, without changes to the proposed text published in the April 6, 1984, issue of the *Texas Register* (9 TexReg 1942).

The amendments modify and expand the types of liquid loads that can be permitted to move with a special annual permit and cultivates economic growth and meet the needs of industry.

The amendments modify and clarify the rules and regulations governing the issuance of special annual permits for several types of liquid loads, and provide uniformity in the issuance of these permits for these liquid loads to travel over load zoned roads.

No comments were received regarding adoption of the amendments.

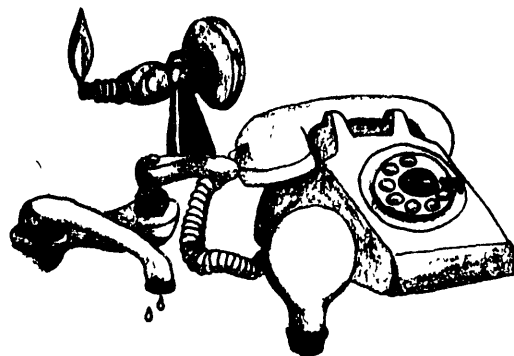
The amendments are adopted under Texas Civil Statutes, Article 6701d-16, which provide the State Highway and Public Transportation Commission with the authority to issue permits for certain types of vehicles to transport liquid fracing products, liquid oil well waste products, and unrefined liquid petroleum products over load zoned roads, not to exceed the vehicle's maximum registered gross weight.

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 May 17, 1984

TRD-845467 Diane L. Northam
Administrative Technician
State Department of Highways
and Public Transportation

Effective date June 8, 1984
Proposal publication date April 6, 1984
For further information, please call (512) 475-2141



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 approved amenda-tor Endorsement IL00-18 (Edited 10-84) prejudgment interest, as presented by the Insurance Services Office, Inc , Austin

The approved endorsement clearly indicates that prejudgment interest coverage is provided, makes pre-judgment payment not subject to policy limits, clarifies that prejudgment interest is payable only on that part of the judgment the company pays, and indicates that the company is not obligated to pay prejudgment interest for the period after a proper offer is made

This filing was approved to become effective under the following rule of application These changes are applicable to all policies effective on or after October 1, 1984

This notification is filed 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 May 16, 1984

TRD-845469 James W Normar
Chief Clerk
State Board of Insurance

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

The State Board of Insurance has approved a filing by the Insurance Services Office for an amendatory endorsement concerning prejudgment interest, IL 00 18

Amendatory endorsement --prejudgment interest IL 00 18 (edited 10-84) has been developed for affected lines of insurance to handle prejudgment interest (PJI) in a uniform and consistent manner The endorsement clearly indicates that PJI coverage is provided, makes PJI payment not subject to the policy limits, clarifies that PJI is payable only on that part of the judgment the company pays, and indicates that the company is not obligated to pay PJI for the period after a proper offer is made

There will be no adjustment to rates to reflect the attachment of this endorsement

Endorsement IL 00 18 applies to the following line and is used with the forms listed Commercial crime combination safe depository form, hotel safe deposit box legal liability coverage form, and innkeepers liability policy

The endorsement is to be attached to the applicable policies, or at the company's option, the provisions of this endorsement may be made a part of (by overprinting upon or incorporation into) these policies

The statistical plans have been amended so that PJI payments will be reported as allocated loss adjustment expense

This revision becomes effective in accordance with the following rule of application These changes are applicable to all policies effective on or after October 1, 1984

The filing is effective 15 days after it is published in the *Texas Register*

This notification is made pursuant to the Insurance Code, Article 5 97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act

Issued in Austin, Texas, on May 17, 1984

TRD-845511 James W Norman
Chief Clerk
State Board of Insurance

Effective date June 10, 1984
For further information, please call (512) 475-2950

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*.

Open Meetings

Texas Adult Probation Commission

Thursday, May 31, 1984, 1:30 p.m. The Program Services Committee of the Texas Adult Probation Commission will meet in the executive suite, Wyndham Southpark Hotel, 4140 Governor's Row, IH 35 South and Ben White Boulevard, Austin. According to the agenda summary, the committee will consider a pretrial diversion report, the standard condition for residential services concerning ISP probationers, restitution center standard conditions for fiscal year 1985, a supplemental funding request for Cass County, a restitution center implementation funding request for Cass County, budget adjustments concerning a CRTC line item transfer for Harris County, a CRTC expenditure for the fiscal year 1983 unexpended balance for McLennan County, and a line item transfer for Moore County, waiver requests for Victoria County and Brown County, and activity reports concerning training, monitoring, and program development.

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

Filed: May 21, 1984, 3:55 p.m.
TRD-845541

Thursday, May 31, 1984, 1:30 p.m. The Audit Review Committee of the Texas Adult Probation Commission will meet in Suite 400, 812 San Antonio, Austin. According to the agenda summary, the committee will consider fiscal audit reports, including final reviews for Bell, Galveston, Caldwell, Maverick, Travis, Montgomery, Hunt, Angeline, Dawson, Jim Wells, Kaufman, and Dickens Counties, initial reviews for McLennan, Bexar, Jack, Hill, Denton, Parmer, Erath, Pecos, Morris, and Lamar Counties; and monitoring reports including final reviews for Jim Wells and Reeves Counties, and an initial review for Eastland County.

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

Filed: May 21, 1984, 3:55 p.m.
TRD-845542

Friday, June 1, 1984, 9 a.m. The Texas Adult Probation Commission will meet in the Wyndham C Room, Wyndham Southpark Hotel, 4140 Governor's Row, IH 35 South and Ben White Boulevard, Austin. According to the agenda summary, the commission will consider minutes; a financial report, a program services report concerning pretrial diversion; the standard con-

dition for residential services concerning ISP probationers; restitution center standard conditions for fiscal year 1985; a supplemental funding request for Cass County; a restitution center implementation funding request for Cass County; budget adjustments concerning a CRTC line item transfer for Harris County, a CRTC expenditure for fiscal year 1983 unexpended balance for McLennan County, and a line item transfer for Moore County; waiver requests for Victoria County and Brown County; activity reports concerning training, monitoring, and program development; and the executive director's report concerning an audit review report, adoption of legislative budget request, a request for a special session of the legislature, and statistical information.

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

Filed: May 21, 1984, 3:54 p.m.
TRD-845543

Texas Department on Aging

Thursday, May 24, 1984, 10 a.m. The Texas Board on Aging of the Texas Department on Aging submitted an emergency revised

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agenda for a meeting held on the fifth floor, 210 Barton Springs Road, Austin. According to the revised agenda, the board considered a request for additional appropriations. The emergency status was necessary because the board determined it was essential to consider additional funding to support aging programs.

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

Filed: May 21, 1984, 4:14 p.m.
TRD-845549

State Board of Barber Examiners

Tuesday, June 5, 1984, 8 a.m. The State Board of Barber Examiners will meet in Suite C-275, 1300 East Anderson Lane, Austin. Items on the agenda include minutes of the previous meeting; an amendment to 22 TAC §51.53(d), concerning failure of out-of-state applicants to appear for examination; interview of out-of-state applicants, and letters and reports to the board by the executive director. The board also will meet in executive session.

Contact: Jo King McCrorey, 1300 East Anderson Lane, Suite C-275, Austin, Texas 78752, (512) 835-2040.

Filed: May 21, 1984, 9:50 a.m.
TRD-845517

State Board of Canvassers

Thursday, May 24, 1984, 3:30 p.m. The State Board of Canvassers met in emergency session in Room 127, State Capitol, Austin. According to the agenda, the board conducted the official canvass of the special runoff election in state representative District 33 pursuant to the Texas Election Code, Article 8.38 and Article 4.12, subdivision 3. The emergency status was necessary because of a conflict in scheduling.

Contact: Donnette Smith, Room 915, Sam Houston Building, 201 East 14th Street, Austin, Texas 78711, (512) 475-3091

Filed: May 21, 1984, 3:15 p.m.
TRD-845544

Texas Department of Corrections

Monday, May 21, 1984, 10 a.m. The board of the Texas Department of Corrections met in emergency session in Room 213, State

Capitol, Austin. According to the agenda, the board discussed personnel matters. The board also met in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(g), to discuss personnel matters. The emergency status was necessary to review the status of the selection of personnel to fill certain departmental positions.

Contact: D. V. McKaskle, P.O. Box 99, Huntsville, Texas 77340, (409) 295-6371, ext. 160.

Filed: May 18, 1984, 10:56 a.m.
TRD-845477

Texas School for the Deaf

Saturday, May 26, 1984, 8 a.m. Committees of the Texas School for the Deaf will meet at the south campus, 1102 South Congress, Austin. Rooms, committees, and agendas follow.

