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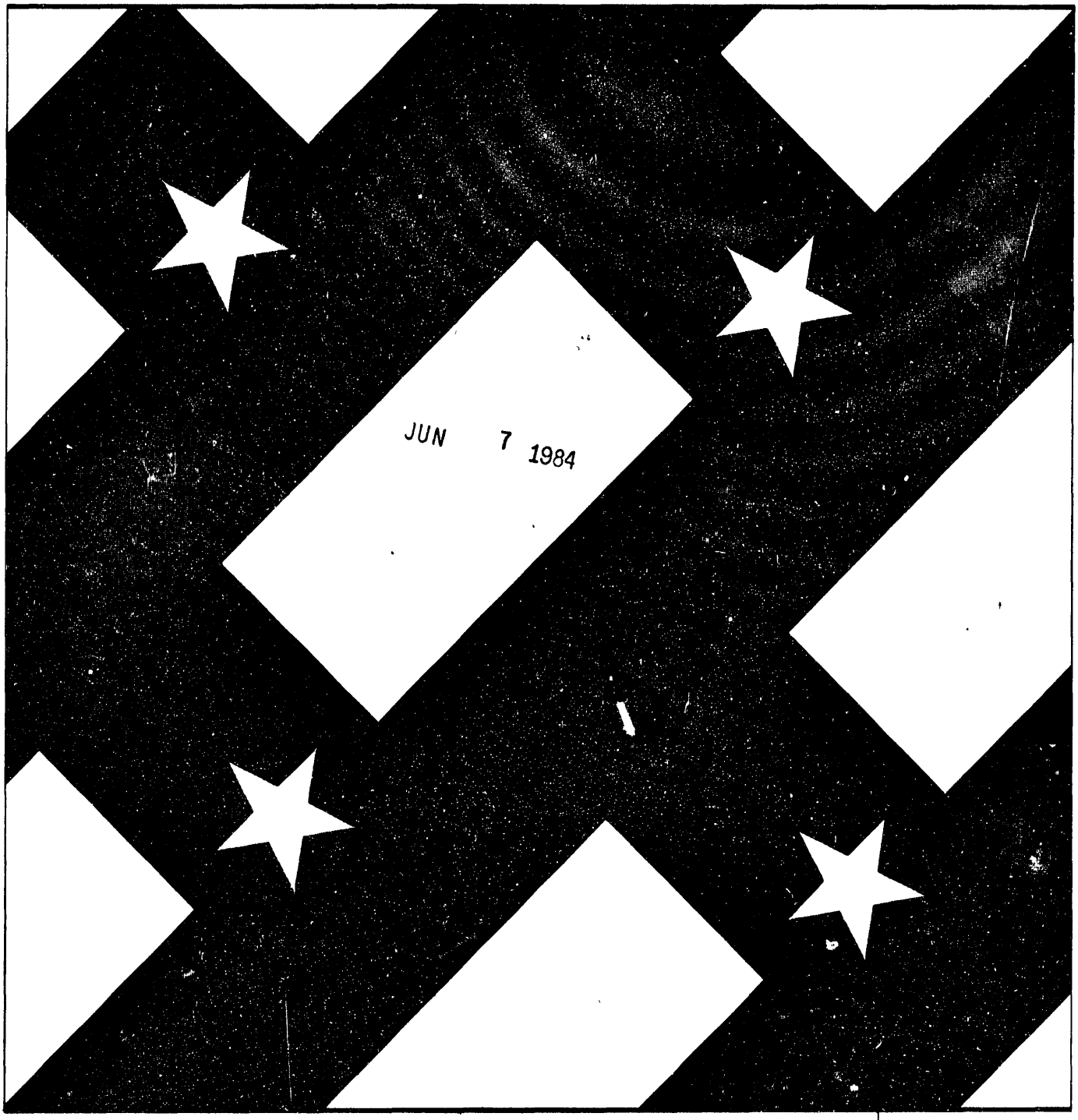

Highlights

The Texas Department of Agriculture adopts on an emergency basis repeals and new sections concerning the Family Farm and Ranch Security Program
Effective date - May 25 page 2939

The Texas State Board of Pharmacy adopts on an emergency basis amendments and a new section concerning Class A pharmacies
Effective date - May 23 page 2948

The State Board of Insurance adopts on an emergency basis new rules in a chapter concerning life, health, and accident insurance
Effective date - May 23 page 2950

Office of the Secretary of State

Texas Register

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Governor—appointments, executive orders, and proclamations
Secretary of State—summaries of opinions based on election laws
State Ethics Advisory Commission—summaries of requests for opinions and opinions
Attorney General—summaries of requests for opinions, opinions, and open records decisions
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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Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
Open Meetings—notices of open meetings
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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 22

Texas State Board of Examiners of Dietitians

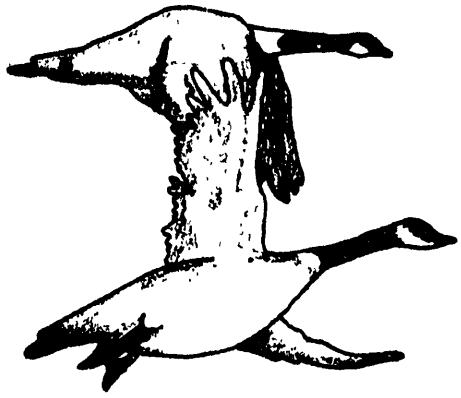
To represent the public for a term to expire September 1, 1985:

Johnnie Ruth Stripling
3005 North Whitten Avenue
Tyler, Texas 75702

Dr. Stripling is being appointed pursuant to Senate Bill 671, 68th Legislature, 1983.

Issued in Austin, Texas, on May 22, 1984

TRD-845629 Mark White
Governor of Texas



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

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

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

Emergency Rules

TITLE 4. AGRICULTURE
Part I. Texas Department of Agriculture
Chapter 23. Family Farm and Ranch Security Program

The Texas Department of Agriculture adopts on an emergency basis the repeal of §§23 1-23 6, concerning general provisions; §23 21 and §23 22, concerning official documents, §§23 31-23 38, concerning application procedures, §§23 51-23.54, concerning eligibility standards, §23.61 and §23 62, concerning program limitations, §23 71 and §23 72, concerning defaults of eligible loans, §23.81 and §23 82, concerning consequences of default, and §23 91 and §23 92, concerning miscellaneous provisions These sections effect the administration of the Family Farm and Ranch Program

The department also adopts on an emergency basis new §§23 1-23 5, concerning general provisions, §§23 11-23 13, concerning eligibility, §§23 21-23 29, concerning application procedures, §§23.41-23 47, concerning closing procedures, §23 61-23 63, concerning default by participant; §§23 71-23 73, concerning foreclosure procedures; §23 81 and §23.82, concerning default by lender, and §§23.91-23.100, concerning miscellaneous provisions. These sections effect the administration of the Family Farm and Ranch Security Program.

The old rules are being replaced to update the rules, conform them to recent amendments to the Family Farm and Ranch Security Act, and streamline the application process. With the new rules, the department will be able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals. The rules cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation. The rules are adopted on an emergency basis so that the department can begin immediately processing applications for loan guarantees filed with the department by interested individuals.

General Provisions

4 TAC §§23.1-23.6

(Editor's note The text of the following rules repealed on an emergency basis will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeal is adopted on an emergency basis under the Texas Agriculture Code, §252 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23 1 *Definitions.*
§23 2 *The Advisory Council*
§23 3 *Discrimination*
§23.4. *Privacy.*
§23.5 *Communications with Commissioner.*
§23.6 *Amendments to Sections.*

Issued in Austin, Texas, on May 24, 1984

TRD-845689 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Effective date May 25, 1984
Expiration date September 22, 1984
For further information, please call (512) 475-6686.

Subchapter A. General Provisions

4 TAC §§23.1-23.5

The new sections are adopted on an emergency basis under the Texas Agriculture Code, §262.011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23.1 Purpose and Application of Rules. The purpose of these rules is to carry out and administer the Family Farm and Ranch Security Program established by the Texas Agriculture Code, §§252.001-252.083. The commissioner and advisory council will apply these rules to all applications filed with the program under the Act. The commissioner may waive the applicability of any rule to an application when such waiver would be in the public interest and would further the purposes of the Act.

§23.2. Authority These rules are adopted pursuant to the Texas Agriculture Code, §252.001

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

Act—Texas Agriculture Code, §§252.001-252.083

Active agricultural production—Land is currently devoted to one or more of the following:

(A) cultivating the soil and producing crops for human food, animal feed, planting seed;

(B) cultivating the soil for the production of fibers;

(C) floriculture, viticulture, horticulture, and aquaculture,

(D) raising or keeping livestock, or

(E) planting cover crops or leaving land idle for the purpose of participating in a governmental program or crop or livestock rotation procedure.

Administrator—The person designated from time to time by the commissioner as the senior official of the Texas Department of Agriculture charged with the administration of the Family Farm and Ranch Security Program

Advisory council—The Family Farm and Ranch Advisory Council created under the Act, §252.013

Amortization schedule—The loan repayment schedule approved by the commissioner.

Applicant—A natural person applying for a family farm and ranch security loan guaranty

Balloon payment—The final payment of an amortization schedule which is equal to or exceeds four times the amount of the immediately preceding payment.

Commissioner—The commissioner of agriculture or the commissioner's authorized representative.

Default—As specified in §23.61 of this chapter (relating to Conditions of Default by Participant) and §23.81 of this chapter (relating to Conditions of Default by Lender), the failure to perform an obligation established by these rules

Evaluation of performance—A comparison of the participant's cash flow model with the participant's actual income and expense

Even payment—The payment amount necessary at a given interest rate to fully amortize the loan over a given period of time.

Family farm and ranch security loan—A loan guaranteed by the state under the Act and these rules.

Farm and ranch loan security fund—The fund established by the Act, §252.081, from which all guarantees collectively shall be paid.

Farmland and ranchland—Land in Texas that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry or poultry products, milk or dairy products, fruit, horticultural products, or other crops or products of a general or specialized nature, including all improvements and fixtures to the land.

Fully amortize—To insert terms or provisions in a loan which do not result in a balloon payment.

Guaranty—The written agreement executed by the commissioner that in the event of default the State of Texas shall pay the lender up to 90% of the sums due and payable under the first real estate mortgage or deed of trust, or, if the applicant makes a down payment of 10% or more of the purchase price, all of the sums due and payable under the first real estate mortgage or deed of trust.

Letter of intent—A letter that indicates a lender's or vendor's willingness and ability to provide credit. The letter must specify the terms and conditions under which the credit will be extended, including amount, term, interest rate, repayment schedule, and security.

Participant—An applicant who has received final approval for a guaranty which has been fully executed by the state

Program—The Family Farm and Ranch Security Program administered by the Texas Department of Agriculture.

Residential homestead—The homestead of the applicant owned on the date of the application and as determined in accordance with the laws of the state.

Seller-sponsored loan—A loan in which all or part of the purchase price of farmland or ranchland is financed by a loan from the seller of the property who is a natural person, a family partnership, or corporation.

§23.4 Advisory Council The advisory council will hold meetings and conduct business in accordance with all applicable laws, these rules, and any procedure it may establish to discharge its function. The advisory council may delegate to committees, consisting of not less than three members, the authority to act on behalf of the council

§23.5. Administration The commissioner may delegate appropriate functions to the administrator and the staff to carry out the purposes of all applicable laws and these rules in the day-to-day conduct of the program.

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Agency Liaison
Texas Department of Agriculture

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Subchapter B. Eligibility

4 TAC §§23.11-23.13

The new sections are adopted on an emergency basis under the Texas Agriculture Code, §262 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program

§23.11. Eligible Applicant. To be eligible for a guaranty, an applicant must meet all of the following criteria at the time of application

(1) be a citizen of the United States;

(2) be a resident of the State of Texas;

(3) have education, training, or experience in the type of farming or ranching for which the applicant proposes to utilize the farmland or ranchland being acquired;

(4) have a total net worth, together with the applicant's spouse and their dependents (computed in accordance with generally accepted accounting practices), of less than $100,000, excluding the value of any residential homestead owned by the applicant on the date of the application;

(5) intend to purchase the farmland or ranchland for use by the applicant and family for active agricultural production as the applicant's primary occupation,

(6) be worthy of personal credit after giving due regard to the security value of the farmland and ranchland being acquired, based upon an analysis by the administrator,

(7) demonstrate the existence of or provision for financing for necessary equipment, operating costs, and normal improvements, together with the ability to repay the loan and provide a reasonable standard of living for the applicant and family,

(8) not have defaulted on any family farm and ranch security loan,

(9) not be a person related within the second degree by affinity or the third degree by consanguinity to any member of the advisory council or to the commissioner, the deputy commissioner, or any assistant commissioner of the Texas Department of Agriculture or the administrator,

(10) not hold a guaranty that was executed less than 36 months before the date of the current application, unless otherwise authorized by the administrator; and

(11) agree to provide the administrator quarterly reports of actual income and expense for the first two years of the loan and for any additional periods of time that the administrator may require.

§23.12. Eligible Lenders To be eligible to receive a guaranty, a lender must meet all of the following criteria:

(1) be any of the following.

(A) an individual, family partnership, or corporation who is a seller in a seller-sponsored loan transaction;

(B) any bank, savings bank, mutual savings bank, credit union, farm credit institution, or savings and loan association organized under the laws of this state or the United States;

(C) any trust company, or other financial institution subject to the supervision of the banking commissioner; or

(D) any corporation engaged in the business of insurance that is subject to the supervision of the State Board of Insurance

(2) not be or ever have been in default on a family farm and ranch security loan;

(3) in the case of a lender who is not a seller in a seller-sponsored loan transaction, agree to exercise due diligence in the servicing, maintenance, review, and evaluation of performance associated with similar loans without regard to the existence of a guaranty, insurance, or other limitation of risk

§23 13 Eligible Financial Arrangements The financial terms and conditions of the transaction shall conform to the following requirements

(1) The purchase price shall not exceed the appraised value of the land as indicated in the appraisal report under either the market data approach or the income approach, whichever is higher

(2) The loan amount may include the purchase price plus all costs and expenses which are to be paid by the applicant including abstracts, title opinions, title insurance policies, surveys, attorney's fees, points or discounts paid to lenders, or other costs related to the acquisition of the property, less the unpaid principal balance of any loan assumed by the applicant and the required down payment, if any

(3) The interest rate to be paid by the applicant shall not exceed the lower of:

(A) the usury or interest rate limit for individuals established by the laws of this state in effect at the time;

(B) the rate in effect at the time of application for the United States Veterans Administration single family housing mortgage guaranty program, in the case of a fixed interest rate; or

(C) the rate in effect during the term of the loan for real estate loans of the Federal Land Bank of Texas, in the case of a variable interest rate.

(4) Loan discounts or discount points charged to the applicant may not exceed 2½ points

(5) The term of the loan may be negotiated by the applicant and the lender, and the loan must be fully amortized.

(6) The loan must be subject to prepayment in whole or in part without penalty, but may not be assignable by the participant

(7) A minimum of 3 0% of the loan amount must be paid in cash at closing by the applicant in all loans except seller-sponsored loans in which the seller is a parent or grandparent of the applicant

(8) The repayment schedule must call for repayments of principal and interest at least annually.

(9) In the case of a loan in which the lender is not the seller, the lender shall evaluate the participant's performance at least quarterly based on information supplied to the lender by the participant. If the participant's performance is unsatisfactory, the lender shall provide the commissioner with a written report specifying the reasons why performance is unsatisfactory In the case of

a seller-sponsored loan, the commissioner shall evaluate the participant's performance at least quarterly

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Agency Liaison
Texas Department of Agriculture

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Official Documents

4 TAC §23.21, §23.22

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is adopted on an emergency basis under the Texas Agriculture Code, §252.011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23.21. *Forms.*
§23.22. *Waivers of Form Provisions.*

Issued in Austin, Texas, on May 24, 1984

TRD-845690 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

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Expiration date September 22, 1984
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Subchapter C. Application Procedures

4 TAC §§23.21-23.29

The new sections are adopted on an emergency basis under the Texas Agriculture Code, §262 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23.21. *Application* An individual desiring to acquire farmland or ranchland may apply to participate in the program. An applicant must apply for a guaranty on an application form provided by the commissioner. The application must also include the following.

(1) a farm or ranch land appraisal;

(2) an earnest money contract or purchase option;

(3) letters of intent, if appropriate;

(4) the financial information required in §23.25 of this chapter (relating to Financial Information); and

(5) other information reasonably necessary to determine the likelihood of success of the applicant's proposed operations.

§23.22. *Farm or Ranch Land Appraisal.*

(a) An appraisal of the market value and income potential of the farmland or ranchland must be performed by a person who meets one of the following criteria:

(1) membership in the American Society of Farm Managers and Rural Appraisers and designation as an accredited rural appraiser (ARA);

(2) membership in the American Society of Real Estate Appraisers and designation as master of the appraisal institute (MAI);

(3) membership in the Texas Society of Farm Managers and Rural Appraisers and active involvement in performing farm or ranchland appraisals for at least three years preceding the date of the appraisal; or

(4) active involvement in performing farm or ranchland appraisals for at least five years preceding the date of the appraisal

(b) A letter stating the appraiser's qualifications and experience must be submitted with the appraisal.

(c) The commissioner may require the applicant to obtain an additional appraisal from another appraiser when comparable sales do not reasonably reflect the value of the farmland or ranchland stated in the original appraisal

§23.23. *Earnest Money Contract or Option.* The seller of the land and the applicant must enter either a binding earnest money contract or a purchase option contract. The earnest money contract or purchase option contract must contain all terms and conditions agreed to by the parties The terms must be in accordance with the Act and these rules The earnest money contract shall include a statement that the sale is contingent upon the applicant's obtaining a guaranty through the program and that in the event of a denial of the application for a guaranty, all earnest monies paid under the contract will be returned to the applicant. The purchase option contract shall include a statement that if the option is exercised, any amounts paid for the purchase of the option will be applied to the purchase price of the land

§23 24 *Letters of Intent* The application shall contain the following information:

(1) a letter of intent for the financing, containing all the terms and provisions of the loan and signed by the lender, if any portion of the purchase price is to be financed through a lender other than the seller;

(2) a letter of intent from the source of necessary operating credit for the first year of operation;

(3) a letter of intent from the source of financing for the purchase of livestock and equipment, if such financing is necessary, and

(4) written equipment use agreements signed by both the applicant and the equipment owner, if equipment will be shared

§23.25 *Financial Information.* The application shall include the following financial information:

(1) a financial statement of the applicant and spouse's net worth excluding the estimated value of their residential homestead;

(2) a financial statement indicating the net worth of all dependents, if any;

(3) a cash flow model or other detailed statement of income and expense for the first two years of proposed operations; and

(4) other such information as may be required by the administrator.

§23.26. Review of Applications. The administrator and advisory council shall consider an application for a guaranty and make recommendations about its disposition to the commissioner. The advisory council shall make its recommendations after it or its designee conducts a hearing as a contested case proceeding under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. The commissioner shall then consider and act upon the application, taking into account the recommendation of the administrator and advisory council.

§23.27. Criteria for Approval. The following criteria shall be considered by the administrator, the advisory council, and the commissioner in reviewing a guaranty:

(1) the eligibility criteria set forth in §§23.11-23.13 of this chapter (relating to Eligibility);

(2) submission of a complete application;

(3) the degree to which farming or ranching will be the applicant's principal occupation;

(4) the extent to which the applicant demonstrates financial need for the guaranty to acquire farmland or ranchland;

(5) the existence of or provisions for financing farm or ranch expenses other than real estate;

(6) the economic feasibility of the loan as evidenced by the applicant's present and projected financial situation;

(7) the applicant's credit history, and

(8) the likelihood of success of the applicant's proposed farming or ranching operation, based on the criteria in paragraphs (3)-(6) of this subsection.

§23.28 Notification Upon completion of the eview of an application for a guaranty, the commissioner shall provide written notification of the determination to the applicant and lender If the application is denied, the commissioner shall specify the reasons for denial

§23.29. Denial of Application.

(a) If the commissioner determines after review of the appraisal that the reason for denial is that the purchase price exceeds the appraised value of the land, the commissioner shall give the applicant and lender 10 days from the date of receipt of notification to modify their contract in such a manner as will permit the application, as revised, to conform to the requirements of this chapter.

(b) If an applicant's circumstances change so that he or she becomes eligible under this chapter, the applicant may reapply.

