

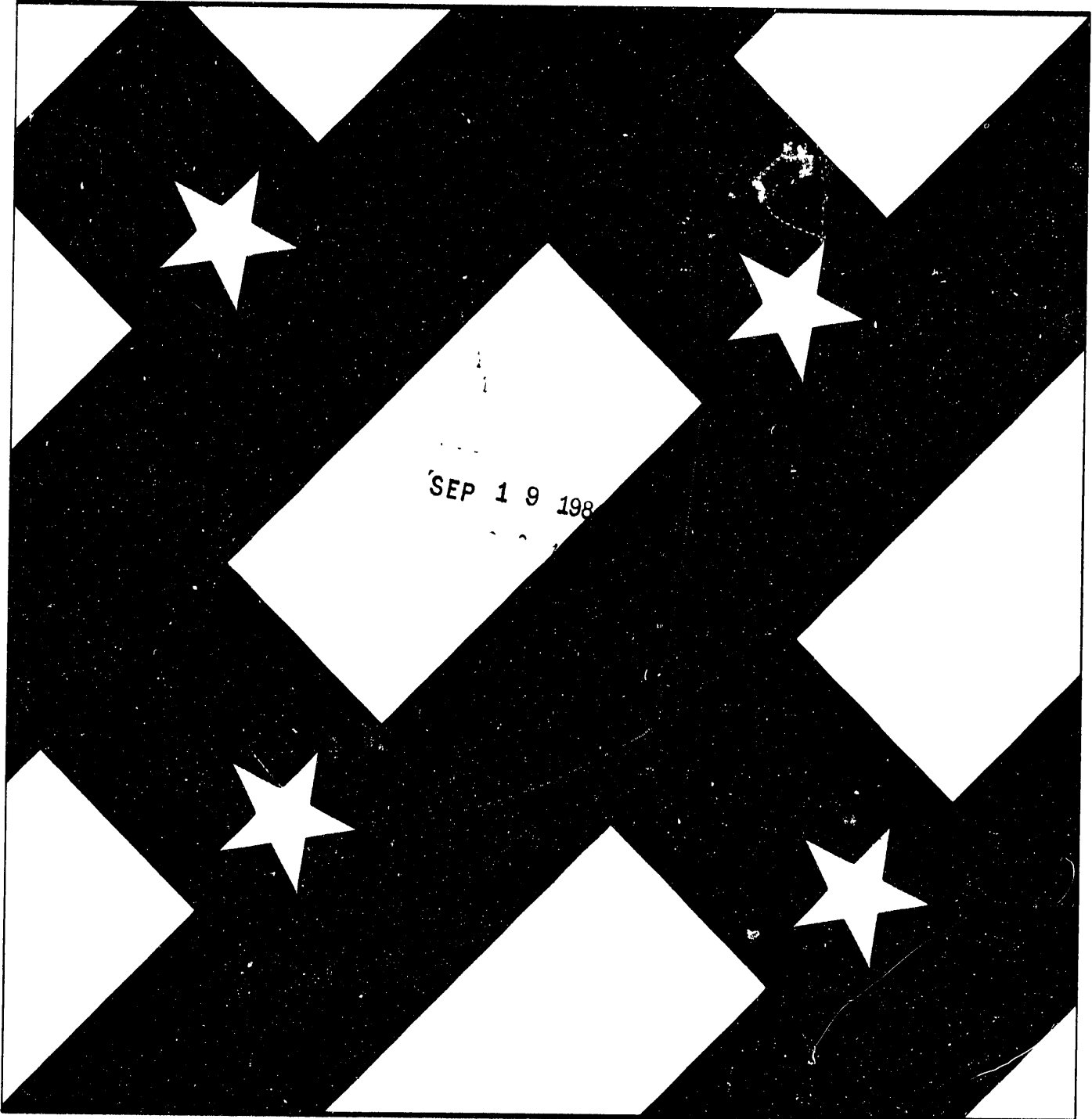
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Texas Register

Volume 9, Number 69, September 14, 1984

Pages 4843 - 4898



Highlights

The Texas Department of Community Affairs adopts on an emergency basis an amendment concerning allocation of program funds
 Effective date - September 6 page 4851

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency

basis an amendment concerning the basic training course.
 Effective date - September 6 page 4851

The Texas Parks and Wildlife Department adopts on an emergency basis an amendment concerning statewide hunting and fishing
 Effective date - September 5 page 4853

**Office of
 the Secretary
 of State**

Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1984 with the exception of January 28, July 10, November 27, and December 28, by the Office of the Secretary of State.

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "9 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).



Texas Register Publications

a division of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-475-7886

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Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

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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.

The Governor

Appointments Made August 31

33rd Judicial District

To be district attorney for the 33rd Judicial District, Blanco, Burnet, Llano, Marion, and San Saba Counties, until the next general election and until his successor shall be duly elected and qualified:

Sam Oatman
815 Berry Street
Llano, Texas 78643

Mr. Oatman is replacing Louis M. Crump of San Saba, who resigned.

Battleship Texas Commission

For a term to expire February 1, 1985:

Robert M. Ewing
4430 Arcady
Dallas, Texas 75205

Mr. Ewing is being appointed to this created authority pursuant to House Bill 586, 68th Legislature, 1983.

Issued in Austin, Texas, on August 31, 1984.

TRD-849105 Mark White
Governor of Texas

Appointments Made September 5

Advisory Hospital Council

For a term to expire July 17, 1987:

Wheeler B. Lipps
5013 Royalton Drive
Corpus Christi, Texas 78413

Mr. Lipps is replacing Arthur L. McElmurry of Texarkana, whose term expired.

Texas Board of Irrigators

For terms to expire January 31, 1989:

Herman R. Johnson, Sr
6025 Lost Creek Drive
Corpus Christi, Texas

Mr. Johnson is replacing Henry Alford of Dallas, whose term expired.

Samuel Dale Ousley
3921 Monticello
Fort Worth, Texas 76107

Mr. Ousley is being reappointed.

State Rural Medical Education Board

For terms to expire February 27, 1990:

Billie Marie Veach
P.O. Box 463
Burnet, Texas 78611

Ms. Veach is being reappointed.

Richard M. Hall, D.O.
305 Duke Street
Eden, Texas 76837

Dr. Hall is replacing Dr. John H. Boyd of Eden, whose term expired.

Issued in Austin, Texas, on September 5, 1984.

TRD-849144 Mark White
Governor of Texas

Appointments Made September 6

Lamar University

To the Board of Regents for a term to expire October 4, 1985:

Regina Rogers
121 North Post Oak, #2401
Houston, Texas 77024

Ms. Rogers is replacing W. Donham Crawford of Beaumont, who is deceased.

269th Judicial District

To be judge of the 269th Judicial District, Harris County, until the next general election and until his successor shall be elected and duly qualified:

Henry E. Allee
12831 Coolgreene
Houston, Texas 77013-4509

Mr. Allee is replacing Judge Alvin Zimmerman of Houston, who resigned.

Motorcycle Operator Training and Safety Advisory Committee

Representing the State Department of Highways and Public Transportation for a term to continue at the pleasure of this governor:

Bob Williams
Director of Fiscal and Planning
Traffic Safety Section
State Department of Highways and Public
Transportation
Austin, Texas 78701

Representing the Central Education Agency for a term
to continue at the pleasure of this governor:

Gene Wilkins
Specialist in Safety and Driver Education
Texas Education Agency
Austin, Texas 78701

Representing the Motorcycle Safety Foundation for a
term to continue at the pleasure of this governor:

Fred Barney
320 Hillview
Hurst, Texas 76053

Representing the Texas Department of Public Safety for
a term to continue at the pleasure of this governor:

Lorrie Laing
Program Specialist
Motorcycle Operator Training Section
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773

Representing motorcyclists, for terms to continue at the
pleasure of this governor:

Carlos D. Gonzalez
P.O. Box 167
Orange Grove, Texas 78372

Jean Hudgins
P.O. Box 243
Baycliff, Texas 77518

Georgie Bond
1401 St. Edwards Drive, #121
Austin, Texas 78704

These appointees are being appointed pursuant to House
Bill 306, 68th Legislature, 1983.

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

TRD-849180 Mark White
Governor of Texas

Office of the Secretary of State

To be secretary of state for a term to continue at the plea-
sure of this governor:

Myra McDaniel
3910 Knowlwood Drive
Austin, Texas 78731

Ms. McDaniel is replacing John Fainter of Austin, who
resigned.

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

TRD-849189 Mark White
Governor of Texas

Executive Order MW-27

Establishing Interim Procedures for the 1984 Allocation of the State Ceiling on Certain Private Activity Bonds.

WHEREAS, the Internal Revenue Code of 1954, as amended (the Code), §103, has been amended by Public Law 98-369, the Deficit Reduction Act of 1984 (the Tax Act), to impose a ceiling on the aggregate amount of private activity bonds (as defined in the Tax Act) issued in a state during any calendar year; and

WHEREAS, the effective date of the provisions of the Tax Act relating to such ceiling is January 1, 1984; and

WHEREAS, the Tax Act imposes a ceiling for the State of Texas of approximately \$2.3 million for calendar year 1984 on certain private activity bonds that may be issued in the state, other than private activity bonds for which there was an inducement resolution (or other comparable preliminary approval) before June 19, 1984, if such bonds are issued before January 1, 1985; and

WHEREAS, the Tax Act authorizes the governor of any state to proclaim a formula for allocating the state ceiling among the governmental units in such state having authority to issue private activity bonds; and

WHEREAS, the Tax Act provides that the governor of any state shall have the interim authority to proclaim an allocation method effective until the earlier of the first day of the first calendar year beginning after the state legislature of such state has met in regular session for more than 60 days or the effective date of any state legislation with respect to allocation of the state ceiling; and

WHEREAS, the Texas State Legislature is next scheduled to meet in regular session in January 1985;

NOW, THEREFORE, I, Mark White, governor of Texas, do hereby proclaim that:

(a) Private activity bonds may be issued in 1984 for facilities or individuals in the State of Texas (or, in the case of student loan bonds, to acquire loans made to residents of this state or persons who attend eligible institutions in this state) without regard to the allocation formula set forth in the Tax Act, and the full amount available in the state for calendar year 1984 is hereby allocated, for purposes of the Tax Act, to and among all entities which are authorized to issue such private activity bonds (individually, the issuer) in the order of each bond

issue's reservation date (as defined as follows), provided that the following requirements are met with respect to any such issue of private activity bonds.

(1) The issuer shall file with the Texas Economic Development Commission (the commission) a notification of its present intent to deliver such issue of bonds. Such notification shall be in writing, signed by an officer or a member of the governing body of the issuer, and shall contain the following information:

(A) the maximum face amount of such bonds;

(B) the purpose of the bonds; and

(C) a statement as to whether such bonds are student loan bonds or industrial development bonds; and, in the case of industrial development bonds, identification of the paragraph of the Code, §103(b) (either paragraph (4), (5), (6), or (7)), applicable to such bonds, and in the case of industrial development bonds to which the Code, §103(b)(4), is applicable, identification of that subparagraph of §103(b)(4) applicable to such bonds.