In the library, the Policy Committee will continue policy reviews on DC—hiring practice, DO—termination of employment, DD—contract and noncontract employment, DN—status of employment, and DB—employment requirements and restrictions.

In the conference room, administration building, the Student Life and Curriculum Committee will review the April 6, 1984, meeting minutes and discuss the Student Life Department Program and goals.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821, ext. 303.

Filed: May 18, 1984, 2:03 p.m.
TRD-845485, 845486

Saturday, May 26, 1984, 10 a.m. The Governing Board of the Texas School for the Deaf will meet in the board room, administration building, south campus, 1102 South Congress Avenue, Austin. According to the agenda, the board will approve the April 6, 1984, meeting minutes, consider business requiring board action, including consultant contracts, the TASA/TASB delegate assembly, physical examination criteria for athletes, policies for addressing the board (BED)—second reading and citizen complaints (GF), discussion of board funds, the board president seminar—TASB, and personnel and legal matters, consider business for information purposes, including the health services report, the monthly financial report, a presentation by Gayle and Paul Lindsey, a student life follow-up, and student chemical health procedures; hear individuals from the audience wishing

to make a report; and hear reports from board members.

Contact: Sheila O'Leary, 1102 South Congress Avenue, Austin, Texas 78704, (512) 442-7821, ext. 303.

Filed: May 18, 1984, 2:03 p.m.
TRD-845487

Texas Employment Commission

Tuesday, May 29, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 22, 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: May 21, 1984, 4:08 p.m.
TRD-845548

Office of the Governor

Friday, May 25, 1984, 10 a.m. The Governor's Task Force on Inhalant Abuse of the Office of the Governor will meet at the E. H. Herford Student Center, University of Texas, Arlington. According to the agenda, the task force will conduct a public hearing to receive written and oral testimony from scheduled speakers and through public comment.

Contact: Marc Campos, Sam Houston Building, Room 207, 201 East 14th Street, Austin, Texas 78711, (512) 475-3021.

Filed: May 17, 1984, 3:55 p.m.
TRD-845456

Friday, May 25, 1984, 10 a.m. The Wellness Subcommittee of the Governor's Task Force on State Employee Health Insurance Quality and Cost Containment of the Office of the Governor will meet in emergency session in Room 25, Texas Hospital Association, 6225 Highway 290 East, Austin. According to the agenda, the subcommittee will consider final reports from advisory groups. The emergency status is necessary to make the deadline for the subcommittee's final report. The advisory group recommen-

dations must be received and reviewed in advance of the next meeting

Contact: Evelyn Ireland, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4285

Filed: May 18, 1984, 10:41 a.m.
TRD-845473

**Texas Health Facilities
Commission**

Thursday, May 31, 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

Amarillo Surgi-Center, Amarillo
AS83-0920-172

Surgicare Outpatient Center of
Amarillo, Amarillo
AS83-1011-205

Day Surgery Center of Amarillo,
Amarillo
AS83-1122-394

Memorial Hospital Cleburne, Cleburne
AH83-1213-427

Buna Medical Center, Buna
AH84-0106-018

Contact: John R. Neel, P O Box 50049,
Austin, Texas 78763

Filed: May 21, 1984, 10:01 a.m.
TRD-845513



**Texas Health and Human
Services Coordinating Council**

Wednesday, May 30, 1984, 2 p.m. The Texas Health and Human Services Coordinating Council will meet in Room 2 102, J. C. Thompson Center, 2405 East Campus Drive, University of Texas, Austin. Items on the agenda include an update on a strategic plan, reports of the Planning Committee and the Service Information and Analysis Committee, and the legislative appropriations request for 1986-1987

Contact: Lynn H. Leverty, P O Box 12428,
Austin, Texas 78711, (512) 475-1306.

Filed: May 21, 1984, 11:52 a.m.
TRD-845525

State Board of Insurance

Tuesday, May 29, 1984. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Times and agendas follow

9 a.m. The board will consider issues for inclusion in a report required under the Insurance Code, Article 1 25

2 p.m. The board will conduct a public hearing on proposed Rule 059 01 15 226, as published at 9 TexReg 2059, and consider proposed action on new Rules 059 05 28 003 and 004, 059.21 01 111- 119, amendments to Rules 059 05 28 002, 059 21 49 101, 059 22.01 001, 059.14 38 009, 059 05 26 004 and 008, 059 21 49 006, 059 01 16 003, and the repeal of Rules 059.05.41 001, 059 21.49 102, 059 05 26 003 and .006, and 059 05 15 002, and final action on new Rules 059 01 15 251 and 261, amendments to Rules 059 01 04 001- 013, 015- 019, 027- 038, 040- 052, 058, .060, 066, .068, 069, .071, .072, and 078- 081, and the repeal of Rules 059 01 09 101- 120, 127- 152, 158- 160, 166- 172, 178- 181, 187, and 188

4 p.m. The board will consider a decision on the appeal of Leisure Services, Inc., from action of the Texas Catastrophe Property Insurance Association, hear reports of the commission and the fire marshal, both including personnel matters, and consider board orders on several different matters as itemized on the complete agenda

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950

Filed: May 21, 1984, 1 52 p.m.
TRD-845528-845530

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow

Tuesday, May 29, 1984, 1:30 p.m. In Room 342, the section will consider Docket 7653—whether the Group I legal reserve life insurance agent's license held by Robert H. Broussard, Beaumont, should be canceled or revoked

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076

Filed: May 21, 1984, 11.04 a.m.
TRD-845518

Wednesday, May 30, 1984, 9 a.m. In Room 342, the section will consider Docket 7658—

application for original charter of Diversified Life Insurance Company, San Antonio.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: May 21, 1984, 11:04 a.m.
TRD-845519

Wednesday, May 30, 1984, 10:30 a.m. In Room 353, the section will consider Docket 7724—approval of amendments to the articles of incorporation of Family Security Insurance Company of America, Fort Worth

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: May 21, 1984, 11:04 a.m.
TRD-845520

Thursday, May 31, 1984, 9 a.m. The State Board of Insurance will meet in the Hearing Room, DeWitt Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the board will conduct a public hearing to consider amendments to the *Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers' Liability Insurance 1980 Edition* and the standard provisions for workers' compensation and employers' liability policies.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2950.

Filed: May 18, 1984, 10:11 a.m.
TRD-845471

The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. Days, times, and dockets follow.

Thursday, May 31, 1984, 9 a.m. Docket 7723—application for original charter of RMS Life Insurance Company, Houston.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: May 21, 1984, 11:04 a.m.
TRD-845521

Thursday, May 31, 1984, 1:30 p.m. Docket 7659—application of Pierre D. Croizat, Peter A. Jones, Harold M. Tract, Stuart Cotton, and Leonard S. Dome to acquire control of Scor Reinsurance Company.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: May 21, 1984, 11.04 a.m.
TRD-845522

Friday, June 1, 1984, 9 a.m. Docket 7646—whether Independent Bankers Life

Texas Register

Insurance Company of Texas has complied with Commissioner's Order 84-0979.

Contact: Tom I. McFarling, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-1076.

Filed: May 21, 1984, 11:04 a.m.
TRD-845523

Friday, June 1, 1984, 1:30 p.m. Docket 7657—application for original charter of Falcon Insurance Company, Zapata.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: May 21, 1984, 11:04 a.m.
TRD-845524

Texas Juvenile Probation Commission

Friday, June 1, 1984, 10 a.m. The Texas Juvenile Probation Commission will meet at 2015 IH 35 South, Austin. According to the agenda, the commission will approve the April 6, 1984, meeting minutes; the 1985 budget; the 1986-1987 biennial budget request; and the Foster Family Home Program proposal.

Contact: Bill Anderson or Judy Culpepper, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001

Filed: May 18, 1984, 10:31 a.m.
TRD-845470

Texas Merit System Council

Thursday and Friday, May 31 and June 1, 1984, 9 a.m. daily. The Texas Merit System Council will meet at 507 Brown Building, Austin. According to the agenda, the council will conduct an appeal hearing and consider a review on the record.

Contact: F. Kemp Dixon, P.O. Box 13566, Austin, Texas 78711, (512) 477-9665

Filed: May 18, 1984, 2:21 p.m.
TRD-845492

Texas Motor Vehicle Commission

Wednesday, May 30, 1984, 9 a.m. The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos, Austin. Items on the agenda include adoption of the April 26, 1984, minutes; consideration of hearing reports in Dockets 314, 315, and 320; or-

ders of dismissal in Docket 340 and Docket 363; proposed budget for fiscal years 1986 and 1987; and a general discussion of pending litigation and a financial report.

Contact: Russell Harding, 815 Brazos Street, Austin, Texas 78711.