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Agency Liaison
Texas Department of Agriculture

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

Application Procedures

4 TAC §§23.31-23.38

(Editor's note: The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is adopted on an emergency basis under the Texas Agriculture Code, §252 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23.31. Filing
§23.32. Postfiling.
§23.33. Preliminary Review.
§23.34. Notice of Eligibility and Payment for Appraisal.
§23 35. Receipt of Appraisal.
§23.36 Closing
§23.37. Delivery of Guarantee.
§23.38. Denial of Application.

Issued in Austin, Texas, on May 24, 1984.

TRD-845691 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

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Expiration date September 22, 1984
For further information, please call (512) 475-6686

Subchapter D. Closing Procedures

4 TAC §§23.41-23.47

The new sections are adopted on an emergency basis under the Texas Agriculture Code, §262.011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23.41. Preclosing Instructions.

(a) Upon receiving notice of approval of a guaranty, the applicant and lender shall proceed in accordance with instructions provided by the commissioner for closing the loan file Such instructions may include required title opinions, acceptable title, fire, flood, hazard, or other insurance, and execution of all relevant statements or declarations required by federal or state law or rule.

(b) All actions required of the applicant and lender to prepare for the state's execution of guaranty documents shall be completed within 60 days of receipt of the notice unless an extension is granted by the commissioner. An extension for a reasonable period of time may be granted under the following conditions related either to the farmland or ranchland acquired under the program or to assets of the applicant essential to completing the purchase:

(1) if title defects cannot reasonably be cured within a timeframe which permits compliance with the 60-day deadline;

(2) if title encumbrances cannot be released or satisfied within a timeframe which permits compliance with the 60-day deadline; or

(3) if other matters that are beyond the control of the applicant and reasonably unforeseen prevent compliance with the 60-day deadline

(c) The commissioner may request and examine copies of other security agreements or loan documents or other records which relate to the applicant's land purchase in order to determine all liens and encumbrances on the property

§23.42. Closing Documents; Seller-Sponsored Loan If the loan to be guaranteed is seller-sponsored, the applicant and seller shall execute a note and deed of trust or purchase money real estate mortgage and all additional instruments required to protect the interests of the applicant, the seller, and the state, in accordance with the terms and conditions upon which the approval for the guaranty was granted

§23.43. Closing Documents, Lender-Sponsored Loan. If the loan to be guaranteed is lender-sponsored, the applicant and lender shall execute a note and deed of trust. The lender shall execute additional instruments and take other actions consistent with prudent lending practices required to protect the interests of the applicant, the lender, and the state

§23.44. Closing Documents; Releases The seller shall provide a copy of the mortgage or note to be assumed by the applicant as part of the purchase price, together with proof of right of assignability by seller if not contained in the appropriate document. The seller shall also provide copies of releases or satisfactions of any underlying liens or encumbrances affecting the farmland or ranchland or any fixtures or improvements to the land.

§23.45. Guaranty

(a) When the closing documents are properly executed, the commissioner shall enter into an agreement with the participant and the lender providing that in the event of default by the participant, the state shall pay the lender up to 90% of the sums due and payable under the first real estate mortgage or deed of trust or, if the applicant makes a down payment of 10% or more of the purchase price, all of the sums due and payable under the first real estate mortgage or deed of trust Sums due and payable include the principal balance outstanding, accrued interest up to the date on which the state performs under the guaranty, and any other expenses incurred by the lender for maintenance and protection of the property during the default period which are determined by the commissioner to be reasonable and prudent

(b) The proposed purchase of farmland or ranchland may be financed through more than one lender Multiple loans may receive separate guarantees under the program if all parties accept the guaranty and agree that default under one guaranty is default under all guarantees

(c) The applicant may assume one underlying note or mortgage as part of the purchase price of the farmland or ranchland, provided that the amount of the note or mortgage to be assumed does not exceed 80% of the purchase price. The holder of an assumed note or mortgage may receive a separate guaranty under the program if the holder accepts the guaranty and agrees that default under one guaranty is default under all guarantees.

(d) The term of the guaranty may not be longer than 20 years.

§23.46 Recording. After the loan is closed, the appropriate instruments, including the guaranty agreement, shall be recorded. The applicant shall furnish the commissioner with copies of the recorded instruments.

§23.47 Final Title Opinion. After the appropriate instruments are recorded, the applicant shall furnish the commissioner with a final title opinion which recognizes he interests of all parties

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Eligibility Standards

4 TAC §§23.51-23.54

(Editor's note The text of the following rules repealed on an emergency basis will not be published. The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeal is adopted on an emergency basis under the Texas Agriculture Code, §252 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23.51. Eligible Applicants
§23.52. Eligible Lender
§23.53. Eligible Farmland or Ranchland.
§23 54. Eligible Financial Arrangements.

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Program Limitations

4 TAC §23.61, §23.62

(Editor's note The text of the following rules repealed on an emergency basis will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in

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

The repeal is adopted on an emergency basis under the Texas Agriculture Code, §252 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program

§23.61. Issuance of Bonds.
§23.62. Maximum Aggregate Loan Guarantee.

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Subchapter E. Default by Participant

4 TAC §§23.61-23.63

The new sections are adopted on an emergency basis under the Texas Agriculture Code, §262.011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program

§23 61 Conditions of Default by Participant. A participant is in default if one or more of the following conditions exist

(1) the participant does not pay a principal or interest payment within 30 days of the date due;

(2) the participant breaches a material obligation in the note, loan agreement, or any instrument securing the loan, and the lender determines, with the concurrence of the commissioner, that this breach constitutes an adverse change in the participant's ability to repay the guaranteed loan;

(3) the participant fails personally to maintain the farmland or ranchland in active agricultural production for longer than one year,

(4) the participant leases any interest in the farmland or ranchland without prior written consent of the administrator,

(5) the participant sells or conveys outright any minerals or mineral interest associated with the farmland or ranchland, or

(6) the participant fails to provide the administrator quarterly reports of actual income and expense as required by §23 11(a)(11) of this chapter (relating to Eligible Applicant)

§23.62 Consequences of Default by Participant.

(a) Except in the case of default under §23 61(a)(6), of this chapter (relating to Conditions of Default by Participant), lender shall notify the commissioner in writing within 15 days of default by a participant. Default by the participant will be deemed to have occurred on the date of the lender's first knowledge of default A lender shall be deemed to have first knowledge of a default in the payment of money by a participant on the 31st day after such payment is due The lender shall be deemed to have first knowledge of a default, other than default in the payment of money, on the date of the lender's actual knowledge of such default

(b) The lender, the participant, and the commissioner may take any reasonable steps to ensure fulfillment of the loan obligation The lender and applicant may not agree to an extension of any time or any amount of payment of money, or agree to extend the period during which any other default may be cured beyond the 180th day following the date of the default (as such date is determined by subsection (a) of this section) without the written consent of the administrator The administrator may not approve any extension of time or amount of payment of money without the consent of the lender; however, the administrator may agree to arrangements to cure other defaults without the consent of the lender.

(c) Except in the case of default under §23.61(a)(6) of this chapter (relating to Conditions of Default by Participant), within 90 days after the date of a default by a participant, the lender shall notify the participant that the lender must notify the commissioner if the default continues for an additional 90 days The lender shall also inform the participant of the consequences of such default

(d) If multiple loans have been guaranteed in a single transaction, all loans are considered to be in default if one is in default. The lenders shall exercise their options in concert with each other and with the commissioner.

§23.63 Exercise of Guaranty.

(a) If the participant has not made arrangements to cure a default within 180 days of the date of default, or if the administrator and the lender have not approved an extension of time, the lender shall file a claim with the commissioner within 15 days be registered or certified mail

(b) The commissioner shall conduct a hearing on the alleged default not later than 30 days after receipt of lender's claim The hearing shall be conducted as a contested case proceeding under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. The commissioner may waive default in the event of extenuating circumstances, including the participant's physical disability

(c) If the commissioner determines that the participant has defaulted and that the lender has met his or her obligations regarding the loan guaranty, the commissioner shall pay to the lender the total amount due under the guaranty upon receipt by the commissioner of assignment of all the lender's security and interest in the loan. The state shall then become holder and owner of the loan and all notes, security, and other rights associated with the loan. The commissioner shall notify the participant of the payment of the guaranty and assignment of the loan to the state

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Defaults of Eligible Loans

4 TAC §23.71, §23.72

(Editor's note The text of the following rules repealed on an emergency basis will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeal is adopted on an emergency basis under the Texas Agriculture Code, §252 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23.71. *Defaults by Applicant.*
§23.72. *Defaults by Eligible Lender*

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Subchapter F. Foreclosure Procedures

4 TAC §§23.71-23.73

The new sections are adopted on an emergency basis under the Texas Agriculture Code, §262 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program

§23 71. *Notice to Participant* If the state makes payment under a guaranty and becomes the owner of the mortgage or deed of trust on the property, and all appeals are concluded upholding the findings of the commissioner, the administrator shall notify the former participant of the foreclosure and sale of the property

§23.72 *Liquidation of Property*

(a) The administrator shall publish notice of the sale at least once each week for four consecutive weeks in a newspaper of general circulation in the county in which the property is located and in a publication having general statewide circulation The notice shall give the time and place of the sale, specify the terms and conditions of sale, and describe the property and its location

(b) Each bidder shall submit bid security in the form of a certified check or bid bond in the amount of 2.0% of the bid price

(c) The commissioner may elect to sell the property by sealed bids or by public auction to the highest bidder, or the commissioner may reject all bids If the commissioner accepts the highest bid, the successful bidder shall be notified within 15 days of the date of sale

(d) The successful bidder shall remit the balance of the purchase price to the commissioner within 30 days of the date of notification of acceptance of the bid On remittance of the balance, the commissioner shall transfer all rights, title, and interest of the state in the property to the purchaser. If the purchaser fails to remit any part of the balance within 30 days, the purchaser shall forfeit all rights to the property and any money paid for it, and the commissioner shall restart the sale process

§23.73. *Distribution of Proceeds* Proceeds of the sale shall be distributed as follows:

(1) to the farm and ranch loan security fund, an amount equal to the amount paid to lender under the guaranty plus costs incidental to foreclosure, maintenance, and protection of the property, and preparation for sale;

(2) to lender, an amount equal to the amount due and payable to lender by the former participant after deducting the amount paid under the guaranty, and

(3) to the former participant, all amounts remaining from the proceeds of the sale of the property after making the payments required in paragraph (1) and paragraph (2) of this section

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Consequences of Default

4 TAC §23.81, §23.82

(Editor's note. The text of the following rules repealed on an emergency basis will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeal is adopted on an emergency basis under the Texas Agriculture Code, §252 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23 81 *As to Eligible Lenders*
§23 82 *As to an Applicant*

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Subchapter G. Default by Lender

4 TAC §23.81, §23.82

The new sections are adopted on an emergency basis under the Texas Agriculture Code, §262.011, which authorizes the commissioner of agriculture to

adopt rules for the efficient administration of the program.

§23.81 Conditions of Default by Lender A lender for whom a guaranty has been issued shall be in default if:

(1) the lender consents to the change or alteration of any terms and provisions of the loan, note, or deed of trust, or waives any rights of the lender, the commissioner, or the state in any manner inconsistent with terms as represented to and approved by the commissioner at the time of the delivery of the guaranty, without the prior written consent of the commissioner;

(2) the lender fails to notify the commissioner by registered or certified mail of a claim under a guaranty within 195 days of the date of default by the participant as determined under §23.62(a) of this chapter (relating to Consequences of Default by Participant);

(3) the lender fails to notify the commissioner by registered or certified mail of the lender's transfer or assignment of the loan and the guaranty within 30 days of the transfer or assignment;

(4) the lender violates a term of an agreement to which the lender is a party and which is a part of the loan;

(5) the lender fails to exercise diligence as required in §23 12(a)(3) of this chapter (relating to Eligible Lenders);

(6) the seller in a seller-sponsored loan interferes in the participant's peaceful enjoyment of the land and improvments

§23 82 Consequenses of Default by Lender In the event of default by a lender, the commissioner may:

(1) impose conditions or require actions necessary to cure the default, or

(2) elect to be released from any claims and demands that might arise under the guaranty

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Miscellaneous Provision

4 TAC §23.91, §23.92

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The repeal is adopted on an emergency basis under the Texas Agriculture Code, §252 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23 91. Waiver of Guarantee
§23.92. Claims for Official Action.

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Subchapter H. Miscellaneous Provisions

4 TAC §§23.91-23.100

The new sections are adopted on an emergency basis under the Texas Agriculture Code, §262 011, which authorizes the commissioner of agriculture to adopt rules for the efficient administration of the program.

§23 91. Sale or Conveyance. A participant who sells or conveys the property for which a guaranty was issued shall immediately retire the entire indebtedness owed to the lender The new owner may apply for a guaranty in his or her own right, but the original guaranty may not be assumed by the new owner

§23 92 Leasing The participant shall not lease any portion of farmland or ranchland acquired under this program without the prior written consent of the administrator.

§23.93. Minerals

(a) The participant shall not sell or convey any mineral interests or mineral rights associated with the farmland or ranchland acquired with a family farm and ranch security loan

(b) The participant may lease the mineral rights associated with farmland or ranchland acquired with a family farm and ranch security loan with the prior written consent of the commissioner and subject to any conditions that the commissioner may impose

§23.94. Reamortization

(a) A loan may be reamortized if:

(1) the participant makes a principal reduction of at least 25% of the existing principal balance, and

(2) the participant requests the reamortization in writing.

(b) The reamortization shall not extend the maturity date of the loan.

§23.95 Partial Release The commissioner and lender may approve the release of a portion of the property purchased under a family farm and ranch security loan from lender's lien under the following conditions

(1) the commissioner and lender determine that the release will not adversely affect the participant's ability to continue in the program;

(2) the participant agrees to comply with the conditions for release jointly imposed by the lender and commissioner, which may include conditions as to the amount of acreage released and the location of the released acreage; and

(3) the current market value of the acreage to be released does not exceed 75% of the participant's equity in the property.

§23.96. Conflicting Provisions. If a provision in a document underlying a family farm and ranch security loan conflicts with these rules, then the rules shall prevail.

§23.97. Discrimination. To promote equal access to farm and ranch ownership, neither the commissioner nor the advisory council shall discriminate against any person because of age, race, color, creed, religion, national origin, sex, marital status, disability, or political or ideological persuasion.

§23.98. Privacy The administrator, to the extent authorized by law, shall hold all applications that are being reviewed by the commissioner in confidence.

§23.99. Written Communications. All communications to the advisory council or the commissioner pertaining to the family farm and ranch security program shall be addressed to the Administrator, Family Farm and Ranch Security Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

§23.100. Statements and Opinions. Statements and opinions of the staff, council, and commissioner, other than formal orders and rules, are not binding in any way on the staff, council, or commissioner.

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TITLE 22. EXAMINING BOARDS
Part XV. Texas State Board of Pharmacy
Chapter 291. Pharmacies
Community Pharmacy (Class A)

22 TAC §291.32, §291.36

The Texas State Board of Pharmacy adopts on an emergency basis amendments to §291.32 and new §291.36. Enforcement of these rules will further protect the public health, safety, and welfare by establishing standards to regulate and control the practice of Class A pharmacies dispensing sterile products.

These amendments and the new rule are adopted on an emergency basis under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or re-licensing as a pharmacy in each classification

§291.32 Personnel

(a) Pharmacist-in-charge

(1) Each Class A pharmacy shall have one full time pharmacist-in-charge, who may be pharmacist-in-charge for only one such pharmacy; **provided, however, Class A pharmacies dispensing sterile products in accordance with §291.36 of this title (relating to Class A Pharmacies Dispensing Sterile Products), shall have one pharmacist-in-charge, who may be pharmacist-in-charge for more than one Class A pharmacy dispensing sterile products, provided a staff pharmacist is on site during the time sterile products are prepared in the pharmacy.**

(2)-(3) (No change.)

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

§291.36. Class A Pharmacies Dispensing Sterile Products.

(a) Purpose The purpose of this section is to provide standards in the conduct, practice activities, and operations of a Class A pharmacy dispensing sterile products. Except where noted in this section, Class A pharmacies dispensing sterile products shall comply with the provisions of §§291.31-291.35 of this title (relating to Community Pharmacy (Class A)) and the following subsections.

(b) Pharmacist-in-charge responsibilities. In addition to those responsibilities described in §291.32 (a) of this title (relating to Personnel), the pharmacist-in-charge shall have the responsibility for, at a minimum, the following:

(1) preparation and sterilization of parenteral medications compounded within the pharmacy,

(2) admixture of parenteral products, including education and training of personnel concerning incompatibility and provision of proper incompatibility information when the admixture of parenteral products is not performed within the pharmacy;

(3) bulk compounding of drugs;

(4) storage of all materials, including drugs, chemicals, and biologicals, and establishment of specifications for procurement where appropriate;

(5) filling and labeling all containers from which drugs are to be distributed, administered, or dispensed;

(6) records of all transactions of the pharmacy as may be required by applicable state and federal laws and rules, as may be necessary to maintain accurate control over, and accountability for, all pharmaceutical materials;

(7) participation in those aspects of the facility's patient care evaluation program relating to pharmaceutical material utilization and effectiveness;

(8) implementation of the policies and decisions of the appropriate committees relating to pharmaceutical services of the facility,

(9) labeling, storage, dispensing, and distribution of investigational new drugs, including maintenance of information in the pharmacy concerning the dosage form, route of administration, strength, actions, uses, side ef-

fects, adverse effects, interactions, and symptoms of toxicity of investigational new drugs; and

(10) meeting all inspection and other requirements of the Texas Pharmacy Act and these rules.

(c) Environment. In addition to those standards outlined in §291.33 (b) of this title (relating to Operational Standards), the environmental standards for Class A pharmacies dispensing sterile products are as follows.

(1) General requirements.

(A) The pharmacy shall be enclosed and lockable.

(B) The pharmacy shall have adequate space necessary for the storage, compounding, labeling, dispensing, and sterile preparation of drugs prepared in the pharmacy, and additional space, depending on the size and scope of pharmaceutical services.

(C) The pharmacy shall be arranged in an orderly fashion and shall be kept clean. All required equipment shall be clean and in good operating condition.

(D) A sink with hot and cold running water, exclusive of restroom facilities, designated primarily for use of admixtures, shall be available within the pharmacy facility to all pharmacy personnel and shall be maintained in a sanitary condition at all times.

(2) Special requirements. The pharmacy shall have a designated area for the laminar air flow hood for the preparation of sterile products, which shall:

(A) be designed to avoid outside traffic and air flow;

(B) have nonporous and cleanable surfaces, walls, and floors;

(C) be ventilated in a manner not interfering with laminar flow hood conditions; and

(D) not be used for bulk storage for supplies and materials.

(3) Security requirements.

(A) The pharmacy shall have locked storage for Schedule II controlled substances and other controlled drugs requiring additional security.

(B) All areas occupied by a pharmacy shall be capable of being locked by key or combination, so as to prevent access by unauthorized personnel. A list of personnel authorized to have access to the pharmacy in the absence of a pharmacist shall be in the pharmacy's policy and procedure manual.

(d) Equipment and supplies. In addition to the requirements outlined in §291.33(c) of this title (relating to Operational Standards), Class A pharmacies dispensing sterile products shall have the following equipment:

(1) metric-apothecary weight and measure conversion charts; and

(2) a semiannually certified laminar air flow hood and other equipment necessary for the preparation of sterile products.

(e) Library. In lieu of the library requirements outlined in §291.33(d) of this title (relating to Operational Standards), Class A pharmacies dispensing sterile products shall maintain a reference library which includes current copies of the following:

(1) laws:

(A) Texas Pharmacy Act and rules;

(B) Texas Dangerous Drug Law;

(C) Texas Controlled Substances Act and regulations; and

(D) Federal Controlled Substances Act and regulations or official publication describing the requirements of the Federal Controlled Substances Act and regulations;

(2) *American Hospital Formulary Service* or *Facts and Comparisons*, with current supplements;

(3) *Handbook of Injectible Drugs* or comparable type; and

(4) at least one of the following references:

(A) *United States Pharmacopeia—National Formulary (USP-NF)*;

(B) *United States Dispensatory (USD)*; or

(C) *Remington's Pharmaceutical Sciences.*

(f) Sterile products.

(1) The pharmacist-in-charge shall have the responsibility for preparation and sterility assurance of parenteral products compounded within the facility.

(2) The pharmacist-in-charge shall have the responsibility for admixture of parenteral products, including education and training of personnel concerning incompatibility and provision of proper incompatibility information.