The date on which such notification is received for any issue by the commission shall be the reservation date for such issue.

(2) Within 15 calendar days after the reservation date, the issuer must file with the commission a certified copy of a bond order, ordinance, or resolution adopted by the governing body of the issuer authorizing the issuance of the bonds (which order, ordinance, or resolution must authorize bonds in a principal amount equal to at least 90% of the principal amount set forth in the notification described in paragraph (a)(1) of this executive order), together with any other documents authorizing the issuance of the bonds, which set forth the exact principal amount, interest rate(s) (or formula designed to set the interest rate(s)), maturity schedule, and purchaser(s). In the event that the principal amount of bonds so authorized is less than the principal amount of bonds set forth in the notification described in paragraph (a)(1) of this executive order, the amount allocated to such issue shall be reduced to such lower amount. Failure to make the filing described in this paragraph within the previously described 15 calendar days automatically cancels the allocation reservation and precludes such issuer from receiving a new allocation reservation for bonds to be issued for the same project for a period ending 60 calendar days after the original reservation date, but not later than December 1, 1984. In the event that such issuer files another notification establishing a subsequent reservation date for the same project within the same calendar year and again fails to file such a certified copy of a bond order, ordinance, or resolution and other authorizing documents within the 15-day period specified herein, the second allocation reservation shall be automatically canceled, and such issuer shall be precluded from receiving a new allocation reservation for bonds to be issued for the same project for a period ending 120 calendar days after the original reservation date.

(3) Except as provided as follows, each issue of private activity bonds for which a bond order, ordinance, or resolution and other authorizing documents have been filed in accordance with paragraph (a)(2) of this executive order must be issued within 45 calendar days after such filing. Failure to issue the bonds within the period set forth previously cancels the allocation reservation and precludes such issuer from receiving a new allocation reservation for bonds to be issued for the same project for a period ending 120 calendar days after the reservation date for the bonds, but not later than December 1, 1984. Notwithstanding the foregoing, the 45-day period established by this paragraph will be extended by an additional 15 calendar days if the issuer files with the commission, on or before the end of such 45-day period, a written notification advising the commission of its need for the additional 15-day period. However, failure to issue the bonds within the extended period automatically cancels the allocation reservation and precludes such issuer from receiving a new allocation reservation for bonds to be issued for the same project for a period ending 120 calendar days after the reservation date for the bonds. For purposes of this executive order, private activity bonds will be considered issued on the date there is a delivery thereof in exchange for the purchase price (the delivery date).

On or before the fifth calendar day after the delivery date, the issuer shall mail or deliver a written notification to the commission stating the delivery date of such bonds and the actual principal amount of bonds issued.

(4) In the case of industrial development bonds to which the Code, §103(b)(4), is applicable, for a project that is owned by a unit of government, if the issuer anticipates difficulty in meeting the time frame prescribed herein, then the issuer should provide written notification to the governor and the commission within 15 calendar days after the reservation date for such issue, requesting a waiver of the schedule set forth herein, and requesting a specific alternative schedule. The governor may approve such requested schedule or a modification thereof, informing the issuer and the commission in writing of such alternative schedule that shall be in effect for the project.

(b) Every filing with the commission shall be mailed or delivered in duplicate originals to the commission at its office at 410 East Fifth Street, Austin (P.O. Box 12728, Austin, Texas 78711), during normal business hours. The executive director of the commission, or his designee, shall endorse on each original the words "Received for Filing" and the year, month, day, and time of the receipt thereof, and certify under penalty of perjury that the endorsement, and the allocation afforded thereby, was not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign. One of such originals shall be filed with the commission and the other original shall be returned to the issuer, or its representative designated by the issuer.

(c) The executive director of the commission, or his designee, shall compile and cause to be published in the *Texas Register* a weekly summary setting forth the unallocated principal amount of private activity bonds authorized to be allocated by this proclamation; a comprehensive listing of bond issues, including their allocated principal amounts, which have received a reservation date hereunder since the prior publication in the *Texas Register*; and a comprehensive listing of all such bonds which have been issued since the prior publication in the *Texas Register*.

(d) The executive director of the commission, or his designee, shall adopt such forms and further procedures, consistent with the intent of this executive order, as may be necessary.

This executive order shall be effective immediately and shall remain in full force and effect until modified, amended, or rescinded by me.

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

TRD-849106

*Mark White
Governor of Texas*

**Proclamation
41-1965**

WHEREAS, there are vacancies in the offices of mayor and city councilperson of Webster; and

WHEREAS, Texas Civil Statutes, Article 989, requires a special election be held to fill the vacancies in these two offices; and

WHEREAS, the Texas Election Code, Article 2.01, §9b, allows such special election to be held on a nonuniform election date if an emergency is found and if special permission is granted by the governor; and

WHEREAS, an emergency exists because the City of Webster is unable to conduct business; and

WHEREAS, the Texas Election Code, Article 2.01b(b), §9b, requires that such special election be held on a Saturday or Tuesday; and

WHEREAS, October 13, 1984, is a Saturday and is a convenient date for such election.

NOW, THEREFORE, I, Mark White, governor of Texas, under the authority vested in me by the constitution and the statutes of the State of Texas, DO HEREBY FIND an emergency due to the urgent need for the replacement of two officers of the City of Webster, and DO HEREBY GRANT permission for the ordering of a special election on October 13, 1984, for the purpose of filling the unexpired terms of mayor and city councilpersons.

Issued in Austin, Texas, on September 7, 1984.

TRD-849190

*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 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

10 TAC §9.3

The Texas Department of Community Affairs (TDCA) adopts on an emergency basis amendments to §9.3, concerning the economic development project fund under the Texas Community Development Program. The amendments change the application deadlines for the second and third quarters of funding.

The amendments are adopted on an emergency basis to provide more time for eligible communities to prepare and improve economic development project applications. Improved applications, if funded, will alleviate or reduce the imminent peril to public health, safety, and welfare in communities throughout Texas by improving the standard of living

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4413(201), §4A, which provide the TDCA with the authority to allocate federal community development block grant nonentitlement area funds to eligible units of general local government in Texas in accordance with rules and regulations adopted by the TDCA.

§9.3. *Economic Development Project Fund.*

(a) (No change.)

(b) Funding cycle. This fund will be allocated on a quarterly basis to eligible units of general local government on a statewide competitive basis. Applications for

funding for each quarter must be received by the Texas Community Development Program by 5 p.m. on the following dates:

- (1) (No change.)
- (2) Second quarter: September 17 [15], 1984;
- (3) Third quarter: December 17 [15], 1984;
- (4) (No change.)
- (c)-(d) (No change.)

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

TRD-849174

Douglas C. Brown
General Counsel
Texas Department of Community Affairs

Effective date: September 6, 1984

Expiration date: January 5, 1985

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

TITLE 22. EXAMINING BOARDS

Part XX. Texas Board of Private Investigators and Private Security Agencies

Chapter 435. Training Programs

22 TAC §435.9

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis amendments to §435.9, concerning the requirements for the basic training course.

The board has determined that peril to the public welfare exists because the current section does not include the number of hours required for the specific statutory categories listed in the training program. These hours must be listed appropriately and all the

training schools must be brought into compliance at the earliest possible time to ensure that security officers who carry firearms are properly trained and are of no danger to the citizens of Texas.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§435.9. Basic Training Course.

(a) The basic training course shall consist of a minimum of 30 hours and shall include:

(1)-(7) (No change.)

(8) The basic training course shall contain the following minimum hours.

(A) Introduction to the Act—two hours.

(B) Introduction to the board rules—two hours.

(C) Powers and authority of the security officer (includes legal limitations on the use of firearms)—8.5 hours.

(D) Field notes—one hour.

(E) Report writing—two hours.

(F) Firearms training and qualification (includes range firing and procedures and firearm safety and maintenance)—eight hours.

(G) First aid training—eight hours.

(H) Review and examination—1.5 hours.

(b) In addition to the training listed in subsection (a) of this section, the licensee or the security department of a private business shall administer job-specific training applicable to the security officer's particular assignment. Records pertaining to job-specific training shall be kept in the employers principal place of business or branch office, depending upon the location of the commissioned security officer's place of employment. These records shall be available for board inspection during reasonable business hours. Job-specific training records are not required to be filed with the board. [The job-specific training will be required as part of the curriculum. The job-specific training will be a requirement of the licensee, and records pertaining to the job-specific training are not necessary to be maintained on file with the board.]

(c) (No change.)

Issued in Austin, Texas, on September 5, 1984

TRD-849170 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 6, 1984
Expiration date: January 4, 1985
For further information, please call (512) 475-3944.

Chapter 439. License Not Assignable

22 TAC §439.4

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis

amendments to §439.4, concerning the fees for upgrading licenses.

The board has determined that peril to the public welfare exists because increases in fees are required to cover the cost of investigating complaints against licensed companies and doing criminal history checks on applicants. The agency must be self-sustaining, and its expenditures cannot exceed its revenues. Therefore, these fee increases must be put into effect at the earliest possible date to bring in revenue sufficient to carry out the work of the agency and protect the public.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§439.4. Assignment Under Class. When a Class A license or a Class B license is assigned to a Class C license, a fee [of \$125] in the amount of the difference in the cost of the licenses shall be paid to upgrade the license [class]. There shall be no refund when a Class C license is assigned to a Class A or Class B license. This fee is in addition to the regular assignment of a license fee. [When a Class B license is assigned to a Class C, a fee of \$75 shall be paid to upgrade the class. When a Class C license is assigned to a Class A or Class B, there shall be no refund to the licensee.]

Issued in Austin, Texas, on September 5, 1984.

TRD-849171 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 6, 1984
Expiration date: January 4, 1985
For further information, please call (512) 475-3944.

Chapter 455. Fees

22 TAC §455.1

The Texas Board of Private Investigators and Private Security Agencies adopts on an emergency basis amendments to §455.1, concerning the fees for the administration of the Act

The board has determined that peril to the public welfare exists because increases in fees are required to cover the cost of investigating complaints against licensed companies and doing criminal history checks on applicants. The agency must be self-sustaining, and its expenditures cannot exceed its revenues. Therefore, these fee increases must be put into effect at the earliest possible date to bring in revenue sufficient to carry out the work of the agency and protect the public.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4413, §11, which

provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

§455.1. Fees. The board has established the following fees for the administration of this Act:

- (1) Class A license
(original and renewal) **\$225** [\$150]
- (2) Class B license
(original and renewal) **\$225** [\$200]
- (3) Class C license
(original and renewal) **\$340** [\$275]
- (4)-(6) (No change.)
- (7) Delinquency fee (see §45)
- (8) Branch office certificate
and renewal **\$150** [\$110]
- (9)-(13) (No change.)
- (14) School approval fee
(original and renewal) **\$250** [\$200]
- (15) (No change.)
- (16) Letter of authority
(original and renewal) **\$225** [\$200]

Issued in Austin, Texas, on September 5, 1984.