Filed: May 22, 1984, 9:56 a.m.
TRD-845554

Board of Pardons and Paroles

Tuesday, May 22, 1984, 1:30 p.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered executive clemency recommendations and related matters (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves and/or remissions; and cases of special public importance, including Jerry W. Sewell, TDC# 375598 (commutation of sentence); Larry A. Wilson, TDC# 321622 (commutation of sentence); Joseph Johnson (pardon, with firearms restoration); and Ruben Salinas (pardon, with firearms restoration). The emergency status was necessary because pending court action in these matters created an urgent public necessity that final board action be taken.

Contact: Charles E. Walker, Jr., 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: May 21, 1984, 2:36 p.m.
TRD-845532

Tuesday, May 29, 1984, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. Items on the agenda include presentations by Senator Bob Vale and Representative Rolando Garcia concerning a halfway house in San Antonio; consideration of the Deferred Parole Program; committee assignments for board members; procedure for expunction of records, and the status of the budget request for fiscal year 1986-1987.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: May 21, 1984, 2:37 p.m.
TRD-845533

Monday-Friday, June 4-8, 1984, 1:30 p.m. daily. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will re-

ceive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: May 21, 1984, 2:37 p.m.
TRD-845534

Tuesday, June 5, 1984, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. Items on the agenda include executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves, remissions, and executive clemency actions.

Contact: Sandy Tschatschula, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2704

Filed: May 21, 1984, 2:37 p.m.
TRD-845535

Texas State Board of Physical Therapy Examiners

Friday, June 1, 1984, 1 p.m. The Texas State Board of Physical Therapy Examiners will meet in Suite 260, Building C, 1300 East Anderson Lane, Austin. Items on the agenda include election of a new chairman and appointment of new committees, fees paid by foreign trained applicants to ICD for education evaluation; increased cost of examination service; thermography and electromyography; service plaques for Dorn Long and the family of Mary Lee Faulk, committee meetings; and miscellaneous board business.

Contact: Lois M. Smith, 1300 East Anderson Lane, Austin, Texas, (512) 835-1846

Filed: May 21, 1984, 3:12 p.m.
TRD-845547



Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin Days, times, and dockets follow

Tuesday, May 29, 1984, 9 a.m. A prehearing conference in Docket 5735—application of Community Water Company for a rate increase in Ellis, Hunt, Navarro, and Smith Counties

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 21, 1984, 9 49 a m.
TRD-845514

Friday, June 1, 1984, 1:30 p.m. A prehearing conference in Docket 5737—application of Log Cabin Estates Water Department for a rate increase in Henderson County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 21, 1984, 3 11 p m
TRD-845539

Friday, June 8, 1984, 10 a.m. A prehearing conference in Docket 5670—application of Central Power and Light Company for authority to implement an economic recovery rate

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 18, 1984, 10 15 a m
TRD-845472

Monday, June 11, 1984, 10 a.m. A prehearing conference in Docket 5600—petition of Cogen Power Company and Power systems Engineering concerning rates of the Gulf States Utilities Company for cogeneration purchases

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 18, 1984, 10 16 a m
TRD-845474

Thursday, June 28, 1984, 10 a.m. A hearing in Docket 5279 and Docket 5561—application of Water Services, Inc., and Water Services Two, Inc., for a rate increase

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 21, 1984, 9 51 a m
TRD-845515

Monday, July 16, 1984, 10 a.m. A hearing in Docket 5714—application of West Montgomery Utilities Company, Ltd., for a rate increase in Harris County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 21, 1984, 9 50 a m
TRD-845516

Friday, June 29, 1984, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin Items on the agenda include final adoption of 16 TAC §23 3, concerning definitions, §23 4, concerning statement of non-discrimination, §23 22, concerning energy efficiency plan, §23 41, concerning customer relations, §23 42, concerning refusal of service, §23 43, concerning customer and applicant deposit, §23 45, concerning billing, §23 46, concerning discontinuance of service, §23 47, concerning meters, §23 65, concerning electric submetering, §23 82, concerning commercial and apartment conservation, §23 12, concerning financial records and reports, §23 61, concerning telephone utilities, and §21 22, concerning contents of notice for rule-making proceedings

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 21, 1984, 3 11 p m
TRD-845538

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin Days, times, and dockets follow

Monday, July 16, 1984, 10 a.m. A prehearing conference in Docket 5732—appeal of Gulf States Utilities Company from the electric rate-making ordinances of the City of Houston, *et al*

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 21, 1984, 3 11 p m
TRD-845545

Wednesday, July 26, 1984, 10 a.m. A hearing in Docket 5712—application of Willis Water Co., Inc., for a rate increase in Grayson County

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 21, 1984, 3 12 p m
TRD-845546

Wednesday, August 22, 1984, 9:30 a.m. A hearing on the merits in Dockets 5000, 5185, and 5073—application of Coe Utilities, Inc., to acquire the water certificate rights of Tri-Count Water Systems, Inc., within Harris and Montgomery Counties, application of Coe Utilities, Inc., to acquire the water certificate rights of Tri-County Water Systems, Inc., pertaining to McKinney Place; and application of Coe Utilities, Inc., to amend its certificate of convenience and necessity within Harris and Montgomery Counties

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: May 18, 1984, 10.15 a.m.
TRD-845475

Texas Real Estate Commission

Wednesday, May 30, 1984, 9:30 a.m. The Texas Real Estate Commission (TREC) will meet in the conference room, TREC headquarters, 1101 Camino La Costa, Austin According to the agenda, the commission will consider the April 30, 1984, meeting minutes, staff reports for April 1984, motions for rehearing and/or probation, final action on a proposed amendment to 22 TAC §535 154, concerning corporations licensed as real estate brokers, the proposed 1986-1987 budget, and education matters The commission also will meet in executive session to discuss pending litigation

Contact: Camilla S Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 459-1123.

Filed: May 18, 1984, 10 15 a m
TRD-845476

Texas Rehabilitation Commission

Monday, June 4, 1984, 9:30 a.m. The Texas Advisory Board of Occupational Therapy of the Texas Rehabilitation Commission will meet in the commissioner's conference room, third floor, 118 East Riverside Drive, Austin. According to the agenda, the board will approve the March 8, 1984, minutes, and rules, discuss the legislative appropriations request for 1985-1987, continuing education, occupational therapy in the public school setting, and other business, and hear an office report The board also will meet in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(g), to discuss personnel and/or possible litigation

tion which may arise from the implementation of the licensing program.

Contact: Cary Westhause, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8368.

Filed: May 18, 1984, 8:18 a.m.
TRD-845457

Structural Pest Control Board

The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. Days, times, and agendas follow

Monday, June 4, 1984, 8:30 a.m. Items on the agenda include the March 26 and 27, 1984, meeting minutes; the executive director's report; appearances by Gary Kirby, doing business as Getz Exterminators of Austin, Steven D. Barclay, doing business as Atom Pest Control, William Harmon, and Laurie Elledge, doing business as E & E Termite & Pest Control; discussion of termite inspection reports; and other miscellaneous items.

Tuesday, June 5, 1984, 8:30 a.m. Items on the agenda include setting sites and dates of termite training, appearances by Earl H. Hardy and Ervin W. Light, doing business as Ex-Pest Exterminators, Maria A. Duran, doing business as Alamo Pest Control, Samuel Duran, doing business as Big Valley Pest Control, and Bette J. Young; and unfinished topics, including other treatment standards

Contact: David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066

Filed: May 22, 1984, 9:54 a.m.
TRD-845555, 845556

Texas Southern University

Friday, June 8, 1984. Committees and the Board of Regents of Texas Southern University will meet in Room 117, Hannah Hall, Texas Southern University, 3100 Cleburne Avenue, Houston. Times, committees, and agendas follow

9 a.m. The Development Committee will receive reports from the administration on university fund raising and consider a status report on educational and developmental gifts and grants

9:30 a.m. The Building and Grounds Committee will consider approval of payments for construction contracts, approve and/or ratify building contracts and construction change orders, consider land improvements and sale of improvements, and hear a report on Central Plant expansion and renovation and progress reports of on-going projects.