(3) At the time of delivery of the medication, the dispensing container bears a label with at least the following information:

(A) date dispensed;

(B) name of physician;

(C) name of patient;

(D) directions for use;

(E) unique identification number;

(F) name and amount of drug(s) added;

(G) name of the basic solution;

(H) name or identifying code of person who prepared admixture and of pharmacist who checks the admixture; and

(I) expiration date of solution based on published data.

(g) Policy and procedure manual. To obtain a pharmacy license, a policy and procedure manual as it relates to sterile products shall be available for inspection at the pharmacy. The manual shall include policies and procedures for:

(1) security;

(2) equipment;

(3) sanitation;

(4) reference materials;

(5) drug storage;

(6) drug dispensing;

(7) drug labeling—relabeling;

(8) drug destruction and returns;

(9) delivery of drugs;

(10) recordkeeping;

(11) investigational drugs;

(12) quality assurance procedures to include:

(A) recall procedures;

(B) storage and dating;

(C) educational procedures for professional staff, nonprofessional staff, and patient;

(D) sterile procedures to include a log of the temperature of the refrigerator, routine maintenance, and report of hood certification; and

(E) sterile testing;

(13) duties for professional and nonprofessional staff; and

(14) public safety.

(h) Unique requirements.

(1) Quality assurance. A quality control program shall be initiated which requires testing on a regular basis to assure that the procedures for the preparation of sterile products are being performed as outlined in the policy and procedure manual.

(2) Disposal of drugs Drugs shall be disposed in a manner so as not to endanger the public health.

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Texas State Board of Pharmacy

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Chapter 303. Regulations Governing the Destruction of Dangerous Drugs and Controlled Substances

22 TAC §303.1

The Texas State Board of Pharmacy adopts on an emergency basis amendments to §303.1. Enforcement of this rule will further protect the public health, safety, and welfare by establishing standards for the destruction of drugs at a location other than the facility or institution Each subdivision has been reformatted for style conformity

This amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4542a-1, §17, which provide the Texas State Board of Pharmacy with the authority to perform the duties, powers, and authority necessary to administer this Act.

§303.1 Drug Destruction The consultant pharmacist, if in good standing with the Texas State Board of Pharmacy, is authorized to destroy dangerous drugs and controlled substances **dispensed to patients**[,] in health care facilities or institutions, providing the following conditions are met:

(1)[(a)] a formal agreement exists between the facility or institution and the consultant pharmacist; and

(2)[(b)] the actual destruction of **the** [these] drugs **is** [be] conducted **in the facility or institution** in the presence of the consultant pharmacist and one of the following:

(A)[(1)] a duly commissioned law enforcement officer,

(B)[(2)] an agent of the Texas State Board of Pharmacy;

(C)[(3)] an agent of the Texas Department of Human Resources, authorized by the Texas State Board of Pharmacy to destroy drugs;

(D)[(4)] an agent of the Texas Department of Health, authorized by the Texas State Board of Pharmacy to destroy drugs; [or]

(E)[(5)] both the facility administrator and the director or nursing; **or**

(3) if the actual destruction of the drugs is conducted at a location other than the facility or institution, the consultant pharmacist accompanied by one of the individuals listed in paragraph (2)(A)-(E) of this section shall retrieve the drugs from the facility or institution, transport, and destroy the drugs at such other location.

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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.)

Life, Health, and Accident Insurance Standard Valuation Law

059.03.28.101-.105

The State Board of Insurance adopts on an emergency basis new Rules 059 03 28.101- 105, which permit the same minimum nonforfeiture standards for individual life insurance used in employer pension plans for men and women insureds under the commissioners 1980 standard ordinary (1980 CSO) and the commissioners 1980 extended term (1980 CET) insurance tables.

These rules give insurance companies the option of substituting a mortality table which is a blend of the 1980 CSO table (M) and the 1980 CSO table (F), with or without 10-year select mortality factors, for the 1980 CSO table, with or without 10-year select mortality factors, and give insurance companies the option of substituting a mortality table which is a blend of the 1980 CET mortality table (M) and the 1980 CET mortality table (F) for the 1980 CET mortality table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision included in the policy. Other provisions of the rules define some of the technical terms used; provide that it is not a violation of law for the insurers to issue the same kind of life insurance policy on either a sex distinct or a sex neutral basis under the conditions described herein; state the purpose of the rules; and provide a severability provision. Certain tables for use

in applying these rules are adopted into the rules by reference.

The board finds that an imminent peril to the public welfare requires these rules to be adopted on an emergency basis because the United States Supreme Court determined in Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans *v.* Norris, 103 Supreme Court 3492 (1983), that Title VII of the Civil Rights Act of 1964, as amended, 42 United States Code §2000e, *et seq*, prohibits an employer from offering its employees the option of receiving retirement benefits from one of several companies selected by the employer, all of which pay a woman lower monthly retirement benefits than a man who has made the same contributions The court held this practice to constitute discrimination on the basis of sex in violation of Title VII, and that all retirement benefits derived from contributions subsequent to the decision and on or after August 1, 1983, must be calculated without regard to the sex of the beneficiary.

These rules deal with nonforfeiture values. Since nonforfeiture values are benefits that arise from contributions under individual life insurance policies, the court's ruling poses a dilemma for those insurers who wish to use the 1980 CSO and 1980 CET mortality tables to calculate nonforfeiture values under individual life insurance policies that are sold in the employer pension market. Those mortality tables generate minimum nonforfeiture values which differ by sex. Since the Norris decision, employer pension plans may need to be funded by life insurance products that have identical nonforfeiture values for men and women. It is very difficult, if not impossible, for insurers to determine actual nonforfeiture values that are identical for men and women and also satisfy a sex-differentiated minimum standard These rules permit the same minimum nonforfeiture standards for men and women under the 1980 CSO and 1980 CET mortality tables. This will make it possible for insurers to legally offer products under which employers will be able to comply with federal law The funding of pension plans in a manner that meets all legal requirements is believed to be a matter of emergency concern to the public.

These rules are adopted on an emergency basis under authority of the Insurance Code, Article 3.44a, §8(e)(6), which provides that all adjusted premiums and present values shall, for all policies of ordinary insurance covered by these rules, be calculated on the basis of the 1980 CSO mortality table or, at the election of the company for any one or more specified plans of life insurance, the 1980 CSO mortality table with 10-year select mortality factors, except that any ordinary mortality tables adopted after 1980 by the National Association of Insurance Commissioners that are approved by regulation promulgated by the State Board of Insurance for use in determining the minimum nonforfeiture standard may be substituted for the 1980 CSO mortality table, with or without 10-year select mortality factors, or the 1980 CET mortality table. The rules adopted by this order are based on a National Association of Insurance Commissioners model and are a substitute for the 1980 CSO or 1980 CET mortality tables. These rules are also adopted under authority of the Insurance Code, Article 21.21, §4(7)(a) and §13, pursuant to which the board may enact rules respecting unfair discrimination in life insurance, including rules to affect uniformity with the adopted procedures of the National Association of Insurance Commissioners.

.101. Purpose. The purpose of these rules is to permit individual life insurance policies to provide the same cash values and paid-up nonforfeiture benefits to both men and women. (No change in minimum valuation standards is implied by these rules. For example, the reserve held for any policy must be at least as large as the corresponding cash value for that particular policy, calculated on an individual policy basis.)

.102. Definitions. The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

1980 CET table—That mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 National Association of Insurance Commissioners (NAIC) amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the commissioners 1980 extended term insurance table.

1980 CET table (F)—That mortality table consisting of the rates of mortality for female lives from the 1980 CET table.

1980 CET table (M)—That mortality table consisting of the rates of mortality for male lives from the 1980 CET table.

1980 CSO table, with or without 10-year select mortality factors—That mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the commissioners 1980 standard ordinary mortality table, with or without 10-year select mortality factors.

1980 CSO table (F), with or without 10-year select mortality factors—That mortality table consisting of the rates of mortality for female lives from the 1980 CSO table, with or without 10-year select mortality factors.

1980 CSO table (M), with or without 10-year select mortality factors--That mortality table consisting of the rates of mortality for male lives from the 1980 CSO table, with or without 10-year select mortality factors

103. Standard.

(a) For any policy of insurance on the life of either a male or female insured delivered or issued for delivery in this state before January 1, 1989, and after the operative date of the Insurance Code, Article 3.44a, §8(e)(6), for that policy form, the following tables may be used as specified in subsection (b) of this rule in determining minimum cash surrender values, amounts of paid-up non-

forfeiture benefits, or benefits under any extended term insurance provision included in the policy:

(1) a mortality table which is a blend of the 1980 CSO table (M) and the 1980 CSO table (F), with or without 10-year select mortality factors, may, at the option of the company, be substituted for the 1980 CSO table, with or without 10-year select mortality factors; and

(2) a mortality table which is of the same blend as used in paragraph (1) of this subsection, but applied to form a blend of the 1980 CET table (M) and the 1980 CET table (F) may, at the option of the company, be substituted for the 1980 CET table.

(b) The following tables shall be considered as the basis for acceptable tables:

(1) 100% male, 0% female for table to be designated as the "1980 CSO-A" and "1980 CET-A" tables;

(2) 80% male, 20% female for tables to be designated as the "1980 CSO-B" and "1980 CET-B" tables;

(3) 60% male, 40% female for tables to be designated as the "1980 CSO-C" and "1980 CET-C" tables;

(4) 50% male, 50% female for tables to be designated as the "1980 CSO-D" and "1980 CET-D" tables;

(5) 40% male, 60% female for tables to be designated as the "1980 CSO-E" and "1980 CET-E" tables;

(6) 20% male, 80% female for tables to be designated as the "1980 CSO-F" and "1980 CET-F" tables; and

(7) 0% male, 100% female for tables to be designated as the "1980 CSO-G" and "1980 CET-G" tables.

(c) Values of 1,000 q_x for the blended tables as specified in subsection (b)(2)-(6) of this rule can be found in *Proceedings of the NAIC*, Volume 1, 1984, pages 396-400. *Proceedings of the NAIC*, Volume 1, 1984, page 457, shows the method by which 10-year select mortality factors may be obtained. The tables specified in subsection (b)(1) of this rule are the same as the 1980 CSO table (M) or the 1980 CET table (M), as applicable. The tables specified in subsection (b)(7) of this rule are the same as the 1980 CSO table (F) or the 1980 CET table (F), as applicable. The tables specified in subsection (b)(2)-(6) of this rule are adopted herein by reference. Copies of those tables may be obtained by contacting the Staff Actuary Life, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. The tables in subsection (b)(1) and (7) of this rule are already adopted by statutory law under alternate names.

(d) The tables specified in subsections (b)(1) and (7) of this rule may not be used with respect to policies issued on or after January 1, 1985, except where the proportion of persons insured is anticipated to be 90% or more of one sex or the other or except for certain policies converted from group insurance. Such group conversions issued on or after January 1, 1986, must use mortality tables based on the blend of lives by sex expected for such policies if such group conversions are considered as extensions of the decision in Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans *v.* Norris, 103 Supreme Court 3492 (1983). This consideration has not been clearly defined by court or legislative action in all jurisdictions, as of the date of promulgation of these rules.

(e) Notwithstanding any other provision of these rules, an insurer shall not use these blended tables unless the Norris decision is known to apply to the policies involved, or unless there exists a bona-fide concern on the part of the insurer that the Norris decision might reasonably be construed to apply by a court having jurisdiction.

.104. Unfair Discrimination. It is not a violation of the Insurance Code, Article 21.21, §4(7), for an insurer to issue the same kind of policy of life insurance on both a sex distinct and sex neutral basis, as permitted by these rules.

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

Issued in Austin, Texas, on May 23, 1984

TRD-845627 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: May 23, 1984
Expiration date: September 20, 1984
For further information, please call (512) 475-2950.

059.03.28.201-.205

The State Board of Insurance adopts on an emergency basis new Rules 059.03.28.201-.205. These rules permit smoker or nonsmoker or composite mortality tables for use in determining minimum reserve liabilities and nonforfeiture benefits in individual life insurance policies. These rules permit insurers to substitute the commissioners 1958 standard ordinary (1958 CSO) smoker and nonsmoker mortality tables for the commissioners 1980 standard ordinary (1980 CSO) mortality table, and permit insurers to substitute the commissioners 1958 extended term (1958 CET) smoker and nonsmoker mortality tables for the commissioners 1980 extended term (1980 CET) mortality table for use in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision. Certain additional procedures and conditions are specified in the rules for the use of the 1958 CSO and 1958 CET smoker and nonsmoker mortality tables. The rules also permit the substitution of the 1980 CSO smoker and nonsmoker mortality tables, with or without 10-year select mortality factors, for the 1980 CSO table, with or without 10-year select mortality factors, and permit insurers to substitute the 1980 CET smoker and nonsmoker mortality tables for the 1980 CET mortality tables for use in calculating benefits under any extended term insurance provision. In addition, the rules specifically permit, for each plan of insurance with separate rates for smokers and nonsmokers, the use of composite mortality tables to determine minimum reserve liabilities, cash surrender values, and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision; the use of smoker and nonsmoker mortality tables to determine the valuation net premiums and any additional minimum re-

serves required by the Standard Valuation Law and composite mortality tables to determine basic minimum reserves, minimum cash surrender values, and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision; and the use of smoker and nonsmoker mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision The rules also define certain technical terms, state their purpose, and set forth a severability provision. Certain tables setting forth smoker and nonsmoker mortality rates based on the various tables specified in the rules are adopted into the rules by reference.

The board finds that an imminent peril to the public welfare requires these rules to be adopted on an emergency basis because of recent statistics which indicate a great divergence in mortality rates between smokers and nonsmokers. These rules permit insurance companies to define appropriate minimum net premiums, reserves, and nonforfeiture values based on a group having either smoker or nonsmoker characteristics. This makes it possible for those companies to charge an appropriately low gross premium for nonsmokers without being required to set up redundant reserves for those gross premiums. Insurance companies will be able to more accurately determine nonforfeiture values. The adoption of the rules on an emergency basis permits companies to immediately file policy forms for approval with the State Board of Insurance and also market approved policies taking advantage of better mortality factors for nonsmokers. In addition, the State Board of Insurance will have a duly adopted standard of review for such policy forms. It is believed the adoption of appropriate standards to permit the purchase of nonsmoker products is very important to the public, and their immediate adoption is a matter of imminent peril to the public welfare.

These rules are adopted on an emergency basis under authority of the Insurance Code, Article 3.44a, §8(e)(6), which provides that all adjusted premiums and present values shall, for all policies of ordinary insurance covered by these rules, be calculated on the basis of the 1980 CSO mortality table or, at the election of the company for any one or more specified plans of life insurance, the 1980 CSO mortality table with 10-year select mortality factors, except that any ordinary mortality tables adopted after 1980 by the National Association of Insurance Commissioners that are approved by regulation promulgated by the State Board of Insurance for use in determining the minimum nonforfeiture standard may be substituted for the 1980 CSO mortality table, with or without 10-year select mortality factors or the 1980 CET mortality table. The rules are also adopted under authority of the Insurance Code, Article 3.28, §3(a), which permits, for certain policies issued on and after the operative date of the Insurance Code, Article 3.44a, §8, the use of any appropriate ordinary mortality table adopted after 1980 by the National Association of Insurance Commissioners that is approved by regulation adopted by the State Board of Insurance for use in determining the minimum standard of valuation for such policies. The rules adopted by this order are based on a National Association of Insurance Commissioners model adopted after 1980 and are a substitute for the 1980 CSO or 1980 CET mortality tables.

.201. Purpose The purpose of these rules is to permit the use of mortality tables that reflect differences in mortality between smokers and nonsmokers in determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision for plans of insurance with separate premium rates for smokers and nonsmokers.

.202. Definitions. The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise:

1958 CET table—That mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the National Association of Insurance Commissioners (NAIC) Model Standard Nonforfeiture Law for Life Insurance, and referred to in that model as the commissioners 1958 extended term insurance table.

1980 CET table—That mortality table consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC amendments to the Model Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the commissioners 1980 extended term insurance table.

1958 CSO table—That mortality table developed by the Society of Actuaries Special Committee on New Mortality Tables, incorporated in the NAIC Model Standard Nonforfeiture Law for Life Insurance, and referred to in that model as the commissioners 1958 standard ordinary mortality table.

1980 CSO table, with or without 10-year select mortality factor—That mortality table, consisting of separate rates of mortality for male and female lives, developed by the Society of Actuaries Committee to Recommend New Mortality Tables for Valuation of Standard Individual Ordinary Life Insurance, incorporated in the 1980 NAIC amendments to the Model Standard Valuation Law and Standard Nonforfeiture Law for Life Insurance, and referred to in those models as the commissioners 1980 standard ordinary mortality table, with or without 10-year select mortality factors. The same select factors will be used for both smokers and nonsmokers tables.

Composite mortality tables—The mortality tables previously defined in this rule as they were originally published with rates of mortality that do not distinguish between smokers and nonsmokers.

Smoker and nonsmoker mortality tables—The mortality tables with separate rates of mortality for smokers and nonsmokers derived from the tables defined elsewhere in this rule which were developed by the Society of Actuaries Task Force on Smoker/Nonsmoker Mor-

tality and the California Insurance Department staff and recommended by the NAIC Technical Staff Actuarial Group

.203. Alternate Tables.

(a) For any policy of insurance delivered or issued for delivery in this state after the operative date of the Insurance Code, Article 3.44a, §8(e)(6), for that policy form and before January 1, 1989, at the option of the company and subject to the conditions stated in Rule 059.03.28.204 of this title (relating to Conditions):

(1) the 1958 CSO smoker and nonsmoker mortality tables may be substituted for the 1980 CSO table, with or without 10-year select mortality factors; and

(2) the 1958 CET smoker and nonsmoker mortality table may be substituted for the 1980 CET table.

(b) The tables specified in subsection (a) of this rule shall be used as described in subsection (a) of this rule to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision. Provided, however, that for any category of insurance issued on female lives with minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision determined using the 1958 CSO or 1958 CET smoker and nonsmoker mortality tables, such minimum values may be calculated according to an age not more than six years younger than the actual age of the insured. Provided further that the substitution of the 1958 CSO or 1958 CET smoker and nonsmoker mortality tables is available only if made for each policy of insurance on a policy form delivered or issued for delivery on or after the operative date for that policy form and before a date not later than January 1, 1989

(c) For any policy of insurance delivered or issued for delivery in this state after the operative date of the Insurance Code, Article 3.44a, §8(e)(6), for that policy form, at the option of the company and subject to the conditions stated in Rule 059 03.28.204 of this title (relating to Conditions):

(1) the 1980 CSO smoker and nonsmoker mortality tables, with or without 10-year select mortality factors, may be substituted for the 1980 CSO table, with or without 10-year select mortality factors, and

(2) the 1980 CET smoker and nonsmoker mortality tables may be substituted for the 1980 CET table.

(d) The tables specified in subsection (c) of this rule shall be used as provided in subsection (c) of this rule to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision.

(e) Values of 1,000 qx for the tables specified in this rule can be found in *Proceedings of the NAIC*, Volume I, 1984, pages 402-413. These tables are adopted herein by reference for use in an appropriate manner as described in these rules. Copies may be obtained by contacting the Staff Actuary Life, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786. These tables are more particularly identified as follows:

(1) 1958 CSO nonsmokers and smokers mortality table;

(2) 1958 CET nonsmokers and smokers mortality table;

(3) 1980 CSO female nonsmokers and smokers mortality table;

(4) 1980 CSO male nonsmokers and smokers mortality table;

(5) 1980 CET female nonsmokers and smokers mortality table; and

(6) 1980 CET male nonsmokers and smokers mortality table.

204. Conditions. For each plan of insurance with separate rates for smokers and nonsmokers an insurer may:

(1) use composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits or benefits under any extended term insurance provision;

(2) use smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by the Insurance Code, Article 3.28, §10, and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values, and amounts of paid-up nonforfeiture benefits, or benefits under any extended terms insurance provision, or

(3) use smoker and nonsmoker mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, or benefits under any extended term insurance provision.

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

Issued in Austin, Texas, on May 23, 1984

TRD-845628 James W Norman
Chief Clerk
State Board of Insurance

Effective date May 23, 1984
Expiration date September 20, 1984
For further information, please call (512) 475-2950.

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 4. AGRICULTURE
Part I. Texas Department of Agriculture
Chapter 23. Family Farm and Ranch Security Program

(Editor's note: The Texas Department of Agriculture proposes for permanent adoption the repeals and new rules it adopts on an emergency basis in this issue The titles of the repealed rules and text of the new rules are published in the Emergency Rules section of this issue.)