TRD-849172 **Clerna D. Sanders**
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 6, 1984
Expiration date: January 4, 1985
For further information, please call (512) 476-3944.

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.)

General Provisions

Rules to Implement the Amusement Ride Safety Inspection and Insurance Act

059.21.53.004

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new Rule 059.21.53.004 for a 60-day period effective September 12, 1984. The new rule was originally adopted

on an emergency basis in the May 22, 1984, issue of the *Texas Register* (9 TexReg 2806).

Issued in Austin, Texas, on September 7, 1984

TRD-849219 **James W. Norman**
Chief Clerk
State Board of Insurance

Effective date: September 12, 1984
Expiration date: November 11, 1984
For further information, please call (512) 476-2950.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter A. Statewide Hunting and Fishing

31 TAC §65.45

The Texas Parks and Wildlife Commission adopts on an emergency basis an amendment to §65.45, concerning daily bag and possession limits for quail.

The commission found, in a regularly scheduled public hearing August 29, 1984, that imminent peril to the public's wildlife resources justifies the emergency amendment to prevent depletion of quail resources. Analysis of August quail surveys reveals a significant decline in three of the 10 ecological regions. As a result of this population decline, the commission adopts a statewide bag limit of 12 per day and 36 in possession.

The amendment is adopted on an emergency basis under the Texas Parks and Wildlife Code, Chapter 61, the Wildlife Conservation Act of 1983, which provides the Texas Parks and Wildlife Commission with authority to provide wildlife resource regulations for this state.

§65.45. Quail: Open Seasons, Bag, and Possession Limits.

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

(d) **In all counties of this state, the bag and possession limits are 12 quail per day and 36 in possession.**

Issued in Austin, Texas, on September 5, 1984.

TRD-849108 **Maurine Ray**
Administrative Assistant
Texas Parks and Wildlife
Department

Effective date: September 5, 1984
Expiration date: January 3, 1985
For further information, please call (512) 479-4974
or (800) 792-1112.

Proposed Rules

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

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

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

TITLE 28. INSURANCE Part I. State Board of Insurance

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

Powers and Duties Examination and Corporate Custodian and Tax

059.01.15.271

The State Board of Insurance proposes new Rule 059.01.15.271, concerning the adoption of penalties for the late reporting of annual and quarterly premium tax returns filed pursuant to the Insurance Code, Article 4.10 and Article 4.11, and Texas Civil Statutes, Article 4769, and the late payment of premium taxes and quarterly prepayments of premium taxes assessed under the Insurance Code, Article 4.10 and Article 4.11, and Texas Civil Statutes, Article 4769. The portion of this rule which deals with quarterly premium tax returns and prepayments was adopted on an emergency basis and became effective on May 4, 1984.

R. B. Ashworth, deputy insurance commissioner, 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. There will be a reduction in the amount of staff time required to properly enforce the filing of annual and quarterly premium tax returns and the collection of the annual payments and quarterly prepayments of premium tax. No other fiscal implications for state or local government are expected as a result of this rule. Small businesses will not incur any additional costs as a result of the adoption of this rule, because this rule does not require any action not currently required by statute.

Mr. Ashworth 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 the administrative costs of each insurer and the State Board of Insurance through more efficient enforcement of filing requirements. 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 R. B. Ashworth, Deputy Insurance Commissioner, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786

This new rule is proposed under the Insurance Code, Articles 1.04, 1.33, 4.10, 4.11, 4.13, and 4.14, and Texas Civil Statutes, Article 4769. These statutory authorities provide general rule-making power and for summary disposition of voluminous, repetitive matters and matters believed to be uncontroversial, of limited

interest to persons other than those immediately involved or affected. The Insurance Code, Article 4.10 and Article 4.11, and Texas Civil Statutes, Article 4769, authorize the State Board of Insurance to establish such rules, regulations, minimum standards, or limitations which are fair and reasonable as may be appropriate for the augmentation and implementation of these articles.

.271. Assessment of Penalties for the Late Reporting of Quarterly and Annual Premium Tax Returns and for the Late Payment of Annual Payments and Quarterly Prepayments of Premium Taxes.

(a) Unless the insurer elects to request a hearing under subsection (f) of this rule, or the commissioner elects to schedule a hearing under subsection (g) of this rule, insurers who are assessed premium taxes under either the Insurance Code, Article 4.10 or Article 4.11, or Texas Civil Statutes, Article 4769, and who fail to file an annual or a quarterly premium tax return for more than 30 days after the due date of such return, who agree to accept the penalties of this rule and waive hearing, shall forfeit and pay a penalty under the Insurance Code, Article 4.13, for such failure to timely file, as follows:

- (1) first failure to timely file a tax return—\$250;
- (2) second failure to timely file a tax return, within any period of three consecutive years—\$500;
- (3) third failure to timely file a tax return, within any period of three consecutive years—\$1,000;
- (4) fourth or subsequent failure to timely file a tax return within any period of three consecutive years—such penalty as the commissioner deems just and reasonable and is authorized to assess, after notice and hearing, by any article of the Insurance Code.

(b) Unless the insurer elects to request a hearing under subsection (f) of this rule, or the commissioner elects to schedule a hearing under subsection (g) of this rule, insurers who are assessed premium taxes under the Insurance Code, Article 4.10 or Article 4.11 and Texas Civil Statutes, Article 4769, and who fail to pay any annual payment or quarterly prepayment of premium taxes for more than 30 days after the due date of such payment, who agree to accept the penalties of this rule and waive hearing, shall forfeit and pay a penalty equal to 10% of the annual premium tax payment or the quarterly premium tax prepayment not timely paid.

(c) The State Board of Insurance hereby authorizes the deputy commissioner, Corporate and Financial Affairs, to take action on matters covered by this rule.

(d) The deputy commissioner, Corporate and Financial Affairs, shall notify in writing each insurer who has failed to timely report an annual premium tax return or a quarterly premium tax return or has failed to timely pay any annual payment or quarterly prepayment of premium tax of such delinquency and the amount of penalty set by this rule for such violation.

(e) Payment of a penalty after notice from the deputy commissioner, Corporate and Financial Affairs, under subsections (a)-(c) of this rule, shall evidence an agreement by the affected insurer as to waiver of a hearing. Upon timely payment by the insurer of the penalties specified in this rule, the deputy commissioner, Corporate and Financial Affairs, shall, without further proceedings, close the file of the insurer based on the failure to timely report an annual or quarterly premium tax return or fail-

ure to timely pay an annual payment or a quarterly prepayment of premium tax.

(f) Any insurer subject to this rule may request a hearing pursuant to the Insurance Code, Article 1.10, in lieu of payment of penalties under this rule.

(g) Nothing in this rule precludes the commissioner of insurance from exercising his discretion to schedule a hearing, under the authority of any provision of the Insurance Code to consider the matter of the failure of any insurer to timely report annual or quarterly premium tax returns or to timely pay any annual payment or quarterly prepayment of premium taxes.

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 September 7, 1984.

TRD-849220 James W. Norman
 Chief Clerk
 State Board of Insurance

Earliest possible date of adoption.

October 15, 1984
For further information, please call (512) 475-2950.

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS
Part III. Texas Youth Commission
Chapter 91. Corsicana Residential
Treatment Center
Communications**

37 TAC §§91.601, 91.604, 91.607, 91.611,
91.615, 91.619, 91.623, 91.627, 91.631,
91.635, 91.639, 91.643, 91.651, 91.655,
91.659, 91.661, 91.665, 91.669, 91.673,
91.681, 91.685, 91.689, 91.693

The Texas Youth Commission proposes new §§91.601, 91.604, 91.607, 91.611, 91.615, 91.619, 91.623, 91.627, 91.631, 91.635, 91.639, 91.643, 91.651, 91.655, 91.659, 91.661, 91.665, 91.669, 91.673, 91.681, 91.685, 91.689, and 91.693, concerning communications. The new sections govern the activities of the security unit at the Corsicana Residential Treatment Center (CRTC). The rules are similar to the security policies adopted for TYC institutions, but they stress CRTC's treatment orientation.

John Arredondo, community/special services director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Arredondo has also determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased staff efficiency, ensured due process protections for students in security, and greater staff accountability through the use of these sections as a management tool. There

is no anticipated economic cost to individuals required to comply with the rules as proposed.

Comments on the proposal may be submitted to Martha K. McCann, Manuals System Coordinator, Texas Youth Commission, P.O. Box 9999, Austin, Texas 78766.

The new sections are proposed under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to order the confinement of a delinquent child committed to the agency under conditions it believes best designed for the child's welfare and the interests of the public.

§91.601. Staff.

(a) Policy. A caseworker or caseworker substitute is on duty to handle communications referrals 24 hours per day. There is an on call schedule for after office hours, weekend, and holiday action coverage posted in the communications unit. Appropriate youth activities supervisor coverage is maintained.

(b) Definitions.

(1) Caseworker—The student's caseworker.

(2) Caseworker substitute:

(A) another caseworker on duty;

(B) any child care professional administrator designated by the superintendent who works directly with the treatment program; has professional child care credentials superior to that of a caseworker.

(c) Procedure.

(1) Provide communications a caseworker-on-call schedule. (Person responsible: superintendent)

(2) Inform communications staff of location and phone numbers at all times while on call. (Person responsible: scheduled caseworker)

(3) Schedule a minimum of two youth activities supervisor employees per shift. (Person responsible: communications youth activities supervisor (YAS III))

(4) Notify supervising staff if increased coverage is required. (Person responsible: communications dormitory staff)

(5) Increase coverage appropriate to population increase. (Person responsible: communications YAS III)

§91.604. Referral.

(a) Policy. The staff of Corsicana Residential Treatment Center refer students to communications in compliance with the agency's child care standards for security, 90.42.100 (§81.39 of this title (relating to Security Program)). Students may be referred only after alternative measures have failed or are not appropriate under the circumstances. Students should not normally be referred from a cottage when three cottage staff are on duty.

(b) References. See §91.611 of this title (relating to Admission to Communications) for criteria for communications admissions.

(c) Procedure.

(1) Referring.

(A) When you decide a student must be referred to communications, call communications to transport the student. (Person responsible: referring staff member)

(B) If the student requests to go to communications, talk with him about alternatives, place him in

time out, then refer him to communications if necessary. (Person responsible: referring staff member)

(C) Fill out an Incident Report (CCS-021).

(Person responsible: referring staff member) Include:

(i) the behavior that led to communications referral;

(ii) record any counseling or alternatives you offered;

(iii) if no alternatives are offered state why not;

(iv) ask student and two witnesses to fill out the special incident report, 49.91.604A, if appropriate.