10:15 a.m. The Finance Committee will consider monthly financial reports and approve short-term investments, approve payments of real estate purchases and a status report, and consider the 1984-1985 fiscal budget

11 a.m. The Personnel and Academic Affairs Committee will receive enrollment and curricula data from the administration, cancel appointments, consider changes of status of personnel, including faculty promotions and merit raises; approve the appointment of personnel, and consider requests for leaves, the faculty manual, and the law school status report

1:30 p.m. The Board of Regents will receive and consider reports from the Finance, Building and Grounds, Personnel and Academic Affairs, and Development and Student Affairs Committees and receive a report from the president. The board also will meet in executive session

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911

Filed: May 22, 1984, 9:57 a.m.
TRD-845557-845561

Texas Woman's University

Thursday, May 31, 1984, 10 a.m. The Board of Regents of Texas Woman's University (TWU) will meet on the 16th floor, Administration and Conference Tower, TWU campus, Denton. According to the agenda summary, the board will consider the February 16, 1984, minutes, a contract for construction of the new university library, personnel additions and changes, gifts and grants, agreements and contracts, federal funds, the sale of surplus property, the renewal and extension of property insurance coverage, matters relating to the completion of the Stoddard Hall renovation, contract meal plan rates, approval of additional insurance company authorization, the small class report for spring 1984, emeritus status, faculty promotions, faculty tenure, the operating budget; the telephone system, an amendment to the faculty senate

constitution; and the president's report. The board also will meet in executive session

Contact: Dr. Mary Evelyn Blagg Huey, Texas Woman's University, Denton, Texas 76204, (817) 383-1466

Filed: May 21, 1984, 3:10 p.m.
TRD-845537

Commission on Uniform State Laws

Friday, July 27, 1984, 9 a.m. The Commission on Uniform State Laws will meet at the Keystone Lodge, Keystone, Colorado. According to the agenda summary, the commission will discuss and revise proposed uniform state laws scheduled for approval in 1984. The commissioners also will consider which of such laws it will propose to the legislature for it to consider for enactment. The meetings will continue on consecutive days until August 3, 1984, at 3 p.m.

Contact: Stanley Plettman, 470 Orleans Street, Fourth Floor, Beaumont, Texas 77701, (409) 838-6412

Filed: May 16, 1984, 1:40 p.m.
TRD-845423

Texas Water Commission

The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow

Tuesday, May 29, 1984, 10 a.m. In Room 118, the commission will consider water district bond issues, release from escrow, use of surplus funds, change in plans, water quality proposed permits, amendments and renewals, examiner's proposals on applications, extension of time applications, amendments, and the filing and setting of hearing dates.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 17, 1984, 1:26 p.m.
TRD-845448

Additions to the previous agenda:

Application 4440 of the City of San Antonio to authorize the maintenance of an existing 176 acre-foot capacity on-channel dam and reservoir on Alazan Creek, tributary of San Pedro Creek, tributary of San Antonio River for recreational purposes in

Bexar County, and Application 4441 of S. F. Ruschhaupt III for a permit to authorize the diversion and use of 200 acre-feet of water per year from the Guadalupe River for irrigation purposes in Victoria County.

Contact: Mary Ann Hefner, P O Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: May 18, 1984, 3 11 p m
TRD-845496

Application by the City of Dallas and the Dallas County Utility and Reclamation District for an amendment to Certificate of Adjudication 08-2457

Contact: Mary Ann Hefner, P O Box 13087, Austin, Texas 78711, (512) 475-4514

Filed: May 21, 1984, 1 54 p m
TRD-845531

Wednesday, May 30, 1984, 2 p.m. In Room 118, application of Lake Travis Independent School District, in care of Samuel R. Graham, 202 West 23rd Street, Austin, Texas 78701, to the Texas Department of Water Resources for a temporary order to authorize the commencement of construction of the proposed wastewater treatment facilities and holding ponds described in the application for proposed Permit 12920-01, and to be located off Ranch Road 620, approximately two miles from the intersection of State Highway 71 and Ranch Road 620, Travis County, pending a final decision on the previously mentioned application for waste disposal permit. The applicant will not be authorized by the order to discharge any treated effluent to the holding ponds or to begin any irrigation with treated effluent.

Contact: Paula Hilsenbeck, P O Box 13087, Austin, Texas 78711, (512) 475-7845

Filed: May 17, 1984, 1 26 p m
TRD-845449

Monday, June 4, 1984, 2 p.m. In Room 118, application of Raymond H. Winkelmann, Jr., to the Texas Department of Water Resources for a temporary order to authorize the construction of a sewage treatment plant and to use the plant for storage of sewage until sewage can be transported to a licensed sewage treatment plant for disposal, pending a final decision on an application for a waste discharge permit for the same facility which the applicant has concurrently filed (proposed Permit 12942-01). The plant is to be located at the southwest corner of the intersection of U.S. Highway 290 and County Road 87, approximately six miles east of Brenham in Washington County. The flow into the plant will not exceed an average of 6,400 gallons per day

(10,900 daily maximum) of domestic sewage. The drainage from this site is to an unnamed tributary of Caney Creek, thence to Caney Creek, thence to the Brazos River. The applicant has stated that such a request is necessary to allow the applicant to open and operate his newly-constructed real estate development.

Contact: Kenneth Petersen, P O Box 13087, Austin, Texas 78711, (512) 475-7841.

Filed: May 18, 1984, 3 10 p m.
TRD-845497

Thursday, June 21, 1984, 10 a.m. In Room 124A, application of E. I. DuPont De Nemours and Company, Inc.—Sabine River Works, P O Box 1089, Orange, Texas 77630, to the commission to affirm, modify, or set aside Emergency Orders 84-14E and 84-15E, issued on May 14, 1984. The orders authorize E. I. DuPont De Nemours and Company, Inc.—Sabine River Works to allow WDW-207 and WDW-132 to dispose of aqueous adiponitrile process wastewaters presently injected into WDW-54 and WDW-55, because existing wells WDW-54 and WDW-55 are plugging and need a workover. The applicant has stated that plant problems caused by the 1983 year-end freeze have caused the injectivity of the strata used by WDW-54 and WDW-55 to decrease to a point that requires some immediate remedy through the use of WDW-207, with WDW-132 being used as a backup well for WDW-207. Emergency Order 84-14E authorizes the applicant to inject 24,630,135 gallons per month of aqueous acidic waste from the adiponitrile process from the DuPont Sabine River Works at its injection well located 1,350 feet north and 2,060 feet west of the southeast corner of the W. H. Stark Survey, Abstract 505, approximately two miles south of Orange in Orange County. Emergency Order 84-15E authorizes the applicant to inject 15,264 million gallons per month of aqueous acidic waste from the adiponitrile process from the DuPont Sabine River Works at its injection well located 339 feet west and 59 feet north of the southeast corner of the W. H. Stark Survey, Abstract 505, approximately two miles south of Orange in Orange County.

Contact: Ken Petersen, P O Box 13087, Austin, Texas 78711, (512) 475-7841

Filed: May 18, 1984, 3 10 p m
TRD-845498

Friday, June 22, 1984, 9 a.m. In Room 215, application of Formosa Plastics Corporation, Texas, 101 Formosa Drive, Point Comfort, Texas 77978, to the Texas Depart-

ment of Water Resources for a renewal of Permit 02436, which authorizes a discharge of treated wastewater effluent at a volume not to exceed an average flow of 1.4 million gallons per day at Outfall 001, and a volume not to exceed a daily maximum of 17.68 million gallons at Outfall 002 and 10.03 million gallons per day at Outfall 003 from the plant site, which is just northeast of the City of Point Comfort, north of and adjacent to State Highway 35 and east of and adjacent to FM Road 1593 in Calhoun County. The effluent is discharged from the plant site through a pipe, to a box culvert under Highway 35, thence into an unnamed tributary of Huisache Creek, thence into Huisache Creek (also known as Cox Creek), and thence into Cox Bay, Segment 2454 of the Lavaca-Tres Palacios Estuary.

Contact: James K. Rourke, Jr., P.O. Box 13087, Austin, Texas 78711, (512) 475-1339

Filed: May 18, 1984, 3 11 p m
TRD-845499

Wednesday, June 27, 1984, 10 a.m. In Room 118, a hearing on petition for conversion of Melrose Park Municipal Utility District into a municipal utility district operating under the Texas Water Code, Chapter 54.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: May 17, 1984, 1:25 p m
TRD-845450

Thursday, June 28, 1984, 10 a.m. In Room 124A, application of the City of San Antonio to the Texas Department of Water Resources for a temporary order to authorize the disposal of greater amounts of waste activated sludge produced at the applicant's Rilling Road and Salado Creek Sewage Treatment Plants than is presently authorized under the city's waste discharge permits, pending a final decision by the Texas Water Commission on pending applications for amendments to the applicant's waste discharge permits 10137-02 and 10137-08. In addition to currently permitted sludge disposal methods, the order will authorize the applicant to dispose of waste activated sludge by soil injection on city-owned sites located adjacent to the Salado Creek Sewage Treatment Plant and north of Mitchell Lake in Bexar County. The Rilling Road Sewage Treatment Plant is located approximately one-half mile east of the intersection of U.S. Highway 281 and Rilling Road in the City of San Antonio, Bexar County. The Salado Creek Sewage Treatment Plant is located on Blue Wing Road, approximately 1.5 miles south of the intersection

of Southton Road and Blue Wing Road in San Antonio, Bexar County

Contact: Martin Rochelle, P O Box 13087, Austin, Texas 78711, (512) 475-4338.