The Texas Department of Agriculture proposes the repeal of §§23.1-23.6, concerning general provisions, §23.21 and §23.22, concerning official documents; §§23 31-23 38, concerning application procedures, §§23 51-23.54, concerning eligibility standards, §23.61 and §23.62, concerning program limitations, §23.71 and §23.72, concerning defaults of eligible loans; §23.81 and §23.82, concerning consequences of default; and §23.91 and §23.92, concerning the miscellaneous provisions. These sections effect the administration of the Family Farm and Ranch Security Program.

The department also proposes new §§23.1-23.5, concerning general provisions; §§23.11-23.13, concerning eligibility; §§23.21-23.29, concerning application procedures; §§23.41-23.47, concerning closing procedures; §§23 61-23.63, concerning default by participant, §§23 71-23.73, concerning foreclosure procedures, §23 81 and §23 82, concerning default by lender, and §§23 91-23 100, concerning miscellaneous provisions These sections effect the administration of the Family Farm and Ranch Security Program.

The old rules are being replaced in order to update the rules, conform them to recent amendments to the Family Farm and Ranch Security Act, and streamline the application process With the new rules, the department will be able to begin guaranteeing loans for the purchase of farmland or ranchland by qualified individuals The rules cover eligibility, application procedures, closing, obligations of borrowers and lenders, and liquidation

Mike Laredo, budget and planning 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 because the program established by the rules is self-sustaining. The

program is not involved in the appropriations process It is to be administered using a fund that contains the proceeds of the sale of $10 million in bonds in 1980.

Mike Strange, Family Farm and Ranch Security Program administrator, 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 conformance of the old rules to recent liberalizing amendments to the Act and provision of a streamlined application process. The rules will also help new, young farmers and ranchers buy the land that they need to get started, help leasehold farmers and ranchers buy the land that they work; make loans available for the purchase of farm and ranchland; provide security to lending institutions and sellers who finance the purchase of farmland; facilitate intergenerational transfer of family farms and ranches; stimulate agricultural related businesses, such as implement and seed dealerships; and enhance local and rural economies. There is no anticipated economic cost to individuals who are required to comply with the rules because the rules do not require individuals to incur any additional costs over the costs already involved in securing a real estate loan.

Comments on the proposal may be submitted to Patrick D. Redman, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

General Provisions

4 TAC §§23.1-23.6

(Editor's note. The text of the rules proposed for repeal will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on May 24, 1984

TRD-845681 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 475-6686.

Subchapter A. General Provisions

4 TAC §§23.1-23.5

The new sections are proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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TRD-845698 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

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

Subchapter B. Eligibility

4 TAC §§23.11-23.13

The new sections are proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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

Official Documents

4 TAC §23.21, §23.22

(Editor's note· The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 01 East 14th Street, Austin.)

The repeal is proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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Agency Liaison
Texas Department of Agriculture

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Subchapter C. Application Procedures

4 TAC §§23.21-23.29

The new sections are proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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TRD-845700 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

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

Subchapter D. Closing Procedures

4 TAC §§23.41-23.47

The new sections are proposed under the Texas Agriculture Code, §252 011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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TRD-845701 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

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

Application Procedures

4 TAC §§23.31-23.38

(Editor's note: The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under the Texas Agriculture Code, §252 011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

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TRD-845683 Patrick D Redman
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Eligibility Standards

4 TAC §§23.51-23.54

(Editor's note The text of the rules proposed for repeal will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeal is proposed under the Texas Agriculture Code, §252 011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program

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

Issued in Austin, Texas, on May 24, 1984

TRD-845684 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

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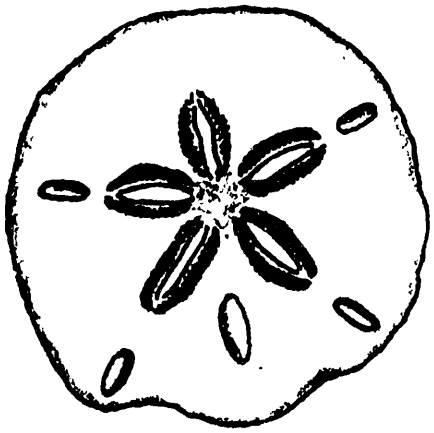

Program Limitations

4 TAC §23.61, §23.62

(Editor's note The text of the rules proposed for repeal will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeal is proposed under the Texas Agriculture Code, §252.011, which provides the commissioner

of agriculture with the authority to adopt rules for the efficient administration of the program

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

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TRD-845685 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

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Subchapter E. Default by Participant

4 TAC §§23.61-23.63

The new sections are proposed under the Texas Agriculture Code, §252 011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on May 24, 1984

TRD-845702 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 475-6686

Defaults of Eligible Loans

4 TAC §23.71, §23.72

(Editor's note The text of the rules proposed for repeal will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under the Texas Agriculture Code, §252 011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program

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

Issued in Austin, Texas, on May 24, 1984

TRD-845686 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 475-6686.

Subchapter F. Foreclosure Procedures

4 TAC §§23.71-23.73

The new sections are proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on May 24, 1984

TRD-845703 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption
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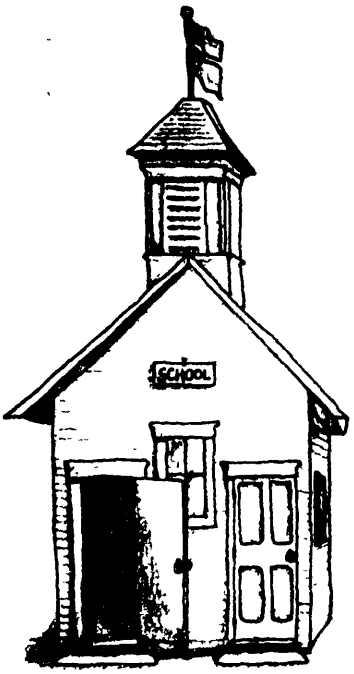
For further information, please call (512) 475-6686



Consequences of Default

4 TAC §23.81, §23.82

(Editor's note The text of the rules proposed for repeal will not be published The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin)

The repeal is proposed under the Texas Agriculture Code, §252 011, which provides the commissioner

of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on May 24, 1984

TRD-845687 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption:
July 2, 1984
For further information, please call (512) 475-6686

Subchapter G. Default by Lender

4 TAC §23.81, §23.82

The new sections are proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on May 24, 1984

TRD-845704 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption:
July 2, 1984
For further information, please call (512) 475-6686.

Miscellaneous Provision

4 TAC §23.91, §23.92

(Editor's note: The text of the rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Agriculture, ninth floor, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The repeal is proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program

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

Issued in Austin, Texas, on May 24, 1984

TRD-845688 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 475-6686.

Subchapter H. Miscellaneous Provisions

4 TAC §§23.91-23.100

The new sections are proposed under the Texas Agriculture Code, §252.011, which provides the commissioner of agriculture with the authority to adopt rules for the efficient administration of the program.

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

Issued in Austin, Texas, on May 24, 1984

TRD-845705 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 475-6686.

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 5. Job Training

Subchapter G. Audit

10 TAC §5.701

The Texas Department of Community Affairs (TDCA) proposes new §5.701, concerning the administration of the Texas Job Training Partnership Act (JTPA) Program. Specifically, the Texas Department of Community Affairs proposes to adopt by reference the JTPA audit management plan, which sets forth policies and procedures necessary to ensure the accountability for JTPA funds

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

Clyde McQueen, Training and Employment Development Division director, has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is compliance with the requirements set forth in the Federal Job Training Partnership Act, §164, Public Law 97-300, and with the requirements set forth in the Texas Job Training Partnership Act, Texas Civil Statutes, Article 4413(52), §8(c)(10). 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 Natalia A. Sanchez, Director, Management Audit Di-

vision, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711.

The new section is proposed under Public Law 97-300, §164, and Texas Civil Statutes, Article 4413 (52), §8(c)(10), which provide the Texas Department of Community Affairs with the authority to develop and formally issue auditing procedures necessary to assure proper accounting for federal funds paid to the state under the Job Training Partnership Act, Title I and Title II.

§5.701. *JTPA Audit Management Plan.* The Texas Department of Community Affairs herein adopts by reference the JTPA audit management plan. Copies of the rule may be obtained in the offices of the Texas Department of Community Affairs, Management Audit Division, 2015 IH 35 South, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.

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 24, 1984

TRD-845678 Douglas C Brown
General Counsel
Texas Department of Community Affairs

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 443-4100, ext. 210.

TITLE 22. EXAMINING BOARDS

Part II. State Board of Barber Examiners

Chapter 51. Practice and Procedure

Barber Colleges, Schools, and Students

22 TAC §51.26

The State Board of Barber Examiners proposes an amendment to §51 26, concerning student progress reports An amendment is being made so that the barbering services performed to the public will be done by persons properly taught and trained in the profession, and to assure that persons who become students of barber colleges will receive the instruction and training for which they enroll and pay tuition.

Jo King McCrorey, 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

Ms. McCrorey 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 any possible barbering services obtained will be performed by persons who are properly taught and trained in the profession, and persons who become students will be assured of receiving instruction and training for which they enrolled and paid tuition. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed, as they already are required by law to have qualified te on duty.

Comments . the proposal may be submitted to Jo King McCrorey, Executive Director, 1300 East Anderson Lane, C-275, Austin, Texas 78752, (512) 835-2040.

The amendments are proposed under Texas Civil Statutes, Articles 8401-8407 and 8407a, §28(a), which provide the State Board of Barber Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§51.26. *Student Progress Reports.*

(a)-(c) (No change.)

(d) The executive director or the board may refuse to accept student hours for:

(1) schools' failure to staff school with qualified instructors and teachers; and

(2) lack of presence of qualified instructors and teachers in the schools; and

(3) schools' failure to conduct required instruction in theory and practical training.

(e) hours not accepted by the executive director or the board may be reinstated at the discretion of the board or the executive director, upon correction of existing conditions.

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 23, 1984

TRD-845640 Jo King McCrorey
Executive Director
State Board of Barber Examiners

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 835-2040.

Part XV. Texas State Board of Pharmacy

Chapter 283. Licensing Requirements for Pharmacists

22 TAC §283.14

The Texas State Board of Pharmacy proposes amendments to §283 14, concerning the fee requirements for pharmacist license renewal fees. These amendments refer to the licensure fee requirements in §295.6, and addresses the renewal date for licensure for new candidates for licensure.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be fiscal implications as a result of enforcing or administering the rule. The anticipated effect on state government for the first five-year period the rule is in effect is an estimated increase in revenue of $8,600 each year in 1985-1989. This increase in revenue is included in the figures represented in the proposed amendments to §295.5 of this title, concerning pharmacist license or renewal fees, and §295 7 of this title, concerning pharmacist license renewal There are no anticipated fiscal implications for local government or small businesses

Mr. Brinkley 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 to ensure that pharmacists are practicing pharmacy within the laws and rules governing the practice of pharmacy in the interest of the public health and welfare The anticipated economic cost to individuals who are required to comply with the rule as proposed is a $60 pharmacist licensure fee per year for 1985-1989.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R Ph , Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §§24, 25, and 39, which provide the Texas State Board of Pharmacy with the authority to adopt a system in which licenses to practice pharmacy expire on various dates during the year, and establish a fee not to exceed $85 per year for processing application and issuance of a pharmacist license

§283.14. Fee Requirements.

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

(c) Requirements for new candidates for licensure are as follows.

(1) A candidate for pharmacist licensure, whether such licensure is by examination or reciprocity, who receives a notice letter from the board stating he or she has passed the required licensure examinations, may practice pharmacy for a period of 30 days from the date of the notification letter from the board. The applicant shall have 30 days from the date of the notification letter to make application to the board for licensure. If application and payment of the [$50] license fee **as set out in §295.6 of this title (relating to Licensure Fee)** are not received by the board within 30 days from date of the notification letter, the candidate may not practice pharmacy in Texas until a pharmacist license has been granted

(2) If the person does not apply for licensure before the **last day of the month following the month of initial licensure** [next renewal date], the person may become licensed by making application and paying the board one license fee [of $50] and a fee that is equal to the examination fee ($100).

(3) If the candidate fails to become licensed within two years from the date of the notification letter, the person may not make further application for licensure without submitting to reexamination and complying with the requirements and procedures for obtaining a new license.

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 22, 1984

TRD-845621 Fred S Brinkley, Jr , R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 478-9827

Chapter 291. Pharmacies

Community Pharmacy (Class A)

22 TAC §291.32, §291.36

(Editor's note: The Texas State Board of Pharmacy proposes for permanent adoption the new section and amendments it adopts on an emergency basis in this issue. The text of the new section and amendments are published in the Emergency Rules section of this issue.)

The Texas State Board of Pharmacy proposes amendments to §291.32 and new §291.36, concerning community pharmacies (Class A) The proposed amendments to §291.32 and new §291 36 establish standards to regulate and control the practice of Class A pharmacies dispensing sterile products.

Fred S. Brinkley, Jr., R.Ph., executive director/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.

Mr. Brinkley 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 to establish standards to further protect the public health, safety, and welfare and to regulate and control the practice of Class A pharmacies dispensing sterile products. 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 Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments and new section are proposed under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the

licensing or relicensing as a pharmacy in each classification.

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 22, 1984

TRD-845620 Fred S Brinkley, Jr , R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 478-9827

Chapter 295. Pharmacists

22 TAC §295.5, §295.7

The Texas State Board of Pharmacy proposes amendments to §295 5 and §295.7, concerning the annual pharmacist fees and pharmacist license renewal. These amendments increase the pharmacist licensure fee to $60, effective November 1, 1984, and prorate the pharmacist fee for the 1985 renewal cycle to establish staggered expiration dates for licensure. The amendments also define "timely receipt of the completed application and renewal fee."

Fred S Brinkley, Jr., R Ph , executive director/secretary, has determined that there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government for the first five-year period the rules are in effect is an estimated increase in revenue of $305,710 in 1985 and $136,000 per year in 1986-1989 There is no anticipated economic cost for local government or small businesses

Mr. Brinkley 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 to ensure that pharmacists are practicing pharmacy in the interest of the public health and welfare The anticipated economic cost to individuals who are required to comply with the rules as proposed is a $60 pharmacist licensure fee per year in 1985-1989

Comments on the proposal may be submitted to Fred S. Brinkley, Jr , R Ph , Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §§24, 25, and 39, which provide the Texas State Board of Pharmacy with the authority to adopt a system in which licenses to practice pharmacy expire on various dates during the year, and establish a fee not to exceed $85 a year for processing application and issuance of a pharmacist license.

§295.5. [*Annual*] ***Pharmacist License or Renewal Fees.***

(a) The pharmacist fee provided in Texas Civil Statutes, Article 4542a-1, §39(3), shall be $50[,] effective for the 1983 renewal cycle, **and shall be $60 effective January 1, 1985, for the 1985 renewal cycle.**

(b) The pharmacist fee for the 1985 renewal cycle shall be prorated to establish staggered expiration dates for licensure.

§295.7. Pharmacist License Renewal. For the purposes of **Texas Civil Statutes, Article 4542a-1,** §24 [of House Bill 1628, Acts of the 67th Legislature, Regular Session, 1981]·

(1) a license to practice pharmacy expires on **the last day of the assigned expiration month** [December 31] of each year.

(2) "timely receipt of the completed application and renewal fee" means the receipt in the board's office of such application and renewal fee:

(A) on or before **the last day of the assigned expiration month** [December 31] of each year; or

(B) no later than **seven days from the date of postmark of the last day of the assigned expiration month of each year** [90 days after December 31 of each year and provided such application and renewal fee is postmarked on or before December 31 of the previous year].

(3) (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 22, 1984.

TRD-845624 Fred S Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption·
July 2, 1984
For further information, please call (512) 478-9827.

Chapter 303. Regulations Governing the Destruction of Dangerous Drugs and Controlled Substances

22 TAC §303.1

(Editor's note: The Texas State Board of Pharmacy proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the Emergency Rules section of this issue.)

The Texas State Board of Pharmacy proposes amendments to §303.1, concerning regulations governing the destruction of dangerous drugs and controlled substances. The amendments also are adopted on an emergency basis in this issue of the *Texas Register.* The amendments establish standards for the destruction of drugs at a location other than the facility or institution

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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 busi-

nesses as a result of enforcing or administering the rule

Mr. Brinkley 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 to further protect the public health, safety, and welfare by establishing standards for the destruction of drugs at a location other than the facility or institution 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 Fred S Brinkley, Jr., R Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §17, which provide the Texas State Board of Pharmacy with the authority to perform the duties, powers, and authority necessary to administer this Act

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 22, 1984

TRD-845622 Fred S Brinkley, Jr , R Ph
Executive Director/Secretary
Texas State Board of Pharmacy

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 478-9827.

TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public Accounts
Chapter 3. Tax Administration
Subchapter O. Sales Tax Division-State Taxes

34 TAC §3.308

The Comptroller of Public Accounts proposes an amendment to §3.308, concerning computers—hardware, software, services, and sales The amendment is for clarification. When the rule was amended in March 1983, the comptroller indicated that computer game cartridges were regarded as software. The comptroller went on to say that when hardware and software are purchased together, sales tax is not due on a charge for computer game cartridges if separately stated from the charge for hardware. The wording should have been "sales tax is not due on a charge for software if separately stated from the charge for hardware."

Billy Hamilton, director of revenue estimating for the comptroller, has determined that enforcement or administration of the proposed rule will not result in any fiscal implications for the state or for local government. This rule is promulgated under the Tax Code, Title 2, and there are no anticipated fiscal implications for small businesses.

Mr. Hamilton 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 present rule, which might prevent taxpayers from erroneously paying tax on software charges, which are not separated from charges for hardware. 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 D. Carolyn Busch, P O. Box 13528, Austin, Texas 78711.

This amendment is proposed under the authority of the Tax Code, §111 002, which provides that the comptroller may prescribe, adopt, and enforce rules relating to the administration and enforcement of the sales tax.

§3.308. Computers—Hardware, Software, Services, and Sales.

(a) (No change)

(b) Software. The sale, lease, or rental of computer programs or programming services is the sale of an intangible and, therefore, is not subject to sales or use tax. Software includes computer game cartridges which allow certain games to be played on a television set through interaction with a computer or on home computers. When hardware and software are purchased together, sales tax is not due on a charge for **software** [computer game cartridges] if separately stated from the charge for hardware.

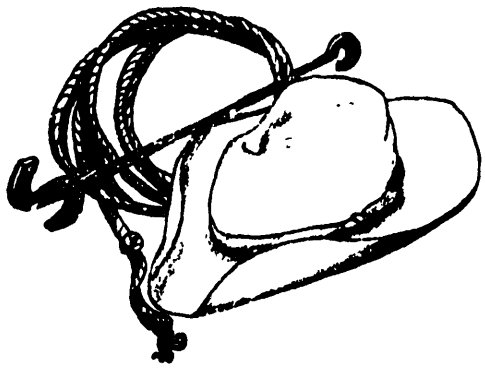
(c)-(d) (No change)

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 25, 1984

TRD-845679 Bob Bullock
Comptroller of Public Accounts

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 475-2148.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 3. Aid to Families with Dependent Children

Income

40 TAC §3.3224

The Texas Department of Human Resources proposes an amendment to §3.3224, concerning countable lump-sum benefit payments.

Child support enforcement is now intercepting the Internal Revenue Service tax refunds of some absent parents who owe child support. In some instances aid to families with dependent children (AFDC) clients will be receiving a lump-sum child support payment for arrearages. Child support is a form of maintenance payments. Therefore, the department is amending the rule to specify that lump-sum child support payments are considered when the department determines income for AFDC eligibility

David Hawes, programs budget and statistics director, has determined that there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government for the first five years the rule will be in effect will be a reduction in cost for fiscal year 1984 of $69,209, for fiscal year 1985 of $86,418, for fiscal year 1986 of $108,853, for fiscal year 1987 of $121,296, and for fiscal year 1988 of $136,890.

There is no anticipated effect on local government or small businesses.

Mr. Hawes 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 reduction of expenditures of state and federal funds.

There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposed amendment may be submitted to Cathy Rossberg, Acting Administrator, Policy Development Support Division—357, P.O. Box 2960, Austin, Texas 78769

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

§3.3224. Countable Lump-sum Benefit Payments.

(a) If types of countable maintenance benefits including RSDI, VA, unemployment compensation, worker's compensation, retirement, [and] disability insurance, **and child support payments from absent parents** are received in a lump-sum payment, the department considers the payment in determining income. The department also considers earned income credits received in a lump sum as countable lump-sum income.

(b)-(h) (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 25, 1984.

TRD-845714 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 441-3355, 2037.