(D) If the report is ready, send it to communications when staff pick up the student. The report must be received in communications within 50 minutes of the referral. (Person responsible: referring staff member)

(2) Taking the student to communications.

(A) Tell communications where to pick up the student and if student is being aggressive. (Person responsible: referring staff member)

(B) Take the student to communications. Request more staff to help you if necessary. (Person responsible: communications staff)

(C) Use restraints only if necessary to prevent injury to the student or others or to prevent escape. Read and follow GOPP 90.50.060, "Use of Restraints." (Person responsible: communications staff)

(D) Search student before placing student in room or other designated area. (Person responsible: communications staff)

(E) Assign student to designated supervised area to await caseworker or caseworker substitute. (Person responsible: communications staff)

(F) Call the student's caseworker or caseworker substitute. Tell him about the referral and the time the student arrived at communications. (Person responsible: communications staff)

(G) Write in the communications daily log the time you called the caseworker and any other important information needed. (Person responsible: communications staff)

(H) Send the student back with communications staff to his regular program if you do not receive the incident report within 50 minutes of the student's arrival. Send the student back if the caseworker or caseworker substitute does not make admission decision within 50 minutes unless extension is approved (See subparagraph (3)(B) of this subsection). Document reason for return in communications log. (Person responsible: communications staff)

(3) Admitting the student.

(A) Go to the communications and decide to admit or release student within 50 minutes of the student's arrival in communications if possible. (Person responsible: caseworker or caseworker substitute)

(B) Request verbal decision from superintendent or administrator on duty for extending the time limit of a decision to admit or release a student if necessary. (Person responsible: caseworker or caseworker substitute)

(C) Approve or deny request. (Person responsible: superintendent or administrator on duty)

(D) Document the request on CCS-022. If approved, document the time approval was given; length of approved extension; and person approving the exten-

sion. (Person responsible: caseworker or caseworker substitute)

(E) Read the incident reports and talk with the student about what happened. (Person responsible: caseworker or caseworker substitute)

(F) Contact the referring staff member or witnesses if you need more information from them. (Person responsible: caseworker or caseworker substitute)

(G) If you decide the student does not need to stay in communications, document such on the incident report and in the communications log and make arrangements for appropriate personnel to integrate student back into his group. (Person responsible: caseworker or caseworker substitute)

(H) If you decide the student should stay in communications, make sure the student meets the criteria for admission. See §91.611 of this title (relating to Admission to Communications). (Person responsible: caseworker or caseworker substitute)

§91.607. Disruption of Program Communications Referrals.

(a) Policy. A student may be referred or admitted to communications for substantial disruption of a program or activity. The student will not be admitted to communications unless documented alternative measures were taken and when at least three staff members are on duty.

(b) Procedure.

(1) Take measures to address and correct the disruptive behavior such as counseling, restriction of privileges, or group discussion, and document measures taken on review for substantial program disruption form, CCS-021, page two. (Person responsible: any staff)

(2) If student requires attention that takes staff away from students and three cottage staff are on duty, one staff should remove himself and the student from the group for individual counseling or time out. (Person responsible: any staff)

(3) If the student continues to require attention which takes staff time away from other students, or behavior that prevents group activity from continuing, refer the student to communications. See §91.604 of this title (relating to Referral). (Person responsible: any staff)

(4) Complete review for substantial program disruption, CCS-021, page two, along with other appropriate forms for referring student to communications. See §91.604 of this title (relating to Referral). (Person responsible: referring staff member)

§91.611. Admission to Communications.

(a) Policy. Criteria for admission is limited to prevent imminent physical harm to self or others; to prevent imminent and/or substantial destruction of property; to prevent escape; to deter behavior that creates a substantial disruption of Corsicana Residential Treatment Center programs; or to respond to student self request.

(b) Criteria. Admission to communications is appropriate under the following conditions:

(1) Where there are reasonable grounds to believe, based on overt acts, that the student is a serious and continuing escape risk.

(A) The student escapes or is obviously in the act of escaping; or

(B) The student is preparing for an escape attempt. If it is unclear that an attempted escape is occurring, use the following guidelines:

(i) the student has tried to escape at least once before;

(ii) staff or peers have seen the student planning an escape; or

(iii) the student has contraband that shows he may be planning an escape.

(2) Where the student is a serious and immediate physical danger to self or others.

(A) The student is physically assaultive or destructive;

(B) The student attempts to use a weapon against others; or

(C) Staff cannot protect the student or others except by referring student to communications.

(3) Where confinement is necessary to prevent imminent and substantial destruction of property.

(4) To restrain behavior that creates substantial disruption of the program of the facility.

(A) The student continues to require attention that takes staff time away from other students; and

(B) The student's behavior prevents a group activity from continuing as it is designed; and

(C) Staff has offered repeated alternatives which have not solved the problem.

(5) The student requests to go to communications. Admission is appropriate after caseworker counsels with student and offers alternative solutions to the problem.

(6) The student is awaiting a transfer or revocation hearing.

(c) Procedure.

(1) Read the incident report and statement by witnesses. Discuss the incident with the student. (Person responsible: caseworker or caseworker substitute)

(2) Decide whether or not to admit student to communications. (Person responsible: caseworker or caseworker substitute)

(A) If you decide not to admit, record this on the incident report (CCS-021) and give to communications staff so it can be sent to the data coordinator.

(B) If you decide to admit the student, fill out the security report (CCS-022). Make sure the behavior goals and treatment plan are directly related to the behavior for which student was admitted. The behavior goals are to include measurements for determining when the student's behavior has stabilized sufficiently for release. Inform student of his right to grieve or appeal this decision.

(3) Review the communication rules with student. Have the student sign that you reviewed them. (Person responsible: communications staff)

(4) Take the student's personal items. Record them on the personal items inventory and place inventory in student's communications folder. (Person responsible: communications staff)

(5) Place the personal items in a paper bag with student's name on it and staple the bag. Put it in a locked storage unit. (Person responsible: communications staff)

(6) Search and shower student before placing student in room or area designated for communications residents. (Person responsible: communications staff)

(7) Wash student's clothing if dirty and issue pajamas until clothing is returned. (Person responsible: communications staff/cottage staff)

(8) Issue other clothing needed in communication (See related policy, Clothing in Communications 49.91.669 (§91.669 of this title (relating to Clothing)) (Person responsible: communications staff)

(9) Issue appropriate bedding. (Person responsible: communications staff)

(10) Record student's cooperative behavior or uncooperative behavior in student behavior record once each shift. (Person responsible: communications staff)

§91.615. Release From Communications.

(a) Policy. A student is released from communications when he complies with his communications behavior goals and treatment plans, which are completed at the time of his admission.

(b) Criteria.

(1) There are no minimum or maximum time periods for designated behaviors and offenses for students to complete in order to be released from communications.

(2) The student's demonstration of stable, responsible, cooperative behavior in the communications dormitory, which has been defined in the goals and plans, is the basis for determining he is ready to be returned to his regular program.

(3) The admitting staff member may specify in the student's behavior goals that a period of time less than 24 hours is appropriate for evaluating if the student has sufficiently stabilized his behavior. In most cases, a few continuous hours of responsible behavior reflect that the student is sufficiently in control to resume his regular program.

(4) Any student demonstrating responsible behavior for six hours will be considered as having stabilized and cannot be retained longer solely on the basis of the offense for which he was admitted.

(5) If the student's present communications behavior and verbal comments or his documented behavioral history following previous similar incidents suggest the offending behavior will probably recur upon dismissal from communications, his release may be extended 24 hours as a result of a due process hearing (see 49.91.619 (§91.619 of this title (relating to Extended Communications Confinement))).

(c) Procedure.

(1) Ensure the student has met goals and conditions as shown on security report, Form CCS-022. (Person responsible: caseworker or caseworker substitute, or communications staff)

(2) Review student behavior record and talk to communications staff to determine if student has been cooperative. (Person responsible: caseworker or caseworker substitute, or communications staff)

(3) If paragraph (1) and paragraph (2) of this subsection are not evaluated positively, follow procedures in §91.619 of this title (relating to Extended Communications Confinement). (Person responsible: caseworker or caseworker substitute)

(4) If paragraph (1) and paragraph (2) of this subsection are evaluated positively, continue with steps outlined in paragraphs (5)-(7) of this subsection. (Person responsible: as designated)

(5) Sign security report, Form CCS-022, showing date and time of release. Send it and the incident report, Form CCS-021, to the data coordinator. Keep copies for the student's communications file. (Person responsible: caseworker or caseworker substitute, or communications staff)

(6) Inspect student's room. (Person responsible: communications staff)

(7) Instruct student to clean room, repair any minor damage, fold bedding, check and sign for all personal items being returned. (Person responsible: communications staff)

(8) Call the cottage staff to pick the student up and escort him back to the regular program. (Person responsible: communications staff)

(9) Escort student back to regular program within 10 minutes of release. (Person responsible: cottage or communications staff)

§91.619. Extended Communications Confinement.

(a) Policy. Students may be held in communications longer than 24 hours if their behavior while in communications would meet the criteria for admission to communications (see §91.611 of this title (relating to Admission to Communications)), or if student's documented verbal comments or documented behavioral history indicates that he will probably continue the offending behavior immediately upon release. Due process is afforded the student before communications confinement is extended past 24 hours. The superintendent or acting superintendent can extend the 24-hour deadline if justification is sufficient and only under emergency situations.

(b) Procedure.

(1) Preparation for due process hearing. If the caseworker believes that a student should stay in communications past 24 hours and no emergency situation exists, take the following steps:

(A) Make a written request by memo to extend the student's stay in communications past 24 hours to the person designated by the superintendent as the due process administrator. (Person responsible: caseworker, director of communications)

(B) Inform the student of the request and arrange for a due process hearing. (Person responsible: caseworker)

(C) Inform the student of his right to request assistance from staff in presenting his case. (Person responsible: caseworker)

(D) Inform the student and his staff assistant of his right to be present at the hearing and the specific misconduct which will be alleged at the hearing and which will be considered in the decision to extend confinement. (Person responsible: caseworker) Include:

(i) the admitting offense; and
(ii) the acts of misconduct or verbal comments which occurred in communications; or
(iii) the acts of misconduct which immediately followed previous communications placements.

(E) Ask the student, his staff assistant, and dormitory director if there are any witnesses that they would like written statements from concerning the allegations. (Person responsible: superintendent's designee)

(F) Notify appropriate communications staff members of the hearing and obtain written statements from witnesses. (Person responsible: caseworker)

(2) Due process hearing procedures.