Filed: May 18, 1984, 3:11 p.m.
TRD-845500

**Regional Agencies
Meetings Filed May 17**

The Austin-Travis County Mental Health and Mental Retardation Center, Operations and Planning Committee, met in the boardroom, 1430 Collier Street, Austin, on May 22, 1984, at 7 30 a m Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Central Texas Mental Health and Mental Retardation Center, Board of Trustees, met at 408 Mulberry Drive, Brownwood, on May 22, 1984, at 4:30 p m Information may be obtained from Gloria Willen, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, ext 102

The Cherokee County Appraisal District, Board of Directors, met at 107 East Sixth Street, Rusk, on May 24, 1984, at 2 30 p.m. Information may be obtained from S R. Danner, P O Box 494, Rusk, Texas 75785, (214) 683-2296

The Hays County Central Appraisal District, Board of Review, met at the Hays County Courthouse Annex, San Marcos, on May 24, 1984, at 9 a m Information may be obtained from Lynnell Sedlar, Courthouse Annex, Third Floor, San Marcos, Texas 78666, (512) 396-4777

The Lower Colorado River Authority, Audit and Budget Committee, met at 3700 Lake Austin Boulevard, Austin, on May 23, 1984, at 8 a m The following committees also met at the same location on the same date, at the following times

Finance and Administration
Committee—9 30 a m

Energy Operations Committee—1 p.m.
Natural Resources Committee—2.15 p.m.

The Board of Directors met at the same location on May 24, 1984, at 9 a m The Committee on Planning and Public Policy will meet in the Hill Country C Room, Hyatt Regency Hotel, Austin, on May 25, 1984, at 8.30 a m Information may be obtained from Elof H Soderberg, P O Box 220, Austin, Texas 78767, (512) 473-3200

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on May 24, 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 Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, met at 3800 Avenue H, Lubbock, on May 22, 1984, at 4 30 p.m Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on May 24, 1984, at 12:30 p m Information may be obtained from Edwina J Hicks, P O Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300

The Central Tax Authority of Taylor County, Board of Directors, met at 340 Hickory Street, Abilene, on May 23, 1984, at 10 a m. Information may be obtained from Richard Petree, RPA, P O Box 1800, Abilene, Texas 79604, (915) 676-9381
TRD-845446

Meetings Filed May 18

The Angelina and Neches River Authority, Board of Directors, will meet at 900 Crown Colony Drive, Lufkin, on May 25, 1984, at 3 p.m. Information may be obtained from Angela Quillan, P O Box 387, Lufkin, Texas 75901, (409) 632-7795

The Angelina and Neches River Authority Industrial Development Corporation, Board of Directors, will meet at 900 Crown Colony Drive, Lufkin, on May 25, 1984, at 3 p m. Information may be obtained from Angela Quillan, P O Box 387, Lufkin, Texas 75901, (409) 632-7795

The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met in the boardroom, 2323 West Front Street, Tyler, on May 24, 1984, at 4 p m Information may be obtained from Richard J DeSanto, P O Box 4730, Tyler, Texas 75712, (214) 597-1351

The Region VIII Education Service Center, Board of Directors, met in a rescheduled session at the Alps Restaurant, IH 30, Mount Pleasant, on May 23, 1984, at 11 30 a m The meeting originally was scheduled

for May 24, 1984 Information may be obtained from Scott Ferguson, 100 North Riddle Street, Mount Pleasant, Texas 75455, (214) 572-8551

The Heart of Texas Council of Governments, Executive Committee, met at 320 Franklin Avenue, Waco, on May 24, 1984, at 12 30 p m Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on May 30, 1984, at 9 a m Information may be obtained from James L Dunham, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618

The Middle Rio Grande Development Council, Board of Directors, met at the Civic Center, North Seventh and Nopal, Carrizo Springs, on May 23, 1984, at 2 p.m Information may be obtained from Mike Patterson, P O Box 702, Carrizo Springs, Texas 78834, (512) 876-3533
TRD-845484

Meetings Filed May 21

The Austin-Travis County Mental Health and Mental Retardation Center, Finance and Control Committee, met in the boardroom, 1430 Collier Street, Austin, on May 24, 1984, at 5 15 p m Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141

The Gregg County Appraisal District, Board of Review, will meet at 2010 Gilmer Road, Longview, on May 25, 1984, at 1 30 p m Information may be obtained from William T Carroll, P O Box 6700, Longview, Texas 75608, (214) 759-0015

The Hockley County Appraisal District, Board of Directors, submitted a revised agenda for a meeting held at 913 Austin Street, Levelland, on May 21, 1984, at 7 p m Information may be obtained from Keith Toomre, P O Box 1090, Levelland, Texas 79336, (806) 894-9654

The Leon County Central Appraisal District, Board of Directors, will meet at the Leon County Courtroom, Centerville, on May 28, 1984, at 7 30 p m Information may be obtained from Mabel Watson, P O Box 536, Centerville, Texas 75833, (214) 536-2252

The Rusk County Appraisal District, Appraisal Review Board, will meet at 107 North Van Buren, Henderson, on May 29, 1984, at 7 p m. Information may be obtained from Melvin R. Cooper, P O Box 7, Henderson, Texas 75653-0007, (214) 657-9697.

TRD-845540

Meetings Filed May 22

The Dallas County Appraisal District, Appraisal Review Board, will meet at 2601 Live Oak, Dallas, on May 25, 1984, at 2 p m. Information may be obtained from Shirley Lensky, 2601 Live Oak, Dallas, Texas 75204, (214) 826-1480.

The Edwards Underground Water District, Board of Directors, will meet in the fourth floor conference room, Tower Life Building, San Antonio, on June 5, 1984, at 10 a.m. Information may be obtained from Thomas P. Fox, 900 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204.

TRD-845553

In Addition

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.

Texas Air Control Board Request for Proposals

The Texas Air Control Board (TACB) invites all interested parties to submit technical proposals to provide professional engineering consultant services to the agency. The last day for receipt of offers shall be June 8, 1984. The contract shall become effective after being signed by the executive director of the TACB and the selected firm. It shall terminate on September 30, 1984. Funds expended under this contract for these services will not exceed \$20,000.

Description of Services. The purpose of this project is to supplement the 1984 *Handbook for Conducting Visual Inspections* intended for Texas Department of Public Safety (DPS) certified inspectors by incorporating changes in engine families for 1984 light-duty vehicles (LDV) and by the addition of such detailed inspection requirements for light-duty trucks (LDT). Such additions shall be based on parameter inspection procedures for control components on engines certified for 1984 LDV and LDT by the U.S. Environmental Protection Agency (EPA), and should identify 1984 engine families with the highest production records/projections. The TACB shall furnish the list of engine families to be considered. A copy of a detailed statement of work to be performed is available from the TACB.

Procedure for Selecting Consultant. The TACB shall select and award such contracts and engage such services on the basis of demonstrated competence, knowledge, and qualifications for the type of services to be performed and at fair and reasonable prices. Activities relative to this project shall be supervised by a registered professional engineer. As the consultant service desired by the TACB is considered a continuation of a service previously performed by a private consultant, the agency intends to award the contract for the consulting services to the private consultant that previously performed the services, unless a better proposal is submitted.

This contract is to be funded by a grant from the EPA, and execution will depend on timely receipt of funds by the TACB from that agency. This request for proposals is under the authority of Texas Civil Statutes, Article 664-4.

Contact Person. Any consultant interested in providing the described services should contact Sabino Gomez, Compliance Division, Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 400, for a copy of the statement of work.

Issued in Austin, Texas, on May 21, 1984

TRD 845506 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed May 21, 1984

For further information, please call (512) 451-5711, ext. 351

Comptroller of Public Accounts Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts of the State of Texas requests proposals for a comprehensive rewriting and enhancement of the automated functions performed and expected to be performed in the comptroller's collection of and accounting for certain taxes.

Description of Work. The consultant selected will be responsible for rewriting and substantially enhancing the comptroller's present limited automated functions performed in the areas of motor fuels taxes (including liquefied petroleum gas (LPG) decals), crude oil taxes, and natural gas taxes. Functions performed in these tax areas are now partially manual. That portion which is automated is not compatible with the automated methods of the com-

bined sales tax system. The purpose of the work proposed to be contracted is to assure the fullest reasonable degree of automation of the functions related to the taxes previously named, in a manner assuring system compatibility with the combined sales tax system which was developed in conformity with the Method/1 system.

Person to be Contacted. Consulting firms desiring a copy of the request for proposals and wanting to submit a proposal or request additional information may contact Larry Crawford, Associate Deputy Comptroller, Room 309, LBJ Building, 111 East 17th Street, Austin, Texas 78774, (512) 475-1912.