Chapter 16. ICF/SNF

The Texas Department of Human Resources proposes to amend §16 1914 and §16.3901 in its ICF/SNF chapter. These rules are being amended to include references to §51 50 which states the standardized record retention requirements for provider agencies.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the amendments 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. Hawes has also determined that for each year of the first five years the rule as amended are in effect the public benefit will be clearer and more concise agency rules. There are no economic costs to individuals required to comply with the rule.

Comments may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division—798, Texas Department of Human Resources 153-B, P.O Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*

Governing Body and Management

40 TAC §16.1914

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

§16.1914. Financial Records.

(a) (No change)

(b) The facility must make financial records and supporting documents available for review by the Department of Health and Human Services, the Texas Department of Health, the Texas Attorney General's Medicaid Fraud Control Unit, and the Texas Department of Human Resources at any time within working hours and without prior notification. The facility must keep the financial records in the facility **according to requirements stated in §51.50 of this title (relating to Record Retention Requirements)** [until audited by the department and all exceptions are resolved]. The facility must also keep for the same period of time, supporting fiscal documents

and other records necessary to ensure claims for federal matching funds.

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 25, 1984.

TRD-845715 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption.
July 2, 1984
For further information, please call (512) 441-3355, ext. 2037.

Medical Records

40 TAC §16.3901

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

§16.3901. General Requirements.

(a)-(c) (No change.)

(d) The facility must retain records [until]:

(1) **according to requirements stated in §51.50 of this title (relating to Record Retention Requirements)** [audited and all audit questions are resolved]; **or**

(2) in the case of a minor, three years after he comes of age under state law.[; or]

[(3) three years after the date the recipient-patient is discharged, whichever period is longer.]

(e) (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 25, 1984

TRD-845716 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption.
July 2, 1984
For further information, please call (512) 441-3355, ext. 2037.

Chapter 23. Nursing Facility Administration

The Texas Department of Human Resources proposes amendments to §23.103 and §23.9801 in its nursing facility administration chapter. These rules are amended to include references to §51.50, which states the standardized record retention requirements for provider agencies.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the amendments 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. Hawes has also determined that for each year of the first five years the rule as proposed is in effect the public benefit will be clearer and more concise agency rules. There are no economic costs to individuals required to comply with the rules.

Written comments are invited and may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division-798, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

Subchapter B. Ownership Transfers

40 TAC §23.103

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

§23.103. Removal of Financial Records from Facility. It is permissible for the corporation or individual selling the facility to remove the financial records pertaining to his period of ownership from the facility and maintain them at the corporation home office. The corporation must, however, maintain these financial records **according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements)** [for the time period prescribed by law or until such time as all audits exceptions are reconciled, whichever period is the longer]. The trust fund records, including ledger cards, should remain with the new owner, since the trust fund record pertains to the individual's money and must be available at his place of residence.

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 25, 1984.

TRD-845717 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
July 2, 1984
For further information, please call (512) 441-3355, ext. 2037.

Subchapter UUUU. Support Documents

40 TAC §23.9801

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

§23.9801. Reimbursement Methodology for Rates for Skilled Nursing Facilities and Intermediate Care Facilities.

(a) (No change.)

(b) Cost reporting.

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

(4) Record-keeping requirements. Records must be maintained by each provider **according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements)** [for a period of not less than three years following the date of submission of the cost report to the department]. **The provider must accurately maintain the records** [Records must be accurate and] in sufficient detail to support the financial and statistical information reported in cost reports.

(5) (No change.)

(c)-(e) (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 25, 1984.

TRD-845718 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption:
July 2, 1984
For further information, please call (512) 441-3355, ext. 2037.

Chapter 47. Primary Home Care Claims Payment

40 TAC §47.3903

(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 Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Resources proposes the repeal of §47.3903 and new §47.3903 in its primary home care chapter. New §47.3903 is being proposed to update obsolete references and to clarify the text.

David Hawes, programs budget and statistics director, has determined that for the first five-year period the rule and the repeal 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 and the repeal.

Mr. Hawes has also determined that for each year of the first five years the rule and the repeal as proposed are in effect the public benefit will be a better understanding of the records that provider agencies must keep. There are no economic costs to individuals required to comply with the rule and the repeal.

Comments may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division–798, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

§47.3903. Records.

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

Issued in Austin, Texas, on May 25, 1984.

TRD-848719 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption.
July 2, 1984
For further information, please call (512) 441-3355, ext. 2037.

The new section is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance and medical programs.

§47.3903. Records.

(a) The provider agency must keep the following records:

(1) medical records:

(A) the primary home care recipient service plan form,

(B) prior approval for CCAD services form,

(C) physician's orders,

(D) provider agency supervisor's notes, and

(E) the client intake form.

(2) financial records and other records pertinent to services provided.

(A) the State of Texas purchase voucher form,

(B) the services delivery record form,

(C) the community care purchased services delivery report form,

(D) provider agency supervisor's personnel records, and

(E) attendant's personnel records.

(b) The provider agency must document on the records:

(1) that services were delivered consistently with the program requirements described in these rules,

(2) the amount of service provided to recipients, and

(3) when services were delivered.

(c) After services end, the provider agency must keep the recipient's records according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements) and the provider agreement/contract.

(d) Upon request, the provider agency must make these records available during regular business hours for use by the:

(1) Texas Department of Human Resources,

(2) Department of Health and Human Services, and

(3) Texas attorney general's Medicaid Fraud Control Unit.

(e) When requested, the provider agency must complete and submit cost reports according to procedures.

(f) The provider agency must keep all financial records necessary to substantiate service delivery, billings, and the information submitted on the cost report according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements) and the provider agreement/contract.

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 25, 1984

TRD-845720 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 441-3355, ext. 2037

Chapter 51. Organization, Administration, and Management Standards

40 TAC §51.50

The Texas Department of Human Resources proposes new §51 50, concerning organization, administration, and management This new section standardizes record retention requirements used by provider agencies

David Hawes, programs budget and statistics 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. Hawes has also determined that for each year of the first five years the rule as proposed is in effect, the public benefit will be clearer and more concise agency rules. There are no economic costs to individuals required to comply with the rule.

Comments may be sent to Cathy Rossberg, Acting Administrator, Policy Development Support Division – 798, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*

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

§51.50. Record Retention Requirements.

(a) The provider agency must keep financial and supporting documents, statistical records, and any other records pertinent to the services provided. The records and documents must be kept for a minimum of three years and 90 days after the termination of the contract period or for three years after the end of the federal fiscal year in which services were provided if there was a provider agreement/contract with no specific termination date in effect. If any litigation, claim, or audit involving these records begins before the three-year period expires, the provider must keep the records and documents for not less than three years and 90 days and until all litigation, claims, or audit findings are resolved. The case is considered resolved when there is a final order issued in litigation, or a written agreement is entered into between DHR and the provider. The provider must keep records of nonexpendable property acquired under the contract for three years after final disposition of the property. In this rule, contract period means the beginning date through the ending date specified in the original agreement/contract; extensions are considered to be separate contract periods.

(b) After medical services end, the provider must keep the recipient's medical records for five years as stated in the provider agreement/contract.

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 25, 1984

TRD-845721 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 441-3355, ext. 2037

Part X. Texas Employment Commission

Chapter 301. Unemployment Insurance

40 TAC §301.16

The Texas Employment Commission proposes an amendment to §301.16, concerning appeals to appeal tribunals from determinations on entitlement to benefits. The amendment clarifies what parties are entitled to appeal certain determinations and decisions.

James W. Jackson, unemployment insurance 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

L. Q Vance, planner I, 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 consistency in the application of the intent of the law in separation cases without additional cost to the public. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to James W Jackson, U. I Director, Texas Employment Commission, TEC Building, Austin, Texas 78778

The amendment is proposed under Texas Civil Statutes, Article 5221b, which provides the Texas Employment Commission with the authority to adopt, amend, or rescind such rules as it deems necessary for the effective administration of this Act

§301.16 Appeals to Appeal Tribunals from Determinations on Entitlement to Benefits. Appeals with respect to entitlement to benefits shall be in accordance with the terms of this rule and of §301 17 of this title (relating to Appeals to the Commission from Decisions on Entitlement to Benefits) and §301 18 of this title (relating to General Rules for Both Appeal Stages) As used in this rule and §301.17 and §301 18, "party" means an individual or organization entitled to receive a copy of the determination made by the examiner under the terms of the Act, §6, subsection (b). **This shall include the claimant directly affected by the determination and, with respect to a determination ruling on a separation, the claimant's last employer.**

(1)-(6) (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 24, 1984

TRD-845663 Helen S Anderson
Administrative Assistant
Texas Employment Commission

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 397-4400.

TITLE 43. TRANSPORTATION
Part III. Texas Aeronautics Commission
Chapter 67. Obstruction to Air Navigation Rules

43 TAC §§67 1-67 7

The Texas Aeronautics Commission proposes new §§67 1-67 7, concerning administration and enforcement of the Obstruction to Air Navigation Control Act, Texas Civil Statutes, Article 46i-1 - 46i 9 These rules will detail the notice and application requirements of the Act, including technical information, criteria used by the staff in issuing a permit, forms to be used, time tables to be followed, and other relevant administrative requirements of the Act

Max G. Ulrich, chief engineer, has determined that there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government for the first five-year period the rules will be in effect will be an estimated additional cost of $42,000 in fiscal year 1985, $208,600 in fiscal year 1986, $229,460 in fiscal year 1987, $250,320 in fiscal year 1988, and $271,180 in fiscal year 1989. There is an estimated increase of $22,000 in fiscal year 1985 and 1986, $24,200 in fiscal year 1987, $26,400 in fiscal year 1988, and $28,600 in fiscal year 1989 There is no anticipated effect on local government for the first five-year period the rules will be in effect

The cost to large and small businesses should roughly be identical. Insufficient data is available to show cost according to breakdown by employee, labor per hour, or per $100 of sales, since this is a new program.

C Jay Lyons, technical programs administrator, has determined that for each year of the first five years the rules as proposed are in effect is greatly increased efficiency, utility, and safety of the approaches and departures at Texas airports and the connecting airways through the prevention of the building of structures which would obstruct, hinder, and divert aircraft from their normal patterns at the airports and in the airways

The possible economic cost to individuals who are required to comply with the rules as proposed will be as follows, shown as per person cost, with subsequent items to be additional costs. The cost of filing of notice by affected persons will be $100 in fiscal year 1985, $110 in fiscal year 1986, $120 in fiscal year 1987, $130 in fiscal year 1988, and $140 in fiscal year 1989 (Estimated 3,000 persons the first year increasing 10% per year based on FAA program history since 1976) The fee for permit by those not exempt (assumed 110 persons) will be $200 per year in fiscal years 1985-1989 The cost of appeal will be $6,000 each year in fiscal years 1985-1989. (Estimated 11 appeals, with cost shown through district court No annual increase shown)

Comments on the proposal may be submitted to Thomas L. Butler, Staff Attorney, P.O Box 12607, Austin, Texas 78711, (512) 476-9262

The new sections are proposed under Texas Civil Statutes, Article 46i-9, which provide the Texas Aeronautics Commission with the authority to adopt rules for the administration and enforcement of the Obstruction to Air Navigation Control Act, Texas Civil Statutes, Article 46i 1 - 46i-9

§67 1 Purpose The purpose of these rules is to set forth the requirements, details, and guidelines governing the application for and issuance of permits to erect structures which may be obstructions to air navigation in Texas, and to establish the procedures to be followed by the Texas Aeronautics Commission in the administration and enforcement of its duties under the Obstruction to Air Navigation Control Act, Texas Civil Statutes, Article 46i-1—46i-9

§67.2 Scope These rules shall govern all proceedings before and dealings with the Texas Aeronautics Commission concerning permit applications. Hearings and appellate proceedings regarding permit approval or denial

shall be governed by these rules where applicable, and the rules of practice and procedure of the Texas Aeronautics Commission and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13(a).

§67.3. *Definitions.* As used in these rules, unless stated otherwise, the following definitions shall apply:

Act—The Obstruction to Air Navigation Control Act, Texas Civil Statutes, Article 46i-1-46i-9.

Airport—A publicly or privately owned airport with a paved runway that is open for use by the general public to licensed aircraft and that does not require prior approval of the owner for use or an airport operated by the Armed Forces of the United States or by the Texas National Guard. The term does not include a heliport, balloon port, ultralight aircraft port, glider port, or a facility that is used solely for recreational activities

Airport approach fix; approach fix—A known point transmitting a radio signal from or over which final approach (during instrument flight rule conditions) to an airport is executed.

Airport Reference Point (ARP)—A computed or surveyed point on an airport having equal relationship to all existing and proposed landing and takeoff areas, being the mathematical center of the airport runway or runways, and which is used to locate the airport geographically.

Airport traffic area—That airspace, unless otherwise specifically designated in Federal Aviation Regulation Part 93, within a horizontal radius of five statute miles from the geographical center (ARP) of any airport at which a control tower is operating, extending from the surface up to, but not including, an altitude of 3,000 feet above the elevation of an airport. Unless otherwise authorized or required by the Federal Aviation Administration Air Traffic Control (ATC), no person may operate an aircraft within an airport traffic area except for the purpose of landing at, or taking off from, an airport within that area. Air Traffic Control authorizations may be given as individual approval of specific operations or may be contained in written agreements between airport users and the air traffic control tower concerned.

Airway—The Federal Airways System established by the FAA based on a centerline that extends from one navigation aid or intersection to another navigation aid (or through several navigation aids or intersections). The VICTOR airways are based upon the VHF-Directional Range (VOR).

Application—"Application for Permit for Proposed Construction or Alteration," TAC Form 400-31, which must be submitted to the Texas Aeronautics Commission by any person that proposes to erect, position, or alter any mobile, temporary, or permanent structure that exceeds the provisions of the Obstruction to Air Navigation Control Act, Article 46i-4. Copies of the application are available at no charge from the Texas Aeronautics Commission.

Exempt structure—A proposed consruction or alteration for which a notice of intent must be filed, but which is relieved from the requirement for a permit by the provisions of the Act, Article 46i-6, as determined by the commission.

Imaginary surface—A nonphysical area, plane, slope, or surface on or at a certain height above and around an airport, that can be defined mathematically, which should not be penetrated by obstructions. These imaginary surfaces differ in size with the classification of the airport of which they are associated. Imaginary surfaces include but are not limited to the primary surface, approach surface, transition surface, horizontal surface, conical surface, and departure surface.

Interested party—An individual, partnership, company, corporation, political subdivision, or agency of the state or federal government, that may or will be impacted or affected by a proposed construction or alteration as submitted in TAC Form 400-31, "Application for Permit for Proposed Construction or Alteration." Interested parties will be notified by the Texas Aeronautics Commission and may make input into the determination for permit process and participate in hearings for appeal as provided in Texas Civil Statutes, Article 46i-5 and 46i-8.

Instrument approach—An approach to an airport by an aircraft by instruments and radio guidance, designed to breakthrough an overcast cloud condition within required weather minimums and to permit a landing after breakthrough by visual contact with the runway.

Landing minimums—The lowest cloud ceiling, expressed in mean sea level elevation, and visibility expressed in statute miles permitted for a specified landing instrument procedure for a specified runway at a specified airport.

Mean Sea Level (MSL)—The average height of the surface of the sea for all tide stages over a 19-year period determined by hourly height readings taken at 26 USA tidal stations along the Atlantic Ocean, Pacific Ocean, and Gulf of Mexico, usually referred to as the Sea Level Datum of 1929. Mean sea level is the datum from which heights are measured. The standard sea level datum for the United States is zero.

Minimum clearance altitudes—The lowest safe altitude that the FAA air route traffic control will assign a person requesting an FAA Instrument Flight Rule (IFR) clearance which will assure obstacle clearance requirements and acceptable radio and navigational signal coverage.

Minimum Descent Altitude (MDA)—The lowest altitude, expressed in feet above mean sea level, to which a landing aircraft is authorized to descend on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

Minimum Obstruction Clearance Altitude (MOCA)—The lowest specified altitude in effect, as determined by the FAA, that an aircraft may fly between radio fixes on VOR airways, off-airway routes or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage.

Minimum radar vectoring altitude—The lowest altitude determined by the FAA, expressed in feet above mean sea level, that aircraft will be directed by a radar controller. This altitude assures communications, radar coverage, and meets obstruction clearance criteria.

Notice of denial—TAC Form 300-35, the letter sent to the addressee listed on the application by the Texas Aeronautics Commission advising that the application for a permit for proposed construction or alteration is denied for reason cited and that the proposed structure or alteration has been determined to be an obstruction to air navigation.

Notice of intent—"Notice of Intent to Construct," TAC Form 400-30, which must be submitted to the commission by any person planning to build a structure which would exceed the height limitations of the Act, Article 46i-4.

Obstacle—An existing object, object of natural growth, or terrain at a fixed geographical location with reference to which vertical clearance is or must be provided during flight operation.

Obstacle clearance—The vertical distance between the lowest authorized flight altitude and a prescribed surface within a specified area.

Obstruction to air navigation or obstruction to airport use (terms used interchangeably)—A structure that, due to its height or location, prevents or hinders safe, efficient, free, and open use of airspace and proper air navigation required by aircraft in the use of airports in this state, including takeoffs, landings, and flight between airports.

Off-airway route—A route other than a federal airway route established between fixes or intersections. Off-airway Visual Flight Rule (VFR) routes may be over or parallel to ground routes such as highways, railroads, or rivers between locations that are easily identified and visible from the air. VFR off-airway routes minimum altitude should provide 1,000 feet of obstacle clearance. Instrument Flight Rules (IFR) off-airway routes minimum altitude will be as assigned by an FAA IFR clearance.

Paved runway—A hard surface area that has been prepared for the landing and takeoff of registered aircraft under all weather conditions The term does not include a surface composed of turf, dirt, or noncompacted material.

Shielding—Any proposed or existing construction or alteration physically shielded by an existing permanent structure(s), natural terrain, or topographic feature(s) of equal or greater height where the object under consideration would:

(A) be located not more than 500 feet horizontal distance from the shielding object(s) and in the congested area of a city, town, or settlement, provided the shielded object would not be located closer than the shielding object(s) to an airport located within five miles of the object(s),

(B) be located such that there would be at least one such shielding object situated on at least three sides of the shielded structure at a horizontal distance of not more than 500 feet; or

(C) be located within the lateral dimensions of any runway approach surface, but would not exceed an overall height above the established airport elevation greater than that of the outer extremity of the approach surface; and located within but would not penetrate the shadow plane(s) of the shielding object(s)

Structure—A mobile, temporary, or permanent object, constructed by man, including, but not limited to, a building, tower, smokestack, overhead transmission line, drilling equipment, or construction equipment used in the erection of a permanent structure.

Temporary obstruction—A structure, crane, derrick, oil drilling derrick, tower, or other tall equipment meeting the height or location provision of the Act, Article 46i-4, which will be erected or positioned for a limited period of time and will not be permanently located.

Terminal Control Area (TCA)—A controlled airspace extending upward from the surface or higher to specified altitudes, within which all aircraft are subject to the operating rules and pilot and equipment requirements specified in Federal Aviation Regulation Part 91 90.

Terminal object clearance area—Those areas included in the initial, intermediate, final, and missed approach segments of an instrument approach procedure and the circling approach and instrument departure areas.

Texas Aeronautics Commission; the commission; TAC—The state agency responsible for the administration and enforcement of the Obstruction to Air Navigation Act.

Traverse way—An avenue for surface transportation used by vehicles whose height may create an obstruction to air navigation The term includes without limitation railways, roads, streets, highways, bridges, rivers, canals, lakes, and channels.

§67.4 Notice.

(a) Before beginning construction, a notice of intent must be filed with the commission on TAC Form 400-30, with necessary attachments, by all persons planning to position, erect, replace, or increase the height of a structure which, if completed as planned

(1) will exceed 200 feet in height above ground level at its site,

(2) will penetrate an imaginary surface extending upward and outward from the nearest point of the nearest runway of each airport with at least one paved runway at a slope of 100 horizontal feet to one vertical foot for a distance of 20,000 horizontal feet; or

(3) would be used as a traverse way for mobile objects of a height that would exceed a standard of paragraphs (1) and (2) of this subsection, if adjusted upward 17 feet for an interstate highway where overcrossings are designed for a minimum of 17 feet vertical distance; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally use the road, whichever is greater, for a private road; 23 feet for a railroad; and for a waterway or any other traverse way, an amount equal to the height of the highest mobile object that would normally traverse it

(b) The information submitted on TAC Form 400-30 must be determined to be sufficient by the staff before the notice is accepted for filing If additional information or clarification is needed, the staff shall notify the person submitting the notice of the exact nature and detail of the information needed Once a notice has been accepted for filing, the commission shall notify the person submitting the notice within 30 days of its acceptance if the structure is exempt from the application requirements, or that at application for permit, TAC Form 400-31, must be submitted under §67.5 of this title (relating to Application).