(A) Inform the student and his staff assistant of the reason for the due process hearing and inform them of the specific allegations of misconduct under consideration. (Person responsible: superintendent's designee)

(B) Ask the student whether each allegation is true or not true; if not true hear evidence presented by the caseworker communications staff, director of communications, and the student. (Person responsible: superintendent's designee)

(C) Provide the student and his staff assistant the opportunity to explain the student's conduct and to show that an extended stay is not necessary whether or not the acts of alleged misconduct are contested. (Person responsible: superintendent's designee.) Note: A student may be detained in communications pending any continuances in the hearing for the purpose of obtaining witness testimony. The student and his staff assistant may review all witness statements and may confront and question a witness if such request is reasonable. However, such a confrontation or review of a written statement by a student will not be allowed if it would present a substantial security risk or a threat to witness safety or would prevent receiving information from the same or similar source in the future.

(D) Make a decision regarding continued confinement based solely on the evidence presented at the hearing. Document decision on security report, Form CCS-022 and Form 49.91.619A. (Person responsible: superintendent's designee)

(E) Inform the student by written memo of the findings and reasons for the decision and tell him of his right to appeal an adverse decision at any point. Place copy of the decision in student's communications file. (Person responsible: superintendent's designee)

(F) If appealed, immediately send a copy of the decision to the superintendent. (Person responsible: superintendent's designee)

(G) Decide the appeal and notify the student of the decision within 24 hours. Document decision on Form 49.91.619A. Send a copy of the decision to the student's communications file and the student. (Person responsible: superintendent)

(H) Note: Whenever a student asks to appeal an adverse decision to the superintendent on communications placement, the appeal process and superintendent's decision must be made before the completion of the 24-hour extension. This will entail completing all procedures in sufficient time to allow an appeal process.

(3) Extending hearing deadline. If the dormitory director believes that an emergency situation exists that justifies extending the hearing deadline:

(A) Request extension in writing from the superintendent or acting superintendent, with justifications of extending 24-hour deadline if an emergency situation arises. (Person responsible: caseworker)

(B) Approve or disapprove request for extension in writing. If approved, give a time as to when the hearing must be held. (Person responsible: superintendent/acting superintendent)

(C) File request and response in student's communications file. (Person responsible: communications staff)

(D) Arrange for a hearing by the time the superintendent or acting superintendent has directed using the procedures outlined in this subsection. (Person responsible: caseworker)

(4) Holding past the hearing. If the dormitory director believes that a student should remain in communications 24 hours or more past the due process hearing, take the following steps:

(A) Make a request to the director of communications to confine a student in communications 24 hours after the due process hearing using Form 49.91.619B. (Person responsible: caseworker)

(B) Review the request with the dormitory director. (Person responsible: director of communications)

(i) If the decision is to continue confinement, send a memo requesting superintendent or acting superintendent approval.

(ii) File superintendent's response in student communications file daily.

(iii) If the decision is not to continue confinement, release the student.

(C) Repeat steps outlined in subparagraph (A) and subparagraph (B) of this paragraph each 24 hours thereafter until the end of the fifth day or 120 hours.

(D) Contact the director of community/special services by telephone for approval of continuing to confine a student past the fifth day or 120 hours. (Person responsible: superintendent)

(E) Complete continued communications confinement Form 49.91.619C. Indicate approval or disapproval. If disapproval, release the student. (Person responsible: director of community/special services)

(F) Repeat steps outlined in subparagraph (D) and subparagraph (E) of this paragraph each 24 hours until the end of the seventh day or 168 hours. (Person responsible: superintendent/director of community/special services)

(G) Send request for approval for extended security confinement Form 49.91.619C with endorsement, to the executive director for approval to continue confinement past the seventh day or 168 hours. (Person responsible: director of community/special services)

(H) Decide whether to approve or disapprove continued confinement and notify the director of community/special services and return the form. (Person responsible: executive director)

(I) Notify the superintendent of decision. (Person responsible: director of community/special services)

(J) Repeat steps outlined in subparagraph (G) and subparagraph (I) of this paragraph each 24 hours until the student is released. (Person responsible: director of community special services)

(K) Document all extensions on CCS-022, security report.

§91.623. Isolation.

(a) Policy. A student in the communications unit may be placed in a locked room for isolation only if he is out of control and is a serious and immediate physical danger to himself or others and less restrictive methods of restraint have failed. Isolation is a serious and extreme

measure which shall be kept to a minimum and shall never be used for retribution. Three hours is the maximum isolation period allowed unless the student is joined by a staff member. If this is necessary the student's caseworker, youth activity supervisor III, or an appropriate substitute will stay with him until he is released. A stay in isolation beyond 24 hours requires a hearing as outlined in §91.619 of this title (relating to Extended Communications Confinement).

(b) Criteria

(1) Placing in isolation.

(A) Decide if student needs to be placed in isolation and if so place him. (Person responsible: communications staff)

(B) Obtain approval immediately from superintendent or acting superintendent for placement. Document approval on security/detention security report, Form CCS-022. (Person responsible: communications staff)

(C) Contact student's caseworker or caseworker substitute immediately to report placement. (Person responsible: communications staff)

(D) Personally watch the student until caseworker or caseworker substitute arrives and assumes responsibility. (Person responsible: communications staff)

(E) Decide no longer than 15 minutes after the student is placed if he needs to remain in isolation. (Person responsible: caseworker, caseworker substitute)

(F) Decide no longer than 15 minutes after the student is placed if someone needs to be with the student at all times during isolation. Document decision and justification on student's security report CCS-022. (Person responsible: caseworker, caseworker substitute)

(G) Visually monitor every five minutes if the decision is to not have someone with the student at all times. Record in communications daily log. (Person responsible: communications staff)

(2) Holding in isolation.

(A) Remain in calling distance with key to locked room. (Person responsible: communications staff)

(B) Release student immediately when he no longer is a serious danger to himself or others. (Person responsible: caseworker, caseworker substitute)

(C) Get psychological and medical services when needed. (Person responsible: caseworker, caseworker substitute)

(D) Document on CCS-022, security report, the date, time of isolation, and the date and time of release. (Person responsible: caseworker, caseworker substitute)

(3) After three hours.

(A) If the student must stay in isolation after three hours, stay in the room with the student until he is released. Document on security report, Form CCS-022. (Person responsible: caseworker, student's youth activities supervisor III, or appropriate substitute)

(B) If student remains in isolation past 24 hours, a hearing as outlined in §91.619 of this title (relating to Extended Communications Confinement) must be held. (Person responsible: superintendent's designee)

(C) Repeat steps outlined in subparagraph (B) of this paragraph every 24 hours. (Person responsible: superintendent's designee)

(D) Visit with student at least once each day while he is in isolation. Give daily approval of stay in isolation and document approval on CCS-023 detention log. (Person responsible: superintendent or acting superintendent)

(E) Visit with student at least once each day and document contact on CCS-023 detention log. Person responsible: psychologist, caseworker, designated nurse)

(F) Document name, date, and time any other person visits student in isolation on CCS-023 detention log. (Person responsible: communications staff)

§91.627. *Student Supervision.*

(a) Policy. Students are closely supervised during their stay in communications.

(b) Procedure.

(1) Visually check each student every 15 minutes. (Person responsible: communications staff)

(2) Document each check on the communications daily log. (Person responsible: communications staff)

(3) If student is in isolation, visually check student every five minutes. (Person responsible: communications staff)

§91.631. *Daily Schedule.*

(a) Policy. Communications unit will follow a written authorized hourly schedule of activities.

(b) Procedure.

(1) Go over schedule with all communications staff explaining each hour activity. (Person responsible: director of communications or youth activities supervisor III)

(2) Go over the schedule with each student after he is admitted to communications and explain each hour's activity. (Person responsible: communications staff)

(3) Post the schedule on the bulletin board in the communications day room. (Person responsible: communications staff)

(4) Document justification for any deviation from the schedule in the communications daily log. (Person responsible: communications staff)

§91.635. *Student Use of Restroom.*

(a) Policy. Students are allowed to use the restroom as needed while in communications.

(b) Procedure.

(1) Request. Respond verbally to student request to use restroom. (Person responsible: communications staff)

(2) Use.

(A) Limit use to one student at a time. (Person responsible: communications staff)

(B) Check on student every five minutes. (Person responsible: communications staff)

(C) Ensure student returns to assigned area. (Person responsible: communications staff)

§91.639. *Locked Doors.*

(a) Policy. The Communications Center will be locked whenever it is occupied with students. Student's rooms in communications will be locked during sleeping hours of 9:30 p.m. to 6:30 a.m. only if deemed necessary. When a student's door is locked other than during sleeping hours, the procedures for isolation will be followed.

(b) Procedure.

(1) Document on security report CCS-022, comments section, if deemed necessary to lock student's door during sleeping hours. Otherwise, doors will remain unlocked. (Person responsible: caseworker, caseworker substitute or communications staff)

(2) Document in communications daily log if student is locked in his room and reason for decision. (Person responsible: communications staff)

(3) Visually check each locked room occupied by a student each 15 minutes. (Person responsible: communications staff)

§91.643. Room Inspection and Search.

(a) Policy. Staff may search a student or his communications room in compliance with agency policy 90.50.070 (§81.193 of this title (relating to Search)).

(b) Procedure.

(1) Search each student when referred to communications. Follow §81.193 of this title (relating to Search) and §81.11 of this title (relating to Student Rights). (Person responsible: communications staff)

(2) Inspect and search each room once each shift and document each inspection and search in communications daily log. (Person responsible: communications staff)

(3) Take away any contraband found. Follow TYC policy in §81.11 of this title (relating to Student Rights). (Person responsible: communications staff)

(4) Give contraband to youth activities supervisor III for proper disposal. Document information on what, how, and where it was found in the communications daily log and CCS-021 incident report. (Person responsible: communications staff)

(5) Inspect a student's room before he is released as described §91.615 of this title (relating to Release From Communications). Document inspection in communications daily log. (Person responsible: communications staff)

(6) Monitor searches by observing, reading daily log entries, and reviewing grievances written about searches. Ensure that inspection and search are done correctly. Record monitoring on the communications daily log. (Person responsible: communications youth activities supervisor III)

§91.651. Visitation.

(a) Policy. Students confined in communications may receive visitors. Visiting hours are normally from 9 a.m. to 5 p.m. The superintendent or designee may permit additional hours of visitation.

(b) Procedure.

(1) Approve visits for students. (Person responsible: caseworker, director of treatment, family service worker)

(2) Permit approved visits in the communications center by parents or legal guardians between 9 a.m. and 5 p.m., or as otherwise authorized. (Person responsible: communications staff)

(3) Permit visits from other people or at other times if you think it is appropriate. Attorneys are permitted to visit their clients at any time. (Person responsible: superintendent of designee)

(4) Ensure visits are not disruptive to the communications routine. (Person responsible: communications staff)

(5) If a visit is causing a disturbance, call the student's caseworker or caseworker substitute for permission to have the visitors leave. (Person responsible: communications staff)

(6) Search the student after the visit to ensure no contraband enters the communications building. (Person responsible: communications staff)

(7) Ensure that any money received by the student during the visit is properly received. Provide a copy of receipt for the student. (Person responsible: communications staff)

(8) Take money and receipts to business office for deposit to the student's trust fund. (Person responsible: communications youth activities supervisor III)

§91.655. Education.