Closing Date. Proposals to perform these consulting services will be accepted only if in writing and actually received in the office of Larry Crawford not later than 5 p m on June 8, 1984. The Comptroller of Public Accounts reserves the right to reject any or all proposals.

Procedure for Selection of Consultant. That consulting firm demonstrating the greatest familiarity with both the combined sales tax system and Method/1, demonstrated competence both for the work and of the personnel to be assigned to the work and knowledge and qualifications to complete the work well and on time will be selected for fee and contract negotiations

Continuation of a Service Previously Performed. The combined sales tax system was designed and installed by Arthur Andersen and Company using its copyrighted Method/1 system. The Comptroller of Public Accounts intends to award the contract to Arthur Andersen and Company, unless a better offer is submitted.

Issued in Austin, Texas, on May 18, 1984

TRD-845495 Bob Bullock
Comptroller of Public Accounts

Filed May 18, 1984

For further information, please call (512) 475-1922.

For copies of the following opinions, contact Bob Bullock, Comptroller of Public Accounts, Attention: Administrative Law Judges, 111 East 17th Street, Austin, Texas 78774. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Decision 14,251

Summary of Decision. The taxpayer, a mobile home dealer, contended that it could not be held liable for use tax on manufactured housing units on its lot on the day the Manufactured Housing Sales and Use Tax Act went into effect, since the Act was ambiguous concerning its coverage of existing inventory, and any ambiguity must be construed against the state. Furthermore, the taxpayer contended that application of the comptroller's use tax rules was discriminatory, since it did not apply to individuals. The comptroller held that even if the Act were ambiguous, to adopt the taxpayer's interpretation would lead to absurd results, since by the taxpayer's logic all manufactured homes owned on the effective date of the Act would escape taxation totally. Furthermore, the

comptroller's rule was not ambiguous and reflected the legislature's intent that the mere exercise of ownership over manufactured homes on the effective date of the Act would trigger use tax. Finally, the comptroller rules that the use tax rule did apply to individuals and thus was not discriminatory, and even if it were, the taxpayer lacked standing to challenge it.

Issued in Austin, Texas, on May 4, 1984

TRD-845480 Bob Bullock
Comptroller of Public Accounts

Filed May 18, 1984

For further information, please call (512) 475-1938.

Decision 14,585

Summary of Decision. The taxpayer asserted that its use of the optional reporting method for calculating taxable sales pursuant to the Texas Tax Code, §151.412, immunized it from the addition of penalty and interest to a deficiency assessment. The comptroller found that while the taxpayer was eligible to use the optional reporting method, it had not followed the statutorily prescribed procedure; this failure stripped the taxpayer of insulation from penalty and interest

Issued in Austin, Texas, on May 11, 1984

TRD-845481 Bob Bullock
Comptroller of Public Accounts

Filed May 18, 1984

For further information, please call (512) 475-1938.

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⁾ /Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 5/28/84-6/03/84	20.75%	20.75%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 5/01/84-5/31/83	19.70%	19.70%
Standard Quarterly Rate—Article 1.04(a)(2) 4/01/84-06/30/84	18.27%	18.27%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 04/01/84-06/30/84	18.27%	N/A

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽¹⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Lender Credit Card Quarterly Rate— Article 15 02(d) ⁽¹⁾ 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 ⁽³⁾ 04/01/84-06/30/84	18.27%	N/A
Annual Rate Applicable 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 06/01/84-06/30/84	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open end credit as defined in Texas Civil Statutes, Article 5069.101(1).
- (3) Credit for personal, family, or household use.
- (4) Credit for business, commercial, investment, or other similar purpose.

Issued in Austin, Texas, on May 21, 1984

TRD-845503 Sam Kelly
Consumer Credit Commissioner

Filed May 21, 1984
For further information, please call (512) 475-2111

sions of the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7; the Texas Department of Health's municipal solid waste management regulations; and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request, and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application.

If a hearing is requested by a person affected, notice of such hearing will be provided to the requester and will also be published in a newspaper of general circulation in the area where the site is located at least 30 days prior to the date of such hearing. If no request for a hearing is received within 30 days of the date of publication of the said notice in a newspaper of general circulation, the department will make a decision.

Requests for a public hearing and/or requests for a copy of the technical summary of the application prepared by the Bureau of Solid Waste Management shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management or at the Department's Public Health Region 8 suboffice headquarters located at 4410 Dillon Lane, No. 13, Commerce 2, Corpus Christi, Texas 78415, (512) 855-3221.

Issued in Austin, Texas, on May 17, 1984

TRD-845434 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed May 17, 1984
For further information, please call (512) 458-7271

Texas Department of Health Opportunity for Public Hearing

Bee County has filed Application 1645 with the Texas Department of Health to operate a proposed Type III municipal solid waste disposal site to be located south of Pawnee between Pawnee and Mineral, 4.7 road miles south on FM Highway 673, the .5 mile north on, and on the west side of, an unnamed county road in Bee County. The waste will be covered monthly or more frequently if necessary to protect public health or minimize nuisances. Prior to the disposal of solid waste, berms will be constructed on the upslope side of the trenches to divert surface drainage away from the site. The site is expected to receive solid waste for approximately 15 years after which the property will be returned to pasture land.

The site consists of approximately 10 acres of land, and is to receive daily approximately one ton of solid wastes under the regulatory jurisdiction of the Texas Department of Health.

The application is being processed and the final decision will be made by the department pursuant to the provisions

Public Hearings

The Texas Department of Health will conduct the following three hearings on applications for solid waste disposal sites:

(1) Iso-Tex, Inc., has filed Part A of a hazardous waste permit application to operate an existing hazardous solid waste storage facility located at 1511 County Road 129, Friendswood. The site consists of approximately four acres of land, and receives hazardous waste from approximately 100 universities and/or hospitals for storage prior to disposal off site.

The hearing will be held at 9 a.m. on Thursday, June 21, 1984, on the second floor of the New Court Building, Angleton.

(2) The City of Willis has filed Application 1653 to operate a proposed Type II municipal solid waste disposal site to be located east of Willis, approximately 6.6 miles east of the intersection of U.S. Highway 75 and County

Line Road in Willis, thence 900 feet north of County Line Road, in Montgomery County

The hearing will be held at 9 a m on Wednesday, June 27, 1984, American Legion Hall, FM Road 1097 East, Willis

(3) Western Contractors Services, Inc , has filed Application 1565 for a permit to operate a proposed Type IV municipal solid waste disposal site (brush, construction/demolition wastes, and rubbish only) to be located northwest of Houston, approximately 2.8 miles north of the intersection of U S Highway 290 and Fairbanks-North Houston (F-NH) Road, and approximately 900 feet west of F-NH Road, in Harris County

The hearing will be held at 10 a m on Wednesday, June 27, 1984, at the Holiday Inn, 16510 North I-45, Houston, Texas

Issued in Austin, Texas, on May 17, 1984

TRD-845435 Robert A. MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Filed May 17, 1984

For further information, please call (512) 458-7271

Rescindment of Order

Notice is hereby given that an emergency impoundment and cease and desist order dated April 13, 1984, issued to El Paso Engineering and Testing, Inc , 2525 Porter Avenue, El Paso, Texas 79330, by the department, as published in the May 11, 1984, issue of the *Texas Register* (9 TexReg 2652), has been rescinded by an order dated April 20, 1984

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Texas, from 8 a m to 5 p m , Monday through Friday (except holidays)

Issued in Austin, Texas, on May 17, 1984

TRD-845436 Robert A. MacLean, M D
Deputy Commissioner
Professional Services
Texas Department of Health

Filed May 17, 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

Humana Hospital Corporation, Inc (formerly Clear Lake Hospital, Inc), doing business as Clear Lake Hospital, Webster
AH80-1010-003A(051484)

CN/AMD—Request for an extension of the completion deadline from June 30, 1984, to December 31, 1984, in Certificate of Need AH80-1010-003, which authorized the certificate holder to expand Clear Lake Hospital by constructing a six-story, 83,893-square foot patient tower and remodeling and renovating portions of the existing facility

Uvalde County Clinic, Inc , for Uvalde County Clinic, Inc , Uvalde
AH83-0711-028A(041984)

CN/AMD—Request for an amendment of Certificate of Need AH83-0711-028, which authorized the certificate holder to establish a rural health initiative clinic in 5,296 square feet of leased space in the north wing of the Uvalde Memorial Hospital. The certificate holder requests a change in location of the clinic from leased space in the north wing of the Uvalde Memorial Hospital to space provided by Uvalde Memorial Hospital in a modular unit located on hospital grounds adjacent to the emergency room, to decrease the total square footage from 5,296 to 768 square feet, to reduce the total project cost from \$27,284 to \$9,448, and to extend the completion deadline from June 30, 1984, to July 30, 1984

The Westwind Corporation, a Texas corporation, Nederland
AN84-0501-270

NIEH—Request for a declaratory ruling that a certificate of need is not required for The Westwind

Corporation to acquire by lease West Texas Nursing Center, an existing 114-bed nursing facility with 98 ICF and 16 personal care beds located in Abilene, from Parent Care, Inc.