(c) If the structure is exempt, no further proceedings by the person submitting the notice are necessary with the commission regarding the structure. However, approval of an exemption may not extend to or include cranes, derricks, or any other equipment used in the construction or erection of the exempt structure. A separate notice may be required to be filed for each article of construction equipment which will exceed the height limitations of the Act, Article 46i-4. The commission shall examine the notice and determine whether a temporary permit for the equipment should be issued. If issued, a temporary permit shall contain the same information as a regular permit, including marking and lighting requirements, and shall be for a reasonable length of time shown by the applicant to be necessary for the construction of the project, but not exceeding one year. Extensions of a temporary permit may be granted on a showing of good cause to the agency.

§67.5. *Application.*

(a) Filing. If the office determines that an application is required from a person submitting a notice of intent, the person submitting the notice shall be so informed, and shall within 30 days submit a completed TAC Form 400-31, application for permit, with all necessary attachments, to the commission. Persons aware that a proposed structure will not be exempt from the provisions of the Act by Article 46i-6 may file an application for permit without submitting a notice of intent. An application for permit must be complete to be accepted for filing. Information submitted previously on the notice of intent need not be duplicated on the application for permit. The office shall promptly notify the applicant of all deficiencies regarding the information submitted in the application. The computation of the 60-day time period contained in the Act, Article 46i-5(a), for issuance or denial of a permit shall not begin until an application has been accepted for filing.

(b) Contents. The permit application must contain:

(1) the type of construction, new or alteration;

(2) whether the proposed structure will be a permanent or temporary and, if temporary, the duration of the structure;

(3) the estimated date of beginning work on the structure and the estimated completion date;

(4) the name, business address, and telephone number of the applicant, including the names and addresses of the corporate officers if a corporation or the names and addresses of all general partners if a partnership, and the person representing the applicant and/or completing the form if different than the applicant or its principals;

(5) a detailed description and accurate drawing to scale of the proposed structure or alteration;

(6) the location of the proposed structure by county, name of the nearest city, the distance and direction of the structure to the nearest city, and geographical coordinates in degrees, minutes, and seconds of latitude and longitude as accurately located by a United States Geological Survey 7.5 minutes Quadrangle Map or its equivalent, the name(s) of the nearest public use airport(s), distance and direction from the structure to the nearest point of the nearest runway;

(7) a description of the site with respect to highways, roads, streets, airports, existing structures, and prominent terrain features;

(8) the mean sea level (MSL) elevation of the site, the height of the structure above ground level (AGL) at the site, and the overall height of the structure above mean sea level;

(9) if the structure is presumed to be an obstruction as set forth in the Act, Article 46i-5(b), information explaining why the structure would not be an obstruction and a permit should be granted; and

(10) payment of the $200 filing fee to the Texas Aeronautics Commission in the form of a cashier's check or money order;

(11) verification and signature of the information on the form; and

(12) any other information required by TAC Form 400-31

§67.6 *Commission Determination.*

(a) Upon acceptance of an application for permit, the commission shall:

(1) review the location of the proposed structure in regard to all military, publicly owned, and privately owned public-use airports near the location of the proposed structure. The commission shall notify any political subdivision that owns or benefits from the use of an airport, the private owner of an airport, or the commanding officer of a United States Department of Defense or Texas National Guard airport that would be affected by a proposed structure for which a permit is required by the filing of the application. These affected airport owners may submit information pertaining to the impact of the proposed structure on their airport and may participate by making written recommendations regarding the structure. The commission may notify and accept information from other persons, parties, organizations, companies, and agencies, public or private, which have an interest in or are impacted by the proposed structure. Each person wishing to comment on a proposed structure must show the nature of their interest in the proposed structure

(2) The commission, in making the determination to grant or deny a permit, will consider all relevant facts and circumstances regarding the proposed structure and its surrounding environment with regard to its character as an obstruction to air navigation, as defined herein, including, but not limited to:

(A) the height of existing terrain and structures that might shield the proposed construction, or alterations which could be made in such a way that the structure would not be an obstruction to air navigation;

(B) the character of flying operations and existing or planned airports in the area;

(C) whether the proposed construction or alteration would cause an increase in the minimum clearance altitude of an established airway or airport maneuvering area or would cause an increase to instrument approach and landing minimums at an airport;

(D) public and private interest and investments in both the proposed structure and in the airport or airway that might be affected by the structure;

(E) whether the proposed construction or alteration would interfere with the operation of any elec-

tronic air navigation aid or air-to-ground/ground-to-air radio facility;

(F) the safety of persons and property on the ground and in the air; and

(G) any other facts relevant to the obstruction determination.

(b) The commission will notify the applicant of its decision to grant or deny a permit not later than the 60th day after the application is accepted for filing. In reaching its decision, the commission shall seek to negotiate and compromise with the applicant regarding structure height and location and seek to reach an agreement suitable to all parties before declaring a structure an obstruction and denying a permit. The 60-day time period may be extended by agreement of the applicant and the commission.

§67.7. *Permits.*

(a) Issuance. A permit for construction shall be issued on TAC Form 400-32 and state the following:

(1) name of the applicant;

(2) project name or descriptive name of the structure;

(3) longitudinal and latitudinal coordinate location;

(4) height of the location above mean sea level and above ground level at its site;

(5) effective date and expiration date of the permit; and

(6) any structural markings or lighting required.

(b) Validity. A permit shall be valid for 18 months from effective date, and is effective only for the structure described in the permit at the height stated. The permit shall become void if construction has not commenced by the expiration date.

(c) Extensions. Extensions may be granted to a permit by stating the reasons for the request to the commission by letter postmarked or delivered at least 30 days prior to the expiration date. An extension may be for any reasonable time, but shall not exceed six months.

(d) Denial. If, after due consideration and investigation of all facts and the inability to negotiate a compromise with the applicant, the office determines that the proposed structure is an obstruction to airport use, a denial of permit shall be issued to the applicant on TAC Form 400-33. Included with the denial of permit shall be:

(1) the reasons for the denial and copies of all documentation on file concerning the application;

(2) the effective date of the denial, and

(3) notice that the obstruction determination is final 30 days from the effective date of the denial of permit, unless the applicant files a written request for hearing within the 30-day time period as provided in the Act, Article 46i-8(a). The procedure for hearing and appeal shall be governed by the rules of practice and procedure of the Texas Aeronautics Commission (Chapter 61 of this title (relating to Practice and Procedure)), and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13(a).

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 24, 1984

TRD-845644

Thomas L. Butler
Staff Attorney
Texas Aeronautics Commission

Earliest possible date of adoption
July 2, 1984
For further information, please call (512) 476-9262

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 V. State Purchasing and General Services Commission
Chapter 115. Building and Property Services Division
State-Owned Property
1 TAC §115.12

The State Purchasing and General Services Commission adopts new §115.12, with changes to the proposed text published in the April 3, 1984, issue of the *Texas Register* (9 TexReg 1856).

The Building and Property Services Division has responsibility for the repair and remodeling of state buildings under its jurisdiction and control, and it is the responsibility of that division to protect the health and safety of persons using such buildings The national fire codes are designed for this purpose The repair and remodeling of state buildings is an on-going process, and such work will be carried out in accord with the national fire codes for the protection and safety of persons using those buildings

Two comments were received regarding the proposed rule which were primarily directed toward its impact on new construction The commenters suggested that new construction should follow local municipal building codes, which largely include the national fire codes. Southern Building Code International, Inc , of Birmingham, Alabama, and the City of Lubbock commented against the rule

The agency feels that the proposed rule was not intended to apply to new construction, and the reference to such construction is being deleted from the rule.

The new rule is adopted under Texas Civil Statutes, Article 601b, §4 and §5, which provide the commission with the authority to maintain, remodel, and manage state buildings under its jurisdiction and control. The safety of such buildings is of paramount concern to persons who use them.

§115 12. Applicability of National Fire Codes. All remodeling and installations of equipment, wiring, data cable, and accessories in state buildings under the commission's jurisdiction and control shall comply with the latest edition of the national fire codes, including the National Electrical Code and the Life Safety Code. The commission, acting through the Building and Property Services Division, is the authority having jurisdiction in enforcing these codes. Any plans, specifications, or work performed after the effective date of this rule shall be in accordance with the national fire codes unless specifically excepted in writing by the director for building and property services

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 24, 1984

TRD-845645 Homer A Foerster
Executive Director
State Purchasing and General Services Commission

Effective date June 14, 1984
Proposal publication date April 3, 1984
For further information, please call (512) 475-5966 or STS 822-5966

TITLE 4. AGRICULTURE
Part I. Texas Department of Agriculture
Chapter 15. Consumer Services Division
Texas Grain Warehouse

4 TAC §15 77

The Texas Department of Agriculture adopts new §15 77, without changes to the proposed text published in the April 20, 1984, issue of the *Texas Register* (9 TexReg 2190).

The new section will save the department the handling and administrative costs of processing two payments The new section enables the holder of a grain warehouse license to pay the two required fees (inspection and license) at the same time by making one remittance.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Agriculture Code, §23.016 and §14.003(a)(7), which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the administration of the Code.

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 23, 1984

TRD-845617 Patrick D Redman
Agency Liaison
Texas Department of Agriculture

Effective date: June 13, 1984
Proposal publication date April 20, 1984
For further information, please call (512) 475-6686

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 a filing by the Surety Association of America of a rate and form for the bonding of vehicles used to transport solid waste

House Bill 1966, 68th Legislature, 1983, provides for the regulation and bonding of vehicles used to transport solid waste (except hazardous waste) The Act, §1, provides, among other things, that the owner of a vehicle to be operated over public streets and highways with a tandem axle gross load in excess of 34,000 pounds shall first file with the State Department of Highways and Public Transportation a surety bond in the principal sum as fixed by the department The bond is to be conditioned that the owner of the vehicle shall pay to the State of Texas and to any municipality in which such vehicle is operated on city streets, and within the limit of such bond, all damages done to the highways and the city streets by reason of the operation of such vehicle.

The bond covers vehicles on a schedule basis, and the liability of the surety in connection with the operation of any covered vehicle is limited to $1,000 per vehicle The penalty of the bond is directly related to the number of vehicles covered times $1,000.

A rate of $10 per 1,000 per annum is to apply to this bond.

This 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 23, 1984

TRD-845641 James W Norman
Chief Clerk
State Board of Insurance

Effective date June 17, 1984
For further information, please call (512) 475-2950

The State Board of Insurance has approved rate adjustments to the standard and uniform manual rates for various commercial and farm inland marine classes as filed by the Insurance Services Office The revised rate level changes by class are as follows.

Rate Level Changes by Class

Class	Change
Films and Negatives	-20.0%
Floor Plan Policy	+19.0%
Mobile Agricultural Machinery	+ 2.6%
Theatrical Floaters	+ 6.7%

These changes are to be effective September 1, 1984.

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 23, 1984.

TRD-845642 James W. Norman
Chief Clerk
State Board of Insurance

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

The State Board of Insurance has approved a filing by the Hartford Insurance Group of an endorsement form to provide claim expense coverage in conjunction with the bankers blanket bond, standard form 24.

The coverage provided by the endorsement provides for reasonable expense necessarily incurred and paid by the insured in preparing any valid claim for loss caused by any dishonest or fraudulent act or acts of any of the insured's employees, which loss exceeds the deductible amount applicable to the insuring agreement (A) fidelity. The total liability of the underwriter for such expense by reason of such acts of any employee or in which such employee is concerned or implicated is limited to the amount stated in Item 1 of the endorsement; it being understood, however, that such expense shall be deemed to be loss sustained by the insured through dishonest or fraudulent acts of one or more of the employees and the liability of the underwriter under this paragraph of insuring agreement (A) shall be a part of and not in addition to the limit of liability for insuring agreement (A) stated in Item 3 of the declarations.

Claim expense coverage is an optional coverage available under insuring agreement (A) fidelity in the amounts of $1,000, $2,500 and $5,000. The rates are as follows:

Limit	Three-Year Premiums Rate Per 1,000
$1,000	$50
2,500	30
5,000	25

The premium developed for claim expense coverage is not subject to experience rating.

This 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 23, 1984.

TRD-845643 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: June 17, 1984
For further information, please call (512) 475-2950.

Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register.* Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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

Texas Adult Probation Commission

Thursday, May 31, 1984, 1:30 p.m. The Audit Review Committee of the Texas Adult Probation Commission submitted an emergency revised agenda for a meeting held in Suite 400, 812 San Antonio Street, Austin. According to the revised agenda, the committee considered final review of fiscal audit reports for Bell, Galveston, Caldwell, Maverick, Travis, Montgomery, Hunt, Angelina, Dawson, Jim Wells, Kaufman, Dickens, and Taylor Counties, initial review of fiscal audit reports for McLennan, Bexar, Jack, Hill, Denton, Parmer, Erath, Pecos, Morris, and Lamar Counties, monitoring report final reviews for Jim Wells and Reeves Counties, and a monitoring report initial review for Eastland County. The emergency status was necessary because these items were inadvertantly omitted from the original agenda.

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

Filed: May 25, 1984, 10:59 a.m.
TRD-845734

Friday, June 1, 1984, 9 a.m. The Texas Adult Probation submitted a revised agenda for a meeting held in the Wyndham C Room, Wyndham Southpark Hotel, 4140 Governor's Row, IH 35 South at Ben White Boulevard, Austin. According to the revised agenda summary, the commission will consider minutes, a financial report, a program services report, a chart of fiscal year 1984 grant awards, pretrial diversions, standard conditions for residential services, ISP probationers, restitution center standard conditions for fiscal year 1985, a supplemental funding request for Cass County, budget adjustments for Harris County, including a CRTC line item transfer for Harris County, a CRTC expenditure of 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 audit review, adoption of a legislative budget request, 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 24, 1984, 11:46 a.m.
TRD-845647

Texas Department of Agriculture

Monday, June 11, 1984, 2 p.m. The Texas Department of Agriculture will meet in Room 930A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the department will receive public comments regarding a proposal to adopt a new section concerning Texas weights and measures law in the Texas Administrative Code, Title 4, Chapter 15, relating to the Consumer Services Division.

Contact: Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: May 25, 1984, 1:33 p.m.
TRD-845763

Thursday, June 21, 1984, 10:30 a.m. The Texas Department of Agriculture will meet in the district office, 4502 Englewood Avenue, Lubbock. According to the agenda, the department will conduct an administrative hearing to review the license application of Hobgood Produce Company and possible violations of the Texas Agriculture Code, §101.017 and §101.003, by Hobgood Produce Company as petitioned by Melvin Lewis.

Contact: Patrick D. Redman, P.O Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: May 25, 1984, 9:45 a.m.
TRD-845783

Thursday, June 28, 1984, 10:30 a.m. The Texas Department of Agriculture will meet in the district office, Highway 83, two blocks west of Morningside Road, San Juan According to the agenda, the department will conduct an administrative hearing to review a possible violation of the Texas Agriculture Code, §102.013, by R A Canales, as petitioned by Texas Citrus Exchange

Addition to the previous agenda:

Review of a possible violation of the Texas Agriculture Code, §103 005, by C. W. Witt, doing business as Palm Fruit and Vegetable Company, as petitioned by R. C. Pope.

Contact: Patrick D. Redman, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: May 29, 1984, 9:45 a.m.
TRD-845781, 845782

Texas Commission on the Arts

Thursday, June 7, 1984, 9:30 a.m. The Executive Committee of the Texas Commission on the Arts will meet in the E. O. Thompson Building, 920 Colorado, Austin Items on the agenda include a public hearing; approval of the April 10, 1984, minutes; designation of authorizing signatories; and review and approval of an appropriations request. The committee also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, if necessary

Contact: Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: May 24, 1984, 4:21 p.m
TRD-845673

Thursday, June 7, 1984, 1 p.m. The Task Force on Grants Process of the Texas Commission on the Arts will meet in the E O. Thompson Building, 920 Colorado, Austin. Items on the agenda include a public hearing, review of the state plan draft, and a schedule of state plan public hearings.

Contact: Richard E. Huff, P.O. Box 13406, Austin, Texas 78711, (512) 475-6593.

Filed: May 24, 1984, 4:20 p.m.
TRD-845672

Coordinating Board, Texas College and University System

Wednesday, June 6, 1984, 10:30 a.m. The Administrative Council of the Coordinating Board, Texas College and University System will meet in the conference room, University Library, Corpus Christi State University, Corpus Christi Items on the agenda include an institutional program reivew; a summary of institutional group insurance programs for 1983-1984; consideration of advisory committee recommendations on pooling, life insurance benefits for retirees, and life insurance benefits for permanently disabled individuals; consideration of a proposed amendment to 19 TAC §25.50, concerning coverage for dependents; a discussion on cafeteria plans, and the executive secretary's report

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711.

Filed: May 24, 1984, 2:58 p.m.
TRD-845650

Criminal Justice Policy Council

Friday, June 8, 1984, 10 a.m. The Commission on Sentencing Practices and Procedures of the Criminal Justice Policy Council will meet in Room 204, Texas Law Center, 1414 Colorado Street, Austin. Items on the agenda include sentencing and parole guidelines, reports on the Beaumont and Austin public hearings, other public hearings, and a staff report

Contact: Mark Burk, State Capitol, Room G-38, Austin, Texas, (512) 475-2150.

Filed: May 25, 1984, 3:06 p.m.
TRD-845766

Council on Disabilities

Wednesday, June 6, 1984. Task forces of the Council on Disabilities and the full council will meet at the Texas Law Center, 1414 Colorado Street, Austin Times, rooms, task forces, and agendas follow

10 a.m. In Room 104 and Room 101, the full council will hear an address by Judge Bob Thomas Following a recess for task force meetings, the council will reconvene in Room 101 for a working lunch at which chairpersons of the task forces will give update reports. Following lunch, the council will meet in Room 104 to discuss and adopt a tentative approval of goal statements, discuss definitions of disability adoption for point of reference, consider and adopt bylaws, and set the date of the next meeting

10:15 a.m. In Room 204, the Demographic Task Force will continue a work session regarding demographic studies

10:15 a.m. In Room 201, the Compilation Task Force will hold an organizational meeting.

10:15 a.m. In Room 102, the State Plan Task Force will discuss goals

Contact: Terry Reed Goodman, Room 207-C, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 475-3021

Filed: May 24, 1984, 5 p.m.
TRD-845674-845677

Texas Education Agency

Friday, June 1, 1984. Committees of the State Board of Education of the Texas Education Agency (TEA) will meet at the TEA North Building, 1200 East Anderson Lane, Austin. Times, rooms, committees, and agendas follow

8:30 a.m. In Room 101, the Committee for Vocational Education and High Technology and the Committee for Special Populations will consider a recommendation for an appointment to the Apprenticeship and Training Advisory Committee, a presentation from the Shady Grove Special Education Unit concerning the Grand Prairie Independent School District, and an overview of the structure and functions of the Division of Post-Secondary Programs

8:30 a.m. In Room 101-E, the Committee for Rules, Budget, and Finance and the Committee for Internal Rules will consider a request for approval to issue a request for proposals for certification testing, recommendations for an appointment to the Advisory Committee for Budgeting, Accounting, and Auditing; a revision of the 1983-1984 operating plan/budget, the State

Board of Education honors list; agendas; travel for board members; the preliminary annual operating plan/budget for 1984-1985; and biennial budget employee benefits recommendations

9:30 a.m. In the Joe Kelly Butler board room, the Committee of the Whole will consider public school finance recommendations, legislative recommendations, and an analysis of public hearings.