(a) Policy. Students in communications receive four hours of academic instruction Monday through Friday, excluding holidays. During school days, the one hour of large muscle exercises will be counted as one of the four hours.

(b) Procedure.

(1) Notify students to attend class. If at all possible, student should attend class in the education building. If student's behavior does not permit, the principal should be notified so that instruction can be provided in communications. If a student does not attend all of parts of the school hours, document the hours missed and reason for missing hours on the student's behavior record. (Person responsible: communications staff, designated academic instructor)

(2) Provide instruction according to student's educational level and, to the extent possible, consistent with his individualized educational plan (IEP). (Person responsible: designated academic instructor)

(3) Document instruction offered in student's academic file. (Person responsible: designated academic instructor)

(4) Document misbehavior leading to dismissal from class in the student behavior record. (Person responsible: designated academic instructor)

§91.659. Physical Exercise.

(a) Policy. Students in communications receive one hour of large muscle exercise daily.

(b) Procedure.

(1) Write the daily schedule so that it includes one hour of large muscle exercise daily. During school days, the exercise period is in lieu of physical education class. (Person responsible: director of communications)

(2) Conduct exercise class as scheduled. (Person responsible: communications staff)

(3) Post any restriction notice received from the nurse and note in the CCS-022 report for any student who has a medical reason for not participating in exercise. (Person responsible: communications staff)

§91.661. Counseling.

(a) Policy. Students in communications receive appropriate counseling by professional staff.

(b) Procedure.

- (1) Counsel students daily in communications and document each contact in detention log (CCS-023). (Person responsible: caseworker/caseworker substitute)
- (2) Counsel students daily whose placement exceeds 24 hours. Document each contact in detention log. (Person responsible: psychologist/psychiatrist/acting superintendent on weekends)

§91.665. Medical Services.

(a) Policy. Medical services for students in communications comply with the agency's child care standard in §81.44 of this title (relating to Medical and Dental Services) and are similar to those provided in the regular program.

(b) Procedure.

- (1) Call the infirmary to let them know the times of each student admission. Document your call in the communications daily log. (Person responsible: communications staff)
- (2) Personally check each student daily as needed and document your visit in the CCS-023 detention log. (Person responsible: nursing staff)
- (3) Administer any prescribed medication and document in the detention log and the student's drug administration log. (Person responsible: nursing staff)
- (4) Administer or approve communications staff administration of nonprescription drugs. Document in the detention log and the student's nurses record. (Person responsible: nursing staff/communications staff)

§91.669. Clothing.

(a) Policy. Students wear their regular clothes (except for shoes) in communications during waking hours. Students wear pajamas during sleeping hours.

(b) Procedure.

- (1) Issue scuffs to students admitted to communications. (Person responsible: communications staff)
- (2) Issue pajamas and robes upon admission if clothes are being washed, and at shower time in the evening. (Person responsible: communications staff)
- (3) Take up pajamas and wash them each morning. (Person responsible: communications staff)
- (4) Take up scuffs and wash them when student is released. (Person responsible: communications staff)
- (5) Provide students clean clothes when requested by the communications dormitory staff. (Person responsible: caseworker, cottage YAS III)

§91.673. Food Service.

(a) Policy. Students in communications receive the same food, prepared in the same manner, as other students, except as special diets may be prescribed on an individual basis by medical personnel. They must comply with the agency's child care standard in §81.41 of this title (relating to Nutrition).

(b) Procedure.

- (1) Deliver meals in required hot and cold containers at regular meal times. (Person responsible: food services staff and youth activities supervisors (YAS))
- (2) Deliver snacks when you bring the evening meal. (Person responsible: food service staff and youth activities supervisors (YAS))
- (3) Heat meals in microwave if needed. (Person responsible: communications staff)

(4) Serve meals at tables if student behavior permits. If there are too many students to do this all at once, interval serving will be necessary. (Person responsible: communications staff)

(5) Provide appropriate eating utensils within safety limits for staff and students. (Person responsible: communications staff)

(6) Record on the student behavior record if student refused the meal. (Person responsible: communications staff)

§91.681. Daily Visits. Policy. Students placed in isolation or communications are visited at least once each day by the superintendent and/or acting superintendent, psychologist and/or psychiatrist, caseworker and/or caseworker substitute, and nurse.

§91.685. Inspections.

(a) Policy. An ongoing series of inspections shall be carried on in communications. Inspections are directed toward areas of safety and physical plant, staff adequacy, and treatment needs.

(b) Procedure.

- (1) Ensure annual inspections by the state fire marshall and Attorney General's Office of Accident Prevention. (Person responsible: superintendent)
- (2) Inspect communications daily. (Person responsible: superintendent or acting superintendent or director of treatment or director of communications)
- (3) Observe students daily. (Person responsible: nurse)
- (4) Visit communications weekly and monitor the program. (Person responsible: principal)
- (5) Inspect communications monthly. (Person responsible: maintenance department head)
- (6) Inspect communications quarterly. (Person responsible: director of community/special services)

§91.689. Monitoring.

(a) Policy. Reports on the use of isolation and communications will be monitored on a weekly basis by the superintendent and on a monthly basis by the director of community/special services.

(b) Procedure.

- (1) Prepare a report on a monthly basis for submission to superintendent containing the following information (Person responsible: director of communications):
 - (A) number of students admitted to communications;
 - (B) admission reasons;
 - (C) average length of stay in communications;
 - (D) area student was referred from;
 - (E) name of students placed in isolation;
 - (F) amount of time each student was placed in isolation; and
 - (G) if in isolation longer than three hours, name of staff member that joined student.
- (2) Review monthly reports and take any necessary steps to correct overuse or abuse of communications and isolation. (Person responsible: superintendent/director of treatment)
- (3) Review central office data processing reports monthly. (Person responsible: director of community/special services)

(4) Review reports periodically to determine if deficiencies in the communications unit exist and direct action if necessary. (Person responsible: director of community/special services)

(5) Maintain in the communications log the following information (Person responsible: communications staff):

(A) name of person who authorized communications/isolation;

(B) date and time in and out of communications/isolation;

(C) name and times of person visiting student;

(D) name of acting superintendent who approved placement exceeding 24 hours.

§91.693. Communications Files.

(a) Policy. Communications unit will maintain files on each student admitted to communications. These files will be located in a locked cabinet marked confidential and each file will be marked confidential.

(b) Procedure.

(1) Create a file for each student admitted to communications. (Person responsible: communications staff)

(2) Place all information regarding communications placements and stays including 021's, 022's, 023's, extended stay approvals, due process hearings, isolation approval, special incident reports, etc., in student's communications file each time student is admitted to communications. (Person responsible: communications staff)

(3) Keep file in communications until student is released from CRTC. (Person responsible: communications staff)

(4) Forward file to data coordinator to be put with student's casework file, medical file, and educational file when student is released from your facility. (Person responsible: communications staff)

(5) When student is discharged, forward communications files along with the other subfiles to central office for microfilming. (Person responsible: data coordinator)

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 September 5, 1984.

TRD-849111 Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption:
October 15, 1984

For further information, please call (512) 452-8111,
ext. 390.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 16. ICF/SNF

Compliance with State and Local Laws

40 TAC §16.1503

The Texas Department of Human Resources proposes amendments to §16.1503, concerning the Intermediate Care Facility/Skilled Nursing Facility (ICF/SNF) Program. The amendments will require that each Title XIX-approved skilled nursing facility or distinct part must also participate as a skilled nursing facility under Title XVIII (Medicare). Current policy does not require skilled nursing facilities to be certified for Medicare participation as a condition of participation in the Title XIX Program.

As a result of the amendments, Medicaid recipients who have experienced a three-day hospital stay immediately before entry into a skilled nursing facility will receive care under Medicare payment if their condition warrants it. The Medicare Skilled Nursing Care Program provides skilled services, including therapies, to individuals recovering from certain illnesses. It offers nursing care services with goals and expected outcomes that are different from those associated with Medicaid skilled nursing care. It is not a substitute for the Medicaid Skilled Nursing Care Program, but it is an additional supportive service.

Upon implementation of the amendments, there will be additional policy requirements. Certification for Medicare participation requires the creation of a utilization review committee in each facility. These committees are comprised of medical professionals from the community who make determinations about the patient's medical need for care and length of stay in the facility. Costs of these committees are charged to Medicare. Certification also requires the creation of dual bookkeeping systems to separate Medicare patient costs from Medicaid patient costs. These costs are also charged to Medicare.

Medicare rules require that facilities adhere strictly to medical guidelines which define lengths of stay. If patients are retained on Medicare payment longer than deemed necessary by the Department of Health and Human Services or the fiscal agent, retroactive recoupment of payment for unnecessary days of care is imposed on the facility.

Medicare allows eligible recipients 100 days of care per spell of illness. The average length of stay under Medicare payment, however, is 10 to 25 days. Patients must then return home or move to a non-1861(j)(1) facility to break the spell of illness and become reeligible for Medicare payment. If a Medicare patient in a skilled nursing facility recovers from the illness for which he was admitted, but develops a new illness while in the facility, a continued stay is allowed for the new illness. If a patient is discharged from a Medicare skilled nursing facility as recovered from an

illness, he may be readmitted to the facility within 30 days after discharge if the condition for which he was originally admitted worsens, and he requires continued skilled care. Readmission for any other reason is dependent upon a new three-day hospital stay for a new diagnosis. This constitutes a new spell of illness.

In 1982, only 34 facilities in Texas participated in Medicare. Today, 44 facilities are certified for both Medicare and Medicaid and seven others are certified for Medicare only. Medicare skilled nursing care is an additional service option in a full continuum of care. It offers therapies and recuperative care to Medicare eligible individuals as well as to other individuals who are eligible to use the services. Mandatory participation of skilled facilities in Medicare will also benefit elderly individuals other than Medicaid recipients. The requirement for Title XVIII certification will be effective April 1, 1985. The completion of procedures for requesting and securing approval for Medicare participation will take several weeks. Facilities' responsibilities involving certification and survey should be completed according to the regular survey and certification schedule that the Texas Department of Health has established. Each facility will be surveyed for adherence to Medicare requirements when its scheduled Medicaid certification survey occurs, after April 1, 1985.

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 fiscal implications as a result of enforcing or administering the rule. The estimated savings to the state for each fiscal year are \$191,311 for fiscal year 1985, \$947,314 for fiscal year 1986, \$1,105,027 for fiscal year 1987, \$1,208,303 for fiscal year 1988, and \$1,280,801 for fiscal year 1989. There is no anticipated economic cost to units of local government or small businesses.