William E. Campbell, Inc., doing business as Rockwall Nursing Home, Rockwall
AN82-0512-064A(051584)

CN/AMD—Request for an extension of the completion deadline from July 30, 1984, to January 31, 1985, in Certificate of Need AN82-0512-064, which authorized the certificate holder to construct a 14,581-square foot building addition and to renovate 1,500 square feet in the existing facility for the addition of 54 beds (30 skilled and 24 ICF beds), and the expansion of the dining, kitchen, and activity areas.

Community Psychiatric Centers of Texas, Inc., doing business as Sunrise Psychiatric Hospital, Arlington

AH82-0720-053A(051484)

CN/AMD—Request for an extension of the completion deadline from May 31, 1984, to May 31, 1985, in Certificate of Need AH82-0720-053, which authorized the certificate holder to construct, equip, and operate a 130-bed replacement psychiatric facility in Arlington.

Day Surgery Center of South Central Dallas, Inc., for Day Surgery Center of South Central Dallas, Inc., Dallas

AS83-0802-075A(050984)

CN/AMD—Request for an amendment of Certificate of Need AS83-0802-075, which authorized the certificate holder to construct, equip, and operate a 10,000-square foot ambulatory surgical center. The certificate holder requests a change in location of the surgical center from the Central Methodist Hospital campus to a site located at 1204-1214 North Bishop Avenue, Dallas, two to three lots away from the former location, and to extend the

completion deadline from July 30, 1985, to October 31, 1985.

Issued in Austin, Texas on May 21, 1984

TRD-845510

John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed May 21, 1984

For further information, please call (512) 475-6940

Texas Medical Disclosure Panel Medical Treatment and Surgical Procedures Established by the Texas Medical Disclosure Panel

Texas Civil Statutes, Article 4590i, §6.04, require the Texas Medical Disclosure Panel to prepare lists of medical treatments and surgical procedures which do and do not require disclosure. The panel has prepared List A, covering treatments and procedures which require disclosure, and List B, covering treatments and procedures which do not require disclosure. In addition, these lists have been adopted by reference by the panel in 25 TAC §601.1 and §601.2.

The panel is now proposing to amend the lists. The portions of the lists with changes are published here. Further information about the proposed changes is contained in the preamble to the proposed amendments to the rules adopted by reference (25 TAC §601.1 and §601.2). This preamble is published in the "Proposed Rules" section of this issue of the *Texas Register*.

The information listed here is not the complete adoption by reference. It is only a list of changes that have been made.

§601.1. Procedures Requiring Full Disclosure (List A). The following treatments and procedures require full disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

1 - 5. (No Change.)

6. Eye treatments and procedures.

1. Eye muscle surgery.
 1. Additional treatment and/or surgery.
 2. Double vision
 3. Partial or total loss of vision
2. Surgery for cataract with or without implantation of intraocular lens
 1. Complications requiring additional treatment and/or surgery
 2. Need for glasses or contact lenses
 3. Complications requiring the removal of implanted lens
 4. Partial or total loss of vision
3. Retinal or vitreous surgery
 1. Complications requiring additional treatment and/or surgery
 2. Recurrence or spread of disease
 3. Partial or total loss of vision
4. Reconstructive and/or plastic surgical procedures of the eye and eye region, such as, blepharoplasty, tumor, fracture, lacrimal surgery, foreign body, abscess, or trauma
 1. Worsening or unsatisfactory appearance
 2. Creation of additional problems such as
 1. Poor healing or skin loss
 2. Nerve damage
 3. Painful or unattractive scarring
 4. Impairment of regional organs, such as, eye or lip function
 3. Recurrence of the original condition
5. Photocoagulation and/or cryotherapy.
 1. Complications requiring additional treatment and/or surgery
 2. Pain.
 3. Partial or total loss of vision
6. Corneal surgery, such as, corneal transplant, refractive surgery and pterygium
 1. Complications requiring additional treatment and/or surgery
 2. Possible pain.
 3. Need for glasses or contact lenses.
 4. Partial or total loss of vision.
7. Glaucoma surgery by any method
 1. Complications requiring additional treatment and/or surgery
 2. Worsening of the glaucoma
 3. Pain
 4. Partial or total loss of vision
8. Removal of the eye or its contents (enucleation or evisceration)
 1. Complications requiring additional treatment and/or surgery.
 2. Worsening or unsatisfactory appearance
 3. Recurrence or spread of disease
9. Surgery for penetrating ocular injury, including intraocular foreign body
 1. Complications requiring additional treatment and/or surgery, including removal of the eye.
 2. Chronic pain.
 3. Partial or total loss of vision

7 - 13. (No Change)

14. Radiology.

1 - 4. (No Change.)

5. Splenoportography (needle injection of contrast media into the spleen)
 1. Injury to the spleen requiring blood transfusion and/or removal of the spleen.

15 - 16. (No Change.)

§601.2. Procedures Requiring No Disclosure (List B). The following treatments and procedures require no disclosure by the physician or health care provider to the patient or person authorized to consent for the patient.

1 - 5. (No Change.)

6. Eye.

1. Administration of topical, parenteral (such as IV), or oral drugs or pharmaceuticals, including, but not limited to fluorescein angiography, orbital injection or periocular injections.
2. Removal of extraocular foreign bodies.
3. Chalazion excision.

7 - 13. (No Change.)

14. Radiology.

- 1 - 5. (No Change.)
6. Venography (Venogram) with contrast media.
7. Cholangiography with contrast media.
8. Urography (IVP) with contrast media.
9. Digital Subtraction Angiography with contrast media.
10. Radioisotope scans and/or blood flow studies.
11. G. I. Tract Radiography and Fluoroscopy.
12. Oral cholecystography
13. Fistula or sinus tract injection.
14. Sialography.
15. Dacryocystography.
16. Cystography, Cystourethrography.
17. Retrograde and antegrade urography.
18. Laryngography, Bronchography.
19. Hysterosalpingography.
20. E.R.C.P (Endoscopic Retrograde Cholangio Pancreatography).
21. Galactography.
22. T-tube cholangiography.
23. Skeletal Radiography and/or Fluoroscopy (skull, mastoids, sinuses and facial bones; spine, ribs, pelvis; extremities.)
24. Foreign Body Radiography and/or Fluoroscopy.
25. Chest and abdomen Radiography and Fluoroscopy.
26. Portable Radiography/Fluoroscopy.
27. Pelvimetry, Fetogram.
28. Computer tomography scan with and without contrast media.
29. Ultrasound and Doppler studies.
30. Laminography, polytomography.
31. Soft-tissue Radiography including Xerography and Zeromammography.
32. Kidney or bile duct stone manipulation through percutaneous tube or tube tract
33. Pacemaker lead placement.
34. Arthrography.
35. Percutaneous nephrostogram and/or internal stent or external drainage of the kidney.
36. Percutaneous transhepatic cholangiogram and/or internal stent or external drainage of the liver.
37. Percutaneous abscess drainage.

15 - 16. (No Change.)

Issued in Austin, Texas, on May 17, 1984.

TRD-845509

James H. Duke, Jr., M.D.

Chairman

Texas Medical Disclosure Panel

Filed: May 21, 1984

For further information, please call (512) 458-7538

Texas Department of Mental Health and Mental Retardation Projects for Persons with Autism and Other Pervasive Developmental Disorders

The 68th Legislature, 1983, appropriated \$979,457 for fiscal year 1985 to the Texas Department of Mental Health and Mental Retardation (TDMHMR) for the continuation and expansion of projects for persons with autism and other pervasive developmental disorders as cited in the *Diagnostic and Statistical Manual of Mental Disorders* (Third Edition). In addition to continuing projects developed in fiscal years 1982-1984, approximately \$200,000 will be available for new projects and/or expansion of existing projects.

Representatives of the TDMHMR, the Texas Society for Autistic Citizens, other professionals, and consumer representatives have convened during fiscal year 1984 to provide guidance and recommendations to the autism projects. The TDMHMR Advisory Committee for Persons with Autism and Other Pervasive Developmental Disorders has developed parameters for the distribution of funds appropriated to the Texas Department of Mental Health and Mental Retardation.

It appears that only two or three additional projects may be funded and evaluated effective September 1, 1984-August 31, 1985. Grant applications for these projects will be available from the central office of the Texas Department of Mental Health and Mental Retardation.