2:45 p.m. In Room 101, the Committee for Instruction, Research, and Evaluation will consider general educational development, readability level designation, meetings, compensatory per diem, and expenses, and a report of the commissioner of education on shortages of sample textbooks in regional education service centers

2:45 p.m. In Room 101-F, the Committee for Investment of the Permanent School Fund will consider approval of an agreement between TEA and the General Land Office, estimated funds available for the June program, a review of securities transactions, a review of the investment portfolio, the recommended investment program for June, and a report of the assistant investment officer

2:45 p.m. In Room 214, the Committee for Teacher Preparation, Support Services, and Litigation/Appeals will consider general content requirements and limitations of textbooks, requirements for the assignment of teachers; reprimand, suspension, cancellation, and reinstatement of certificates or permits; hearings and appeals rules, and a proposed procedure to verify competency for teachers of computer literacy

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 24, 1984, 3:13 p.m.
TRD-845655-845657
845660, 845658,
845659

Saturday, June 2, 1984, 8:30 a.m. The State Board of Education (SBOE) of the Texas Education Agency (TEA) will meet in the Joe Kelly Butler board room, TEA North Building, 1200 East Anderson Lane, Austin. According to the agenda summary, the board will consider an appeal from a decision of the commissioner; agency administration, public school finance; legislative recommendations, certification testing; the Committee for Budgeting, Accounting, and Auditing; the 1983-1984 TEA budget; the SBOE honors list, agendas, travel for SBOE members; the Apprenticeship and Training Committee; general education development; readability level designation; meetings, compensatory per diem, and expenses; a report of the commissioner on shortages of sample textbooks in education service centers; an agreement between TEA and the General Land Office; the permanent school fund available for the June program, general content requirements and limitations, requirements for the assignment of teachers, reprimand, suspension, cancellation, and reinstatement of certificates or permits; hearing and appeals rules; a procedure to verify competency for teachers of computer literacy; and cancellation of the June 9, 1984, SBOE meeting.

Contact: Raymon L. Bynum, 201 East 11th Street, Austin, Texas 78701, (512) 475-3271.

Filed: May 24, 1984, 3:12 p.m.
TRD-845661

Texas Employment Commission

Tuesday, June 5, 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 the 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 23, 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 25, 1984, 4:21 p.m.
TRD-845777

Finance Commission of Texas

Monday, June 4, 1984, 2:30 p.m. The Savings and Loan Section of the Finance Commission of Texas will meet in the Lee Room, Marriott Crystal Gateway Hotel, 1700 Jefferson Davis Highway, Washington, D.C. According to the agenda summary, the section will elect a new chairman, consider proposed amendments to regulations governing investment authority, fees for administrative offices, fees for subsidiaries, investment in and divestitures of subsidiaries, and authorized subsidiary investments, and discuss Savings and Loan Department operations. The section also will meet in executive session in regard to personnel matters

Contact: L. L. Bowman III, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: May 25, 1984, 4:40 p.m.
TRD-845779

Office of the Governor

Thursday, May 31, 1984, 8 a.m. The Waste Reduction Committee of the Governor's Hazardous Waste Task Force of the Office of the Governor met in emergency session in Room 304-T, 12th and Trinity Streets, Austin. According to the agenda, the committee prepared preliminary recommendations for a task force meeting. The emergency status was necessary to complete work begun on May 24 prior to the meeting of the governor's Hazardous Waste Task Force at 10:30 a.m. on May 31, 1984.

Contact: Robert D. Smith, Sam Houston Building, Room 204, 201 East 14th Street, Austin, Texas 78701, (512) 475-4444.

Filed: May 25, 1984, 11:55 a.m.
TRD-845751

Thursday, May 31, 1984. Committees of the State Job Training Coordinating Council of the Office of the Governor met in emergency session at the Granada Royale Hotel, 5901 IH 35 North, Austin. Times, committees, and agendas follow

8:30 a.m. The Planning Committee considered briefings on a Title II B SYEP update, an employment generating service update concerning the state plan for the employment development fund, and PY 1984 and PY 1985 Wagner-Peyser 7(b) funds; conducted a public comment period; and considered action items, including the Wagner-Peyser 7(b) PY 1983 carry over concerning the Texas Conservation Corps, Wagner-Peyser 7(b) proposals, PY 1984 Section 123 (8.0%) funds, Older Workers Program proposals, PY 1984 Title II-A plans, and LMI designee, and Title IV-C, concerning the Veterans Program. The emergency status was necessary because they were unable to reschedule for a date when a quorum of members could be present.

1 p.m. The Worker Adjustment Committee conducted a public comment period; considered updates on the demonstration project status, an Abt, Associates, evaluation, Title III contractor workshops, and the secretary's discretionary projects; and selected a Worker Assistance Center contractor. The emergency status was necessary because they were unable to reschedule for a date when a quorum of members could be present

3 p.m. The Private Sector Committee conducted a public comment period; considered action items, including a working paper on the PIC/CEO partnership agreement and the JTPA market research request for proposal; and considered briefings on the JTPA newsletter, *The Key*, the status of

PIC training, JTPA public service announcements, the governor's business awareness conference, and a report on the PIC questionnaire The emergency status was necessary because they were unable to reschedule for a date when a quorum of members could be present

4 p.m. The Youth Committee conducted a public comment period, considered briefings on a Title II B planning update concerning contracts, planned services and characteristics of participants to be served in 1984, and model programs; and considered the development of a long-term state youth policy. The emergency status was necessary because they were unable to reschedule for a date when a quorum of members could be present

5:45 p.m. The Oversight Committee considered briefings, including committee roles and responsibilities, and a program performance review The emergency status was necessary because they were unable to reschedule for a date when a quorum of members could be present

Contact: Bob McPherson, P O. Box 13561, Austin, Texas 78711, (512) 475-6156.

Filed: May 25, 1984, 10:35 a m
TRD-845730-845732
845729, 845728

Friday, June 1, 1984, 8:30 a.m. The State Job Training Coordinating Council of the Office of the Governor will meet in emergency session at the Granada Royale Hotel, 5901 IH 35 North, Austin. According to the agenda, the council will conduct a public comment period; consider reports from the Planning Committee, the Worker Adjustment Committee, the Private Sector Committee, the Youth Committee, and the Oversight Committee, hear a briefing on CBO-JTPA involvement and a report on communications and reimbursements; consider a presentation from Cletus Michel on the coordination of the El Paso Experience; and discuss the governor's education package, the Texas Association of PICs, and the Texas Association of JTPA Directors The emergency status is necessary because they are unable to reschedule for a date when a quorum of members could be present

Contact: Bob McPherson, P.O. Box 13561, Austin, Texas 78711, (512) 475-6156.

Filed: May 25, 1984, 10:32 a.m.
TRD-845733

Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Friday and Saturday, June 8 and 9, 1984, 8 a.m. Friday and 9 a.m. Saturday. The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at the Wyndham Southpark, 4140 Governor's Row, Austin According to the agenda, on Friday the board will conduct state exams On Saturday, the board will approve the February 17, 1984, minutes, act on examination; review and approve the 1986-1987 budget; appoint the Nominating Committee; and consider committee reports, the executive director's report, the president's report, and a report on future meeting dates.

Contact: Wanda F. Stewart, 510 South Congress Avenue, Suite 104, Austin, Texas 78704, (512) 475-3429.

Filed: May 25, 1984, noon.
TRD-845755

State Board of Insurance

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, June 5, 1984, 9 a.m. In Room 342, the section will consider Docket 7656—whether the surplus lines agent's license held by Bankers Service Insurance Agency, Inc , San Antonio, should be canceled or revoked.

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

Filed: May 25, 1984, 11:40 a.m.
TRD-845759

Wednesday, June 6, 1984, 9 a.m. In Room 353, the section will consider Docket 7660—whether the surplus lines agent's license held by Russell Grace Insurance, Fort Worth, should be canceled or revoked

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

Filed: May 25, 1984, 11:40 a m.
TRD-845758

Wednesday, June 6, 1984, 1:30 p.m. In Room 353, the section will consider Docket 7726—approval of the articles of agreement of Essex Lloyd's Insurance Underwriters, Houston

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

Filed: May 25, 1984, 11:40 a.m.
TRD-845757

Thursday, June 7, 1984, 9 a.m. In Room 342, the section will consider Docket 7661—whether the surplus lines agent's license held by HOUTEX Managing General Agency, Inc., Houston, should be canceled or revoked.

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

Filed: May 25, 1984, 11:40 a.m.
TRD-845756

Thursday, June 7, 1984, 1:30 p.m. In Room 342, the section will consider Docket 7662—whether the surplus lines agent's license held by Gordon Hurst Insurance, Inc , Corpus Christi, should be canceled or revoked.

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

Filed: May 25, 1984, 11:40 a.m.
TRD-845754

Friday, June 8, 1984, 9 a.m. In Room 342, the section will consider Docket 7665—application of Nationwide Mutual Insurance Company, Columbus, Ohio, to acquire control of NGC County Mutual Insurance Company, Waco

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

Filed: May 25, 1984, 11.40 a m
TRD-845753

Friday, June 8, 1984, 9 a.m. In Room 353, the section will reopen a hearing to consider Docket 7608—application of John Stephen Little, Austin, for a legal reserve life insurance agent's license

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

Filed: May 25, 1984, 11:40 a.m.
TRD-845752

Texas Department of Labor and Standards

Friday, June 8, 1984. Divisions of the Texas Department of Labor and Standards will meet in Room 105, E O Thompson Build-

ing, 920 Colorado Street, Austin. Times, divisions, and agendas follow.

9 a.m. The Manufactured Housing Division will consider a variance request for local manufactured housing in San Angelo.

1 p.m. The Labor/Licensing and Enforcement Division will consider license and regulation revocations, suspensions, and alleged violations of various boxing rules and regulations of the department.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-0155.

Filed: May 29, 1984, 9:47 a.m.
TRD-845784

Legislative Budget Board

Wednesday, May 30, 1984, 10 a.m. The Legislative Budget Board met in emergency session in Room 309, State Capitol, Austin. According to the agenda summary, the board reviewed the governor's proposals to the second called session of the 68th Legislature and any other business. The emergency status was necessary because of the necessity to have a meeting prior to the convening of the second called session on June 4, 1984, which was called May 25, 1984.

Contact: Jim Oliver, State Capitol, Room 207-A, Austin, Texas, (512) 475-3426.

Filed: May 25, 1984, 4:23 p.m.
TRD-845778

Texas State Library and Archives Commission

Wednesday, June 6, 1984, 2 p.m. The Records Management and Preservation Advisory Committee will meet in the Lorenzo de Zavala Archives and Library Building, 12th and Brazos Streets, Austin. According to the agenda, the committee will approve the May 15, 1984, minutes, discuss findings and results of the needs assessment survey, and consider other business.

Contact: M. Allen Nafi, 1811 Airport Boulevard, Austin, Texas 78711, (512) 475-0851.

Filed: May 25, 1984, 9:56 a.m.
TRD-845727

Polygraph Examiners Board

Wednesday, June 13, 1984, 9 a.m. The Polygraph Examiners Board will meet at the Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin. According to the agenda, the board will conduct and grade the licensing examination and consider and act upon any other polygraph-related business which may come before the board.

Contact: Candy Moore, P.O. Box 4083, Austin, Texas 78773, (512) 465-2058.

Filed: May 24, 1984, 3:07 p.m.
TRD-845651

State Property Tax Board

Friday, June 8, 1984, 9 a.m. The State Property Tax Board will meet in the conference room, 9501 IH 35 North, Austin. Items on the agenda include approval of the April 9, 1984, minutes; budget amendments and transfers for fiscal year 1984; the proposed budget for fiscal year 1985; the proposed budget request for the 1986-1987 biennium; the final report on the appraisal district portion of the 1983 property value study, and the status report on the school district portion of the 1983 property value study.

Contact: Ron Patterson, 9501 IH 35 North, Austin, Texas, (512) 837-8622.

Filed: May 24, 1984, 3:46 p.m.
TRD-845671

Public Utility Commission of Texas

Monday, June 11, 1984, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will conduct a hearing on interim relief in Docket 5738—inquiry into the operations of Taylor Water Company.

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

Filed: May 25, 1984, 2:42 p.m.
TRD-845765

Addition to the previous agenda.

A prehearing conference in Docket 5738—inquiry into the operations of Taylor Water Company.

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

Filed: May 29, 1984, 9:47 a.m.
TRD-845792

The Hearings Division of the Public Utility Commission of Texas will conduct regional hearings in Docket 5547—application of Southwestern Bell Telephone Company for approval of optional local measured service and lifeline residence service tariffs. Days, times, and locations follow.

Monday, June 11, 1984, 3:30 p.m. Lower concourse meeting room, Houston Downtown Library, 500 McKinney, Houston.
Monday, June 18, 1984, 3:30 p.m. City council chambers, Military Plaza, San Antonio.
Friday, June 29, 1984, 3:30 p.m. City council chambers, 1500 Marilla, Dallas.
Friday, July 6, 1984, 2 p.m. and 6:30 p.m. City council chambers, Two Civic Center Plaza, El Paso.
Thursday, July 12, 1984, 3:30 p.m. City council chambers, 509 East Seventh Avenue, Amarillo.
Monday, July 16, 1984, 3:30 p.m. City council chambers, 411 West Eighth, Odessa.
Friday, July 20, 1984, 3:30 p.m. City council chambers, 118 East Tyler, Harlingen.

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

Filed: May 29, 1984, 9:48 a.m.
TRD-845791, 845790, 845785-845789

Railroad Commission of Texas

Monday, June 4, 1984, 9 a.m. Divisions of the Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. Divisions and agendas follow.

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: May 25, 1984, 10:54 a.m.
TRD-845738

The Automatic Data Processing Division will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: May 25, 1984, 10:57 a.m.
TRD-845745

The Flight Division will consider and act on the division director's report on division ad-

ministration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103

Filed: May 25, 1984, 10:57 a.m
TRD-845749

The Gas Utilities Division will consider various matters falling within the division's regulatory jurisdiction

Contact: Lucia Sturdevant, P O Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: May 25, 1984, 10.55 a m.
TRD-845739

The Office of Information Services will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Brian W Schaible, P O Drawer 12967, Austin, Texas 78711

Filed: May 25, 1984, 10:57 a.m
TRD-845747

The LP-Gas Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: May 25, 1984, 10.54 a.m.
TRD-845737

The Oil and Gas Division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: May 25, 1984, 10 56 a.m
TRD-845744

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Madalyn J Girvin, P O. Drawer 12967, Austin, Texas 78711, (512) 445-1209.

Filed: May 25, 1984, 10:56 a.m.
TRD-845742

Consideration of Oil and Gas Docket 8-81,990—application of Tenneco Oil Company for temporary field rules for the Gomez (Wolfcamp upper) field, Pecos County, and consideration of Oil and Gas Docket 8A-81,991—application of Amoco Production Company for tertiary certification of the Frazier Project area in the Slaughter Field, Hockley and Terry Counties.

Contact: Grace Klement, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1292.

Filed: May 25, 1984, 10.56 a.m.
TRD-845743

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: Herman L Wilkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: May 25, 1984, 10:55 a m.
TRD-845741

The Office of Research and Statistical Analysis will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O Drawer 12967, Austin, Texas 78711

Filed: May 25, 1984, 10.57 a m
TRD-845746

The Office of the Special Counsel will consider and act on the division director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters

Contact: Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: May 25, 1984, 10 57 a.m
TRD-845748

The Surface Mining and Reclamation Division will consider proposed amendments to surface coal mining regulations regarding effluent limitations, prime farmland, and certain definitions, the proposed repeal of Section .623 regarding alternative soil removal and stockpiling for prime farmland, the bonding requirements for the revision by the Lower Colorado River Authority for its Powell Bend Mine in Docket 16-A, a motion for rehearing, and approval of the permit revision; and consider and act on the division director's report on division administration, budget, procedures, and personnel matters

Contact: J Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751

Filed: May 25, 1984, 10 54 a m.
TRD-845736

The Transportation Division will consider various matters falling within the commission's transportation regulatory jurisdiction.

Contact: Mike James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: May 25, 1984, 10:55 a.m.
TRD-845740

Wednesday, June 20, 1984, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas will meet at the Kiva Inn, Wichita Falls. According to the agenda summary, the division will conduct a statewide oil and gas hearing.

Contact: Paula C. Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1297.

Filed: May 25, 1984, 10:58 a.m.
TRD-845750

Texas Rehabilitation Commission

Friday, June 8, 1984, 9:30 a.m. The Board of the Texas Rehabilitation Commission will meet at 118 East Riverside Drive, Austin. Items on the agenda summary include communications; approval of the March 16, 1984, minutes; the commissioner's report on operations; the deputy commissioner's reports on administrative and support services, the Vocational Rehabilitation Program, and the Disability Determination Division; and new business, including election of a vice-chairperson, a fiscal report, and approval of the revised rules of the Texas Rehabilitation Commission. The board also will meet in executive session

Contact: Vernon H Newman, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126

Filed: May 24, 1984, 3:08 p.m.
TRD-845654

Texas Savings and Loan Department

Monday, June 4, 1984. The Texas Savings and Loan Department will meet at 1004 Lavaca Street, Austin. Times and agendas follow.

10 a.m. A hearing to call all applications on the agenda and, if no protest is registered and existing when called, further hearing will be dispensed with. If protest is registered and existing when called, hearing on the application(s) will be continued to a later date.

2 p.m. Accumulation of a record of evidence in regard to the application of New Heights Savings Association, 5 Greenway Plaza, Houston, Harris County, for an interim charter; and the application of New Heights Savings Association and Heights Savings Association for approval to merge, from which record the commissioner shall determine whether to grant or deny the application(s).

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991.

Filed: May 25, 1984, 2:51 p.m.
TRD-845768, 845767

School Land Board

Tuesday, June 5, 1984, 10 a.m. The School Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Items on the agenda include approval of the previous board meeting minutes, pooling applications, pooling agreement amendments, good faith claimant applications, excess acreage applications, and easement applications for coastal public lands.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 835, Austin, Texas 78701, (512) 475-4307.

Filed: May 25, 1984, 1:17 p.m.
TRD-845760

Teacher Retirement System of Texas

Thursday, June 7, 1984, 1 p.m. The Building Committee of the Teacher Retirement System of Texas will meet in the Houstonian Hotel, 111 North Post Oak Lane, Houston. According to the agenda, the committee will meet in executive session to discuss a possible real estate transaction.

Contact: Mary Godzik, 1001 Trinity Street, Austin, Texas 78701, (512) 397-6400.

Filed: May 25, 1984, 9:43 a.m.
TRD-845725

State Commission on Standards for the Teaching Profession

Friday, June 8, 1984, 8:30 a.m. The Committee on Certification Programs and Requirements of the State Commission on Standards for the Teaching Profession will meet in Room 105, Texas Education Agency North Building, 1200 East Anderson Lane, Austin. According to the agenda, the committee will continue the study of requirements for professional certificates.

Contact: Edward M. Vodicka, 201 East 11th Street, Austin, Texas 78701, (512) 834-4042.

Filed: May 25, 1984, 4:12 p.m.
TRD-845773

University of Texas System

Wednesday, May 30, 1984, 10 a.m. The Board of Regents of the University of Texas System met in the regents' meeting room, ninth floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the board met in both open and executive session to consider personnel matters related to the election and employment of a chancellor.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713, (512) 471-1265.

Filed: May 25, 1984, 2:21 p.m.
TRD-845764

University Interscholastic League

Tuesday, May 29, 1984, 10 a.m. The Advisory Committee on Illegal Sex Discrimination of the University Interscholastic League met in emergency session at the Thompson Conference Center, 26th and Red River Streets, University of Texas campus, Austin. According to the agenda summary, the committee heard input regarding gender-based rules and recommended that rules be in accordance with all laws and accepted practice. The emergency status was necessary because the meeting time could not be previously determined due to staff study of underlying issues and the necessity to coordinate with the Standing Committee on Athletics.

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: May 25, 1984, 9:24 a.m.
TRD-845723

Wednesday, May 30, 1984, 9 a.m. The Standing Committee on Athletics of the University Interscholastic League met in emergency session in Room 3.102, Thompson Conference Center, 26th and Red River Streets, University of Texas campus, Austin. According to the agenda summary, the committee heard proposals from educational associations, school officials, and individuals that are applicable to athletic matters and took appropriate action in preparation for the October Legislative Council meeting. The emergency status was necessary because the meeting time could not be previously determined due to the number of persons coming from different parts Texas and due to the unavailability of a special report from an advisory committee reporting on an immediate deadline.

Contact: Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, (512) 471-5883.

Filed: May 25, 1984, 9:25 a.m.
TRD-845724

Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Tuesday, June 5, 1984, 10 a.m. The commission will consider water district applications for bond issues, use of surplus funds, release from escrow, setting of district creation hearings, water quality proposed permits, amendments and renewals, and the filing and setting of hearing dates.

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

Filed: May 24, 1984, 3:42 p.m.
TRD-845662

Tuesday, June 5, 1984, 2 p.m. The commission will consider Application 4048A by Ellis Gordon Marshall and Jean McNeir Marshall for an amendment to Permit 3762 for water use in the Brazos River Basin for irrigation purposes, and Application 4949A by Vaughn Baird for an amendment to Permit 3763 for water use in the Brazos River Basin, Bell County.