Mr. Hawes also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing or administering the rule is that the department's rules are made consistent with federal intent that Medicaid be a payor of last resort. There are economic costs to providers required to comply with the rule. These costs, however, are reimbursable through Medicare and are not being delineated.

The department will hold a hearing to accept comments on the proposed amendments at 10 a.m. on Wednesday, October 10, 1984, in the DHR boardroom, 701 West 51st Street, Austin. Comments on the proposal may be sent to Cathy Rossberg, Administrator, Policy Development Support Division—566, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

§16.1503. Participation Requirements.

(a) (No change.)

(b) To be eligible to participate as a skilled nursing facility (SNF) under Title XIX, each SNF or SNF distinct part must also participate as a SNF under Title XVIII.

(c)(b) Each nursing facility must comply with the state standards for participation and the facility's contract on a continuing basis. Normally, the facility may be given not more than 30 days to correct deficiencies. The facility must immediately correct deficiencies affecting the health and safety of recipient-patients to continue participating. Failure to correct deficiencies under the contract or the standards within the specified time period is cause for immediate suspension of vendor payment and may result in contract cancellation, suspension, or other action. Action may include, but is not limited to:

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

(d)(c) A facility may not participate in the Texas Medical Assistance Program if it has restrictive policies or practices, including:

(1)-(9) (No change.)

(e)(d) If the Texas Department of Human Resources has documentation showing good cause, it reserves the right to reject the facility's participation or to cancel an existing contract if the facility charges the Title XIX recipient-patient, any member of his family, or any other source for supplementation or for any item except as allowed within department policies and regulations.

(f)(e) State statutes and Title XIX nursing facility contracts provide for appeal procedures for aggrieved providers whose vendor payments may be or have been suspended or whose contracts have been canceled by the Texas Department of Human Resources. A facility must send a written request for a contract appeals hearing within 10 calendar days after receipt of a department letter notifying the facility of the proposed action. The facility must send the request for a hearing to the general counsel, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769. Hearings will be held in Austin, Texas.

(g)(f) The department's interpretations of the standards for participation or the contract may not be appealed to the department's contract appeals hearing committee unless the interpretation has caused an adverse action for the facility.

(h)(g) Representatives of the Texas Department of Human Resources, the Texas Department of Health, the Medicaid Fraud Control Unit, and the Department of Health and Human Services may enter the premises of the participating facility at any time to make inspections or to privately interview the recipient-patients receiving assistance from the Texas Department of Human Resources. For visits after 7 p.m., all reasonable efforts will be made to avoid disturbing the recipient-patients' rest.

(i)(h) Each facility must be in compliance with the rules of the Texas Health Facilities Commission.

(j)(i) Facilities must supply the Texas Department of Human Resources complete information according to federal and state requirements about the identity of:

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

(k)(j) If a profit-making corporation operates the facility, a copy of the following material is required:

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

(l)(k) Nonprofit corporations must furnish a copy of:

(1)-(4) (No change.)

(m)(l) Facilities other than those described in subsection (k)(j) and subsection (l)(k) of this rule, must furnish a copy of:

(1)-(4) (No change.)

(n)(m) Facilities must disclose business transaction information. A facility must send to the Texas Department of Human Resources, within 35 days after the date of a written request, complete information on:

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

(o)(n) The facility must report changes in the required information promptly to the Texas Department of Human Resources.

(p)(o) Failure to provide this information may result in suspension, termination, or other contract action including, but not limited to, holding vendor funds. Payment to the facility is [will be] denied beginning on the day after the date information was due, and ending on the day before the date the information is received by the department.

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 September 10, 1984

TRD-849233 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Earliest possible date of adoption:

October 15, 1984

For further information, please call (512) 450-3766.

Part V. Veterans Land Board Chapter 175. General Rules

40 TAC §175.2

The Veterans Land Board proposes amendments to §175.2, concerning eligibility requirements for the Veterans Land Program.

Under the proposed amendments, eligible veterans would not automatically lose their eligibility to participate in the Veterans Land Program if forced to temporarily leave the state due to military service or some other involuntary reason.

Harmon Lisnow, executive 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 businesses as a result of enforcing or administering the rule.

Mr. Lisnow 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 that veterans who are forced to temporarily leave the state due to military service or some other involuntary reason will not automatically lose their eligibility to participate in the program, if they

are otherwise eligible and have maintained Texas as their legal residence. 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 Jim Phillips, 1700 North Congress Avenue, Austin, Texas 78701.

The amendments are proposed under the Natural Resources Code, §161.061, which provides the Veterans Land Board with the authority to adopt rules that it considers necessary to ensure the proper administration of the Veterans Land Program.

§175.2. Application Procedures.

(a) Application material to purchase land through the Veterans Land Program will be mailed to **any person** [an eligible veteran] upon request to the Veterans Land Board, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701. All applications shall be made on **approved** [approval] forms furnished by the chairman of the board.

(b) To be eligible to participate, a veteran must meet the following requirements:

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

(4) have been a bona fide resident of the State of Texas at the time of his or her enlistment, induction, commissioning, or drafting, or have **been a legal resident of** [resided in] Texas as least five years immediately prior to the date of filing his or her application, and also be a bona fide resident of Texas when the application is filed [; provided that, in the event of the death of an eligible Texas veteran after the veteran has filed with the board an application and contract of sale to purchase through the board, and before the purchase has been completed, then the surviving spouse may complete the transaction];

(A) **for purposes of this rule**, "bona fide resident" [according to an opinion of the attorney general of Texas,] means actually living within the state, requiring [his] bodily presence, with the intention to so remain; [and]

(B) "legal resident," as used herein, means someone who actually resides within the State of Texas, or who has only been absent from the state due to military service or for some other involuntary reason, yet who has maintained his or her residence in the state. Texas residency may be documented by submitting one or more of the following:

(i) Texas drivers' licenses or identification cards issued by the Texas Department of Public Safety;
(ii) Texas voter registration cards;
(iii) Texas motor vehicle registrations;
(iv) receipts for the payment of mortgage, rent, or utilities, showing the veteran's name and address;
(v) Texas property tax receipts;
(vi) payroll checks, employment records, or retirement checks containing the veteran's name and address; or

(vii) any other documentation that the board deems appropriate;

(C) if there is a question about a veteran's bona fide residence at the time of entry into the military service or at the time he seeks to participate in the program, or if the applicant was not a bona fide resident of Texas at time of entry into military service but has been

a legal resident of Texas at least five years, he should execute an affidavit, on a form prescribed by the board, showing sufficient facts necessary for a favorable determination of the matter by the board;

(5) must not have previously participated in the land or housing program as a veteran; [Persons on active duty with the armed forces of the United States meeting the qualifications listed in this subsection are eligible, even though stationed outside of the state at the time of filing an application.]

(A) a person may participate in the program as a veteran only once, whether as a purchaser under an original contract of sale, as a veteran assignee, or as a successful bidder at a Veterans Land Board forfeited land sale. An eligible Texas veteran may, however, whether he has already participated in the program or not, take an assignment of another's contract of sale as a non-veteran;

(B) persons on active duty with the armed forces of the United States meeting the qualifications listed in this subsection are eligible, even though stationed outside of the state at the time of filing an application.

(c) In the event of the death of an eligible Texas veteran after the veteran has filed with the board an application and contract of sale to purchase through the board, and before the purchase has been completed, then the surviving spouse may complete the transaction. In addition, the unmarried surviving spouse of a veteran who dies in the line of duty shall be eligible to make an application for a loan through the program if the following requirements are satisfied: [If there is a question about a veteran's bona fide residence at the time of entry into the military service or at the time he seeks to participate in the program, or if the applicant is not a Texas veteran and has resided in the state at least five years, he should execute an affidavit showing sufficient fact necessary for a favorable determination of the matter by the board. The person signing the affidavit with the veteran must be a freeholder in the county in which the veteran is claiming residence and must be certified as a responsible freeholder by the county judge.]

(1) the surviving spouse is not married and is a bona fide resident of Texas at the time of filing the application with the board;

(2) at the time of enlistment, induction, commissioning, or drafting, the deceased veteran was a bona fide resident of Texas (the five years' residence alternative is not available);

(3) the deceased veteran was a citizen of the United States of America at time of death;

(4) the deceased veteran must have served active duty in the army, navy, air force, coast guard, or marine corps after September 16, 1940. The deceased veteran need not have served at least 90 continuous days of active duty;

(5) neither the deceased veteran nor the unmarried surviving spouse previously participated in the Veterans Housing Assistance Program or the Veterans Land Program;

(6) the board must be furnished a certification from the Veterans Administration of the U.S. government that the unmarried surviving spouse is currently entitled to benefits as the spouse of a veteran who died in the line of duty. The board may determine that the line of duty

requirement is satisfied upon presentation of other evidence.

(d) In instances where two or more veterans apply to purchase adjoining tracts of land, such applications may be processed simultaneously for convenience and expediency in appraisal and title examination; however, each tract will be considered as a wholly separate and independent transaction in the determination of its value for purposes of issuing a commitment and purchase. [A person may participate in the program, as a veteran, only once, whether as a purchaser under an original contract of sale, as a veteran assignee of another's contract of sale, or as a successful bidder at a Veterans Land Board forfeited land sale. A qualified Texas veteran may, however, whether he has already participated in the program or not, take an assignment of another's contract of sale as a nonveteran.]

[(e) In the event the veteran dies after the veteran has filed with the board an application and contract of sale to purchase a tract, and before the purchase has been completed through the board, then the surviving spouse may complete the transaction.]

(e)[(f)] An application and contract of sale or a contract to purchase must be executed by the veteran purchaser and will not be accepted if executed by an attorney-in-fact or by any person other than the veteran. In addition, no application shall be approved to purchase land under the Veterans Land Program.

(1)(g) No application shall be approved to purchase land under the provisions of the Veterans Land Act (Texas Civil Statutes, Article 5421m) which provides for or recognizes a second or subordinate lien as a part of the original purchase price for any tract; or

(2) where there is evidence that the benefits derived from the use of the land will not pass to the veteran purchaser.

(f) An application may also be rejected and the contract declared breached by the chairman of the board, at his or her option, if:

(1) the veteran purchaser or seller fail to perform their contractual obligations within a reasonable length of time;

(2) there is a failure to convey marketable title; or

(3) there exists any other good and sufficient reason, as determined by the chairman of the board.

(g) If for any reason a veteran's application is not processed to completion, his down payment will be refunded, together with the unused portion of any fees that have been deposited with the board.

[(h) If the veteran purchaser or the seller fail to perform their contractual obligations within a reasonable length of time, the chairman of the board, at his option, may declare the contract breached for the purposes of assignment to the board. In such cases, the downpayment made by the veteran will be refunded to him.]

[(i) No purchase will be considered by the chairman of the board where there is evidence that the benefits derived from the use of the land will not pass to the veteran purchaser.]