Copies of the grant applications may be obtained by contacting Michael K. Carter, Coordinator for Autism Services, TDMHMR, P. O. Box 12668, Austin, Texas 78711, (512) 465-4639. Grant applications will be due on July 6, 1984, and decisions on which projects will be funded will be made by August 1, 1984.

Issued in Austin, Texas, on May 16, 1984

TRD 845432 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

Filed May 16, 1984
For further information, please call (512) 465-4591

Railroad Commission of Texas Public Hearing

The Railroad Commission of Texas will conduct a public hearing on the application of Energy Transportation Systems, Inc., (ETS) pipeline project, for a certificate of public convenience and necessity to transport coal by pipeline through the following Texas counties: Lipscomb, Hemphill, Wilbarger, Wichita, Archer, Young, Jack, Palo Pinto, Hood, Somervell, Bosque, McLennan, Bell, Milam, Lee, Fayette, Roberts, Hutchinson, Carson, Potter, Randall, Castro, Lamb, Gonzales, Guadalupe, Wilson, Bexar, Colorado, Austin, and Fort Bend.

The public hearing will be held at 9 a.m. daily on June 12-15, 1984, at the Lipscomb County Club House, Lipscomb, and will proceed until completion. All parties and interested persons desiring to participate in the hearing of this application should appear at the designated time and location and be prepared to go forward.

The hearing will be limited to issues pertaining to the location, physical characteristics, and effects of the proposed pipeline in Lipscomb, Hemphill, and Roberts Counties. No other issues will be considered by this hearing, and the hearing will be limited to those affected counties.

Motions to intervene for the purpose of gaining party status will be entertained by the examiners at the start of the hearing. Persons wishing to intervene should be prepared to state the basis for their intervention.

The examiners will allow nonparty members of the public to make brief statements on the record before evidence is taken. Only parties will be allowed to present testimony, sponsor witnesses or exhibits, or cross-examine witnesses.

The application of ETSI and supplemental information requested by the examiners are available for public inspection with the county judges for Lipscomb, Hemphill, and Roberts Counties, as well as with the commission at its Austin offices.

The public hearing will be conducted in compliance with the general and special rules of practice and procedure before the Transportation Division.

For further information, please contact Stephen P. Webb, Hearing Examiner, Transportation Division, Railroad Commission of Texas, P. O. Drawer 12967, Austin, Texas 78711, (512) 445-1336.

Issued in Austin, Texas, on May 18, 1984

TRD-845483 Walter Earl Lile
Special Counsel
Railroad Commission of Texas

Filed May 18, 1984
For further information, please call (512) 445-1186

Texas Sesquicentennial Commission Public Information

The Texas Sesquicentennial Commission is requesting proposals from manufacturers interested in producing and distributing commemorative products for the celebration of Texas' 150th anniversary of independence in 1986.

Based upon such criteria as product quality, adherence to the theme of the Sesquicentennial, and its track record for marketing and production, a single manufacturer will be chosen for each of some 25 categories. The categories include a medallion, flag, "patriot kit" for schoolchildren, spur, belt buckle, boots, hat, ring, map, metal object, fine art print, ceramic object, pistol, rifle, knife, art poster, reproductions of early Texas currency and other

artifacts, and Texana, an open category for uniquely Texan objects not fitting into another category, to be suggested by applicants

The items will be distributed through officially-sanctioned Texas Independence Communities and Texas Independence Associations, which are allowed to sell the products to help finance their Sesquicentennial projects

Interested manufacturers may contact the Texas Sesquicentennial Commission for a copy of the specifications for bid submittal at P.O. Box 1986, Austin, Texas 78767, before 5 p.m. on August 31, 1984.

All proposals submitted must conform to commission specifications. Incomplete applications will not be considered

Texas Department of Water Resources Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, §6(d), the Texas Department of Water Resources (TDWR) announces that it intends to extend the services of Lockwood, Andrews, and Newnam, Inc. (LAN), 1500 City West Boulevard, Houston, Texas, to perform remedial action feasibility studies for the Sikes disposal pits abandoned hazardous waste site unless a better proposal for such services is submitted. Remedial investigation services were provided to the department pursuant to Contract 14-30030 dated January 17, 1983. This project is to be conducted by the TDWR through a cooperative agreement with the Environmental Protection Agency (EPA) and pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), referred to as Superfund, and the Texas Water Code, Chapter 26, Subchapter H. By letter dated February 8, 1982, the governor of Texas designated the TDWR as the lead agency for Superfund activity in the state. Recipients of Superfund remedial action cooperative agreements may use a consultant procured to conduct any or all of the remedial investigation (RI), feasibility study (FS), or design to perform follow-on RI, FS, design, or engineering activities without going through the public notice (§33.150) and evaluation procedures (§33.515) in 40 Code of Federal Regulations Part 33. The TDWR conducted RI activities with EPA assistance under a cooperative agreement (CX 810198-01), but did not include follow-on activities in the original RI subagreement.

The TDWR followed all of the requirements in Part 33 (including the public notice and evaluation required in 40 Code of Federal Regulations §33.510 and §33.515) for the initial procurement of LAN.

The TDWR has determined that using a consulting firm (LAN) procured to conduct the RI to perform the FS without going through the public notice (§33.510) and evaluation procedures (§33.515) in 40 Code of Federal Regulations Part 33 is consistent with state law. Accordingly, contingent upon the availability of funds, and con-

sistent with the terms and conditions of Cooperative Agreement CX 810198-01 and all applicable state and federal laws, the TDWR intends to award a contract for consulting services to LAN, unless a better proposal for such services is submitted, for the extension of the services performed under Contract 14-30030.

Scope of Work. The consultant will be responsible for all services and equipment necessary to conduct the feasibility studies. Other easements and/or rights-of-ways necessary for the completion of the project will be obtained by the state.

(1) Identification of remedial alternatives. In consultation with the TDWR, objectives of the remedial action will be identified and the criteria for defining an acceptable level of cleanup will be established. The consultant will identify all reasonable remedial action alternatives to be evaluated.

(2) Assessment of alternatives. The consultant will perform feasibility studies of identified alternatives, including treatability studies where appropriate. Assessment should be made of technical feasibility, economic feasibility, the potential for phasing of remedial measures, environmental acceptability, and regulatory acceptability. A recommendation of remedial alternatives will be included in the final report.

(3) Reporting. A technical report will be prepared under this contract to document the remedial action feasibility studies. Monthly progress reports will be submitted to the TDWR by the consultant.

Budget and Schedule. The maximum budget anticipated for the contract is \$196,815. Approximately 10% of this amount should be considered as contingency funds. The following schedule is anticipated:

(1) It is anticipated that the contract will be awarded about July 15, 1984.

(2) A final feasibility report will be delivered 20 weeks after the award of a contract.

The decision to proceed with feasibility studies is subject to approval following state and EPA review of the site investigation results.

Submittal Information. Five copies of the proposal must be received at the following address before 5 p.m. on June 13, 1984: Rod Kimbro, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711, (512) 475-6371. Proposals submitted in response to this request must address the scope of work outlined previously. Any additions, alterations, or options to this scope of work must be clearly identified in the proposal.

Upon submittal the proposals shall become the property of the State of Texas. The contents of the proposals shall be considered as a part of the public record unless otherwise identified by the consultant. The submittal of confidential or proprietary information should be under separate cover on or before the due date. Confidential submittals should be limited and must include an explanation of the basis for confidentiality.

General. The following evaluation criteria will be used to determine if a consultant would be better than continuing with LAN for this project. Specific points have not been assigned to the evaluation sections.

(1) Demonstrated technical competence of the consultant based on previous related experience, financial stability of the organization, and available facilities and equipment

(2) Competence, related experience, and availability of personnel assigned to the project

(3) Cost will be a consideration of award in that, if a reasonable cost, as determined by the State of Texas, cannot be negotiated with the selected candidate, that candidate will be bypassed. The evaluation of proposals and selection of a consultant in lieu of LAN will be made by the executive director of the TDWR, whose decision shall be final

The TDWR reserves the right to reject any and all proposals and to resubmit invitation for proposals, with respect to this project, for good cause as determined by the executive director

Issued in Austin, Texas, on May 16, 1984

TRD-845438

Susan Plettman
General Counsel
Texas Department of Water
Resources

Filed May 17, 1984

For further information, please call (512) 475-7845.

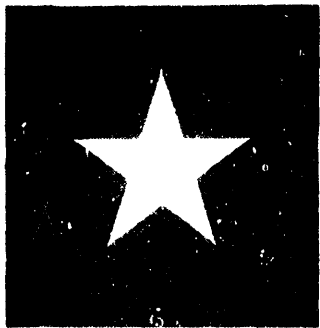
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