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

Filed: May 24, 1984, 3:42 p.m.
TRD-845664

Monday, June 11, 1984, 2 p.m. The commission will consider an application by the Lower Colorado River Authority for proposed Permit 02632 to authorize discharge of treated domestic effluent, mine water, and surface water runoff, Colorado River Basin, Bastrop County.

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

Filed: May 24, 1984, 3:44 p.m.
TRD-845667

Tuesday, June 12, 1984, 2 p.m. The commission will consider Application 3811A of Ruby Lee Gerdes, trustee, *et al*, for an amendment to Permit 3539, Brazos River Basin, Milam County, and an application by Charles Jackson, *et al*, doing business as Dove Estates Joint Venture, for proposed Permit 12801-1 to authorize discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 37,000 gallons per day from the proposed Dove Estates Wastewater Treatment Plant, Trinity River Basin, Tarrant County

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

Filed: May 24, 1984, 3.44 p.m
TRD-845668

Wednesday, June 13, 1984, 10 a.m. The commission will consider Application 4226 of Super Six, Inc , for a permit to authorize the applicant to maintain an existing dam and reservoir on North Bosque River, Brazos River Basin, for irrigation use in Erath County, and an application by Seabrook Seafoods, Inc , for renewal and amendment of Permit 02078, Galveston County.

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

Filed: May 24, 1984, 3:43 p m
TRD-845666

Thursday, June 14, 1984, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin According to the agenda, the commission will consider Application 4106 of the Texas Parks and Wildlife Department to authorize the direct diversion of not to exceed 25 acre-feet of water per annum from the Guadalupe River, Guadalupe River Basin, for municipal purposes in supplying potable water for the Guadalupe River State Park in Kendall and Comal Counties.

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

Filed: May 24, 1984, 3:43 p.m.
TRD-845665

Thursday, July 12, 1984, 9 a.m. The Texas Water Commission will meet in the Aransas County courtroom, 301 North Live Oak, Rockport According to the agenda summary, the commission will consider the following applications.

Application of Annie Marie Galindo, P.O Box 787, Sinton, Texas 78387, to the Texas Department of Water Resources for proposed Permit 12843-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 20,000 gallons per day from the proposed wastewater treatment plant which will provide sewage treatment facilities for a proposed 80-unit mobile home park

Application of Robert Cagle, 8939 Westheimer, Suite 310, Houston, Texas 77063, to the Texas Department of Water Resources for proposed Permit 12886-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 35,000 gallons per day from a proposed wastewater treatment plant which is to serve the needs of a proposed single and multifamily residential development

Contact: Carl X Forrester, P.O Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: May 24, 1984, 3 44 p m
TRD-845669, 845670

Texas Youth Commission

Monday, June 4, 1984, 5 p.m. The Board of the Texas Youth Commission made an addition to the agenda of a meeting to be held in the club room, Inn of the Hills, Kerrville The addition concerned a presentation by Dr George Willeford concerning nutritional consultant approval

Contact: Ron Jackson, P O. Box 9999, Austin, Texas 78766

Filed: May 24, 1984, 1:39 p.m
TRD-845648

Regional Agencies

Meetings Filed May 24

The Deep East Texas Council of Governments, Board of Directors, met at the Lufkin Civic Center, Lufkin, on May 31, 1984, at 1:30 p m Information may be obtained from Rhonda Ruckel, P O Drawer 1170, Jasper, Texas, (409) 384-5704

The Hockley County Appraisal District, Appraisal Review Board, met at 913 Austin Street, Levelland, on May 29, 1984, at 10 a m Information may be obtained from Keith Toomire, P.O Box 1090, Levelland, Texas 79336, (806) 894-9654

The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of Directors, will meet in Room 216, Federal Building, 401 East Second Street, Alice, on June 4, 1984, at 2 p.m. Information may be obtained from Wilbur F. Erck, Route 2, Box 325, Alice Texas, 78332, (512) 664-1325.

The Trinity River Authority, Executive Committee, met at 5300 South Collins, Arlington, on May 30, 1984, at 11 a.m. Information may be obtained from J Sam Scott, P.O Box 60, Arlington, Texas 76004-0060, (817) 467-4343.

The Trinity River Industrial Development Authority, Board of Directors, will meet at 5300 South Collins, Arlington, on June 1, 1984, at 11 a.m Information may be obtained from Ramona A Winer, P O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Tyler County Tax Appraisal District, Appraisal Review Board, met at 1004 West Bluff, Woodville, on May 30, 1984, at 3 p.m. Information may be obtained from Mary F. Mann, 1004 West Bluff, Woodville, Texas 75979, (409) 283-3736.
TRD-845646

Meetings Filed May 25

The Angelina and Neches River Authority Industrial Development Corporation, Board of Directors, submitted an emergency revised agenda for a meeting held 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, (409) 632-7795

The Brown County Appraisal District will meet at 403 Fisk Avenue, Brownwood, on June 4, 1984, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676

The Region IV Education Service Center, Board of Directors, will meet in the boardroom, 7200 West Tidwell, Houston, on June 12, 1984, at 6 p.m Information may be obtained from Tom Pate, Jr , P O. Box 863, Houston, Texas 77001, (713) 462-7708.

The Central Appraisal District of Erath County, Appraisal Review Board, will meet at 1191 South Loop, Stephenville, on June 4, 5, 7, and 11, 1984, at 10 a m daily The Board of Directors will meet at the same location on June 7 and 9, 1984, at the same time Information may be obtained from Trecia Perales or Jim Bachus, P O Box 94, Stephenville, Texas, (817) 965-5434.

The Kendall County Appraisal District, Board of Review, will meet at 207 East San Antonio Street, Boerne, on June 5, 1984, at 2 p.m. Information may be obtained from Sue R. Wiedenfeld, P O Box 788, Boerne, Texas 78006, (512) 249-8012.

The Texas Municipal Power Agency, Audit and Budget Committee, met at the Bryan Utilities Building, 300 South Washington, Bryan, on May 30, 1984, at 7:45 p.m. The Board of Directors met at the Administration Building, Gibbons Creek Steam Electric Station, FM Road 244, 2½ miles north of Carlos, on May 31, 1984, at 9 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The South Plains Health Provider Organization, Inc., Board, met at 715 Amarillo, Plainview, on May 31, 1984, at 8 p.m. Information may be obtained from J. Sylvia Cuevas, 2801 West Eighth, Plainview, Texas 79072, (806) 293-8561.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 1004 West Bluff, Woodville, on June 4, 1984, at 7 p m. Information may be obtained from Mary F Mann, P.O Drawer 9, Woodville, Texas, (409) 283-3736.

The Upshur County Appraisal District, Appraisal Review Board, will meet at the district office, Warren and Trinity Streets, Gilmer, on June 5 and 14, 1984, at 8:30 a.m. daily. Information may be obtained from Louise Stracener, P O Box 31, Gilmer, Texas 75644, (214) 843 3041

TRD-845735

Meetings Filed May 29

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on June 4, 1984, at 5 p m Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511

The Hockley County Appraisal District, Board of Directors, will meet at 913 Austin, Levelland, on June 4, 1984, at 7 p.m. Information may be obtained from Keith Toomire, P O Box 1090, Levelland, Texas 79336, (806) 894-9654.

TRD-845780

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Texas Air Control Board
Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of May 14-18, 1984

Information relative to the following applications listed, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the Air Quality Control Region within which the proposed facility will be located

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available), permit numbers, and type of application—new source or modification

Heldenfels Brothers, Inc , Corpus Christi, hot mix asphalt plant, 6233 Hopkins Road, 7819A; modification

Dubrook, Inc , Spring, hot mix asphalt plant; 2222 Spring-Stuebner; 9469, new source

Cogen Lyondell, Inc , Channelview, cogeneration project with supplemental firing; 2330 Sheldon Road, 9470, new source

Amber Refining, Inc , Fort Worth, sour water stripper facilities, Northeast 28th and Sylvania Street, 9471; new source

James L Lamb, Jr , Big Lake, gas sweetening plant; Big Lake plant; 9472; new source

McMoran Exploration Company, Alba; Feeny-Hill 1 gas well test; Alba, Rains County; 9473; new source

Jetco Chemicals, Inc., Corsicana; nitriles plant; Highway 31; 9474; new source

Southwest Metal Technology, Inc., Coppell; paint line; Coppell, Dallas County; 9475; new source

Gates Molded Products Company, Division of Gates Rubber, Brenham; manufacture of molded rubber goods; Highway 290 and FM 389; 8156A; modification

Alumax Mill Products, Inc , Nash; aluminum rolling mill; Brindly Road; 9476; new source

Synpol, Inc., Port Neches; debottleneck rubber Lines 3 and 4; 1215 Main Street; 9477; new source

Boyles Galvanizing Company, Houston; hot dip galvanizing kettle; 5910 Cunningham Road; 8596A, modification

Issued in Austin, Texas, on May 18, 1984

TRD-845618 John B Turney
Director, Legal Division
Texas Air Control Board

Filed May 23, 1984
For further information, please call (512) 451-5711, ext 351

Comptroller of Public Accounts
Gasoline and Alcohol Mixture
Determination of Credits Allowable for the Months of July, August, and September 1984

Pursuant to the Tax Code, §153.123, the Comptroller of Public Accounts is required to publish the maximum

credit against the gasoline tax allowable for the first sale or use of gasoline and alcohol mixture blended from products produced in a state allowing a reciprocal credit for Texas-produced products.

The Comptroller of Public Accounts has determined that $ 05 per gallon credit for the first sale or use of gasoline and alcohol mixture blended with alcohol produced in Texas or from Texas products will be available for the months of July, August, and September 1984.

The maximum credit allowed to be claimed for the first sale or use in July, August, and September 1984 of a gasoline and alcohol mixture blended from alcohol produced outside Texas and not from Texas produced products will be $ 05 per gallon if from one of the following states: Alaska, Illinois, Kansas, and Nebraska.

Based on the credit allowed by the following states, the maximum allowed by Texas will be: Florida, North Dakota, South Dakota, and Wyoming—$ 04 per gallon; Alabama—$ 03 per gallon; Iowa—$ .02 per gallon; Washington—$ 016 per gallon; Nevada and North Carolina—$ 01 per gallon.

No credit will be allowed for mixtures containing alcohol produced outside the United States or in those states which do not allow credit or exemption for Texas-produced alcohol.

Inquiries should be directed to the Tax Administration Division, Tax Policy Section, Comptroller of Public Accounts, Austin, Texas 78774, (512) 475-1930 or (800) 252-5555.

Issued in Austin, Texas, on May 25, 1984.

TRD-845680 Bob Bullock
Comptroller of Public Accounts

Filed: May 25, 1984
For further information, please call (512) 475-1922

Texas Department of Health
Intent to Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration 5-06789, issued to Dale T. Lillie, for the following reasons:

(1) In accordance with *Texas Regulations for Control of Radiation* (TRCR), Part 42 6, Certificate of Registration 5-06789 expired August 31, 1983. The registrant has not submitted to the department a request to renew the certificate of registration.

(2) The registrant failed to respond to a certified letter from the department dated June 17, 1983.

(3) An agency attempt to perform an inspection on December 6, 1983, was unsuccessful. The agency determined that the registrant no longer resides at 4611 Larkhill, Dallas, Texas 75211. The registrant has not notified the agency of a change of address as required by Condition 1 of the certificate of registration and TRCR Part 42.8.

All attempts by the department to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration issued to Dale T. Lillie be revoked immediately.

This notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Director, Radiation Control Program, 1100 West 49th Street, Austin, Texas 78756. Should no request for a public hearing be timely filed, the certificate of registration will be revoked 14 days after the end of the 30-day period of notice.

Issued in Austin, Texas, on May 24, 1984.

TRD 845652 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 24, 1984
For further information, please call (512) 835-7000

Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the following table. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Houston	Jerry Quinn, D P M	11 3635	Houston	0	04 24 84
Port Lavaca	Champ Traylor Memorial Hospital	08 3637	Port Lavaca	0	04 24 84
Quanah	Hardeman County Memorial Hospital	04 3638	Quanah	0	05 02 84
Scaly	Brazos Valley Hospital	11 3661	Scaly	0	05 02 84
Throughout Texas	Testmasters Inc	11 3651	Houston	0	05 01 84
Throughout Texas	Acro Pipe Inspection Inc	12 3581	Gardendak	0	04 30 84
Throughout Texas	Tri San Inspection, Inc	08 3577	Corpus Christi	0	05 03 84
Throughout Texas	Hercules Engineering and Testing Services Inc	11 3642	Houston	0	05 08 84

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Abilene	Radiology Associates	04 339	Abilene	44	04 24 84
Alpine	Sul Ross State Univ Dept of Geology	03-2856	Alpine	3	04 25 84
Arlington	The University of Texas at Arlington	05 248	Arlington	17	05 02 84
Baytown	Humana Hospital-Baytown	11 2462	Baytown	4	04 24 84
Bishop	Celanese Chemical Company	08 3082	Bishop	6	05 01 84
Brum	Westinghouse Electric Corporation	08-2537	Brum	18	05 01 84
Corpus Christi	Tracerco Corporation	11 3096	South Houston	17	04 27 84
Dallas	Mobil Exploration and Producing Services, Inc	05-1627	Dallas	23	05 01 84
Dallas	Dallas Water Utilities	05-1685	Dallas	4	04 18 84
Dallas	Lutheran Medical System	05-2314	Dallas	12	04 17 84
Denison	Conway Oil Company	08 3553	Denison	1	05 01 84
Dumas	Halliburton Services	07-1835	Tyler	21	05 07 84
Graham	Graham General Hospital	04-3271	Graham	2	05 09 84
Hearne	Robertson County Community Hospital	06 3564	Hearne	2	03 16 84
Houston	Homco International, Inc	11-2827	Houston	6	05 01 84
Houston	SDS Biotech Corporation	11 3521	Houston	2	05 01 84
Houston	Forscan Corporation	11-2866	Houston	4	04 19 84
Houston	Tracerco Corporation	11 3096	South Houston	17	04 27 84
Houston	Getty Oil Company	11 2758	Houston	4	05 10 84
Lubbock County	Eli Lilly and Company	00 2456	Indianapolis IN	6	05 02 84
Odessa	R A Services, Inc	12 3010	Odessa	7	04 30 84
Pasadena	Tracerco Corporation	11 3096	South Houston	17	04 27 84
Sweetwater	Genstar Building Materials Company	04 1144	Sweetwater	9	05 01 84
Throughout Texas	Geoponics	01-3019	Amarillo	2	05 01 84
Throughout Texas	Injection Engineering Services	12 141	Midland	19	05 01 84
Throughout Texas	BJ-Hughes, Inc	11-736	Houston	39	04 30 84
Throughout Texas	Computer Logging, Inc	09-3187	Karnes City	1	04 25 84
Throughout Texas	Bell Petroleum Surveys	12-307	Midland	30	04 30 84
Throughout Texas	Gearhart Industries, Inc	05-442	Fort Worth	59	04 26 84
Throughout Texas	El Paso Engineering and Testing, Inc	03-1567	El Paso	14	04 20 84
Throughout Texas	Texaco Inc	11 247	Bellaire	45	04 27 84
Throughout Texas	Metis, Inc	11 928	Houston	80	05 01 84
Throughout Texas	Weldtest, Inc	10-3560	Port Arthur	2	05 01 84
Throughout Texas	Professional Service Industries, Inc	11 931	Oak Brook, Il	57	04 24 84
Throughout Texas	Petroleum Instruments Division	06 3344	College Station	2	04 24 84
Throughout Texas	Superior Production Logging, Inc	04 1983	Snyder	22	05 01 84
Throughout Texas	Pengo Wireline	05 3079	Fort Worth	16	05 01 84
Throughout Texas	Littlebit Wireline Service	10 3168	Lumberton	2	05 10 84
Throughout Texas	Permian Industrial X Ray Inc	12 2835	Odessa	13	05 11 84
Throughout Texas	Component Sales and Service	11 2243	Houston	6	05 10 84
Webster	Humana Hospital Clear Lake	11 1680	Webster	17	05 10 84
Throughout Texas	Bay Area X Ray & Inspection Co Inc	11 2912	Manvel	5	05 04 84
Throughout Texas	Gearhart Industries Inc	05 3284	Alvarado	5	05 07 84
Throughout Texas	Gearhart Industries Inc	05 2113	Fort Worth	33	05 07 84

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Houston	Rice University	11 631	Houston	12	05 09 84
Thorndale	Anderson Clayton and Co	06 2367	Thorndale	2	04 23 84

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
San Marcos	Rex W Cole M D	06 2767	San Marcos	2	05 01 84
Throughout Texas	DATALOG Inc	09 3208	Seguin	1	04 25 84

In issuing new licenses and amending and renewing existing licenses, the Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment, the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county, and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation A licensee, applicant, or "person affected" may request a hearing by writing David K Lacker, Chief, Bureau of Radiation Control (Director, Texas Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday through Friday (except holidays).

Issued in Austin, Texas, on May 24, 1984.

TRD-845653 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: May 24, 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.

Christian Care Centers, Inc., doing business as Lakewood Village Medical Center, Fort Worth
AN82-0526-013A(051684)
CN/AMD—Request for an amendment of Certificate of Need AN82-0526-013, which authorized the certificate holder to construct, equip, and operate a 30-bed skilled nursing facility, including 7,013 square feet, as part of a retirement village containing 400 apartment units. The certificate holder requests to extend the completion deadline from March 31, 1984, to October 11, 1984.

Nu-Med Medical Management, Inc., a Texas corporation, acting as general partner for a to-be-formed limited partnership, El Paso
AO84-0514-298
NIE—Request for a declaratory ruling that a certificate of need is not required for a limited partnership composed of Nu-Med Medical Management, Inc., a Texas corporation, acting as general partner, and to-be-determined limited partners, to acquire by purchase a nuclear magnetic resonance imaging unit to be located in an office building at 1600 Lee Trevino, Suite D-3, El Paso.

Lubbock Imaging Clinic, Ltd., for Lubbock Imaging Clinic, Lubbock
AO84-0518-302
NIE—Request for a declaratory ruling that a certificate of need is not required for Lubbock Imaging Clinic to acquire by purchase the following equipment: a computerized tomographic system (T-350) and a 1.5 T nuclear magnetic resonance unit. The equipment will be located in a building at 4401 Brownfield Highway, Lubbock.

Imaging Clinic—Irving, Ltd., for Imaging Clinic—Irving, Irving
AO84-0518-303
NIE—Request for a declaratory ruling that a certificate of need is not required for Imaging Clinic—Irving to acquire by purchase the following equipment: radiographic X-ray system with tomographic capabilities, auto alternator automatic film display system; radiographic/fluoroscopic System 3 with 14/10/6-inch image intensifier, digital vascular imaging system; darkroom system, mammographic X-ray system, computerized tomographic system, ultrasound system, 1.5 T nuclear magnetic resonance unit, and nuclear medicine xeroxmammography. The equipment will be located in a building located at 3600 West Airport Freeway, Irving.

Hermann Hospital, Houston
AH84-0518-304
NIR—Request for a declaratory ruling that a certificate of need is not required for Hermann Hospital to develop a research project involving the establishment of a magnetic resonance imaging (MRI) facility in a to-be-constructed facility, which will have the capacity to house two 1.5 gauss magnets, on the Hermann Hospital campus; and to acquire one General Electric 1.5 gauss permanent magnet. The proposed MRI facility will not affect

patient care charges, increase the bed license or bed capacity, or change the services offered at Hermann Hospital

Issued in Austin, Texas, on May 25, 1984

TRD-845726 John R Neel
General Counsel
Texas Health Facilities Commission

Filed: May 25, 1984
For further information, please call (512) 475-6940.

Railroad Commission of Texas
Public Hearing

The Railroad Commission of Texas will conduct a public hearing on the application of Energy Transportation Systems, Inc. (ETSI), 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 begin at 9 a.m. daily on June 19-22, 1984, in the county courtroom, Wilbarger County Courthouse, Vernon, and 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 Wilbarger, Wichita, and Archer 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 Wilbarger, Wichita, and Archer 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 24, 1984

TRD-845722 Walter Earl Lilie
Special Counsel
Railroad Commission of Texas

Filed: May 25, 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 Sesquicentenial 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.

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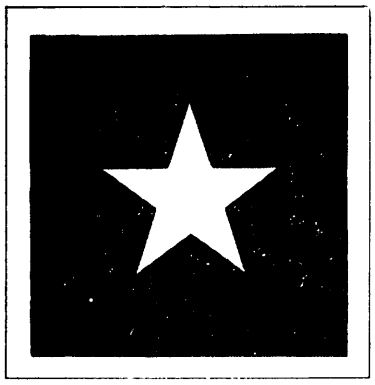

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