[(j) If for any reason a veteran's application is not processed to completion, his down payment will be refunded, together with the unused portion of any fees that are deposited with the board.]

[(k) Any application may be rejected for failure to convey marketable title to the land or for any other good and sufficient reason.

[(l) In instances where more than one veteran files application to purchase tracts of land that are adjoining, such applications may be processed simultaneously for convenience and expediency in appraisal and title examination; however, each tract will be considered as a wholly separate and independent transaction in the determination of its value for purposes of issuing a commitment and purchase.]

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 September 6, 1984.

TRD-849188

Garry Mauro
Chairman
Veterans Land Board

Earliest possible date of adoption:

October 15, 1984

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

Adopted Rules

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

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

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

TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State Chapter 99. Standards of Conduct of State Officers and Employees Financial Statement 1 TAC §99.2

The Office of the Secretary of State adopts new §99.2, with changes to the proposed text published in the March 6, 1984, issue of the *Texas Register* (9 TexReg 1317).

The adoption of the prescribed form ensures uniformity and full compliance with the reporting requirements of Texas Civil Statutes, Article 6252-9b. The prescribed form now labels each item of requested information with the applicable statutory provision. In addition, the text of this form more closely tracks the statutory language of Article 6252-9b in an effort to clarify reporting requirements

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6252-9b, §4, which provide the Office of the Secretary of State with the authority to prescribe reporting forms

§99.2. Financial Statement Form The Office of the Secretary of State hereby adopts by reference the form titled "Financial Statement," as amended September 1984. All persons required to file under Texas Civil Statutes, Article 6252-9b, §3, shall use this form. Copies may be obtained by contacting the Office of the Secretary of

State, Disclosure Filings Section, P.O. Box 12887, Austin, Texas 78711.

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 September 6, 1984
TRD-849143 C. Ed Davis
Assistant Secretary of State

Effective date. September 27, 1984
Proposal publication date March 6, 1984
For further information, please call (512) 475-2015.

TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission Chapter 41. Fever Ticks 4 TAC §41.2

The Texas Animal Health Commission adopts amendments to §41.2, without changes to the proposed text published in the July 17, 1984, issue of the *Texas Register* (9 TexReg 3858).

Many of the fences surrounding a ranch located in the counties of Val Verde, Kinney, and Maverick were constructed in 1960 or earlier. There has been a prolonged and increased flow of illegal aliens stomping and cutting the wire fences. Also, fires have occurred in the heavy brush and cane in the area which has deteriorated large portions of the fences beyond reasonable repair. There is a portion of the area in which the Maverick County Water District Main Canal serves as the quarantine line. In recent years, livestock

have been crossing the canal. Relocation of the quarantine line will ensure more frequent observation of the cattle by inspectors, border patrol, and Texas Department of Public Safety officers.

By moving the quarantine line, the ranch in question will be placed within the permanent tick quarantine zone, thereby eliminating the need to have a written quarantine placed on the premise as has been the case. The position of the new quarantine boundary will provide more assurance that livestock in the quarantined area will not expose other livestock.

No comments were received regarding adoption of the amendments.

The amendments are adopted pursuant to the Agriculture Code, Texas Civil Statutes, Chapter 167, which grants rule-making authority to the commission and directs it to protect all land, premises, and livestock in Texas from ticks capable of carrying babesia.

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 August 31, 1984.

TRD-849178 John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Effective date: September 28, 1984
Proposal publication date: July 17, 1984
For further information, please call (512) 475-4111.

Chapter 47. Veterinarians

4 TAC §47.1

The Texas Animal Health Commission adopts the repeal of §47.1, without changes to the proposed text published in the July 17, 1984, issue of the *Texas Register* (9 TexReg 3860).

The section pertains to accreditation of veterinarians and removal of accreditation. The commission does not have authority to approve and grant accreditation to veterinarians as this is done by the United States Department of Agriculture.

No comments were received regarding adoption of the repeal.

The repeal is adopted pursuant to the Agriculture Code, Texas Civil Statutes, Chapter 161, which grants the commission rule-making authority.

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 August 31, 1984.

TRD-849176 John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Effective date: September 28, 1984
Proposal publication date: July 17, 1984
For further information, please call (512) 475-4111.

Chapter 47. Requirements and Standards for Approved Personnel

4 TAC §47.1, §47.2

The Texas Animal Health Commission (TAHC) adopts new §47.1 and §47.2, without changes to the proposed text published in the July 17, 1984, issue of the *Texas Register* (9 TexReg 3860).

The chapter, titled "Veterinarians," does not correctly name the chapter. Therefore, the chapter name has been changed to "Requirements and Standards for Approved Personnel."

Prior to the adoption of these new sections, the commission did not have well-defined standards for veterinarians or TAHC personnel concerning identification of cattle, collecting of blood samples, use of the brucellosis card test, and reporting test results. Also, there was no regulation governing veterinarians or their technicians who knowingly violated these standards. These new sections set forth the standards for approved personnel, as well as provisions for suspension and revocation of card test permits.

The new sections provide for the issuance and removal of permits to conduct the card test for those who are considered to be approved personnel. To maintain the integrity of the test, detailed procedures are set forth on animal identification, sample collection, identification and submissions, and required method of conducting the test and submitting results of the test. Those listed as approved personnel are accredited Texas veterinarians, certified brucellosis technicians, inspectors and veterinarians of the commission, and animal health technicians and veterinarians of the United States Department of Agriculture, Animal and Plant Health Inspection Services, Veterinary Services.

The new sections are adopted under the Agriculture Code, Texas Civil Statutes, Chapter 161, which provides the commission with the authority to promulgate rules and regulations.

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 August 31, 1984.

TRD-849177 John W. Holcombe, DVM
Executive Director
Texas Animal Health Commission

Effective date: September 28, 1984
Proposal publication date: July 17, 1984
For further information, please call (512) 475-4111.



**TITLE 10. COMMUNITY
DEVELOPMENT
Part IV. Texas Housing Agency
Chapter 141. 1984 Single Family
Mortgage Purchase Program
1984 Series A and 1984 Series B
10 TAC §§141.1-141.22**

The Texas Housing Agency adopts new §141.9, with changes to the proposed text published in the July 24, 1984, issue of the *Texas Register* (9 TexReg 3988). Sections 141.1-141.8 and 141.10-141.22 are adopted without changes and will not be republished.

The new sections establish guidelines and procedures for administering the 1984 Single Family Mortgage Purchase Program of the Texas Housing Agency.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Housing Agency Act, Texas Civil Statutes, Article 1269I-6, which authorizes this agency to adopt rules governing the purchase and sale of mortgage loans.

§141.9. Term, Amortization, and Interest Rate of Mortgage Loans. Each mortgage loan will have a term of 30 years at an expected mortgage rate of less than 12.25%. Each mortgage loan must contain level monthly payment provisions.

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 August 25, 1984

TRD-849130 Earline Jewett
Executive Administrator
Texas Housing Agency

Effective date: September 27, 1984
Proposal publication date: July 24, 1984
For further information, please call (512) 475-0812.

**TITLE 22. EXAMINING BOARDS
Part IX. Texas State Board of
Medical Examiners
Chapter 163. Licensure**

22 TAC §§163.2-163.4, 164.6, 163.7, 163.9

The Texas State Board of Medical Examiners adopts amendments to §§163.2-163.4, 163.6, 163.7, and 163.9, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3640)

The amendments align the sections with the recently amended Medical Practice Act regarding training requirements. Also, the amendments clarify requirements for those American Specialty Board-certified

foreign medical graduates who have not trained in board-approved programs. The amendments bring the sections into compliance with the new FLEX I-FLEX II examination scheduled to start soon.

The amendments allow the agency to work more expeditiously with licensure candidates by both reciprocity and examination pathways to licensure.

One comment was received regarding adoption of the amendments. The comment related to consistency between §163.3(a)(1) and (b)(4), relating to licensure time limitations for candidates by examination and by reciprocity.

Ted H. Forsythe, M.D., chairman, Texas Medical Association Council on Medical Education, rather than being against the rule, cited two sections he felt were inconsistent. At the public hearing on the rule change on August 26, 1984, the comments of Dr. Forsythe were considered. The board explained the mechanics of the new FLEX I-FLEX II examination and why the different time limitations appear to apply to various licensure candidates. The explanation seemed satisfactory to the Council on Medical Education which had brought up the question.

The amendments are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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 August 31, 1984

TRD-849136 A Bryan Spires, Jr., M.D.
Executive Director
Texas State Board of Medical
Examiners

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 452-1078.

Chapter 187. Procedure

22 TAC §187.20, §187.43

The Texas State Board of Medical Examiners adopts amendments to §187.20 and §187.43, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3641).

The amendments bring the rules into alignment with the provisions of the Administrative Procedure and Texas Register Act and allow more expediency in the preparation of board orders following board disciplinary action against physicians.

The amendments allow the agency to work more expeditiously in the preparation of orders following disciplinary action against physicians.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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 August 31, 1984.

TRD-849114 A. Bryan Spres, Jr., M.D.
Executive Director
Texas State Board of Medical
Examiners

Effective date: September 26, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 452-1078.



Part XX. Texas Board of Private Investigators and Private Security Agencies

Chapter 421. General Provisions

22 TAC §421.2

The Texas Board of Private Investigators and Private Security Agencies adopts new §421.2, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3642).

A rule is needed which will limit the time of complaint acceptance to three years to establish a reasonable time period in which a complaint may be filed. As an exception, matters of a felony conviction, a crime involving moral turpitude, or a material misstatement in an application might be filed when the lapse of time exceeds the three years.

Except for matters of a felony conviction, a crime involving moral turpitude, or a material misstatement in an application, a complaint would have to be filed within three years after an alleged violation; or, if not, the complaint would not be accepted.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security

Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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 September 5, 1984

TRD-849149 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-3944.

Chapter 423. Rules of Procedure and Seal

Regulation of Code of Professional Responsibility and Conduct

22 TAC §423.1

The Texas Board of Private Investigators and Private Security Agencies adopts an amendment to §423.1, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3643).

The amendment prohibits a licensee, owner, officer, partner, shareholder, or employee from being involved in certain designated crimes rather than requiring the board to investigate and take appropriate action whenever such person is involved in a violation.

In the event a licensee, owner, officer, partner, shareholder, or employee is involved in one or more of the designated crimes, there would be a basis for the filing of a complaint and the subsequent administrative hearing for determination of whether or not any action must be taken by the board.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413, §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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 September 5, 1984.

TRD-849150 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-3944.

Chapter 435. Training Programs

22 TAC §435.2

The Texas Board of Private Investigators and Private Security Agencies adopts an amendment to §435.2, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3643).

The amendment establishes a time limit for the issuance of a completion certificate by the training school after the student qualifies. A period of seven days after the student qualifies is considered a reasonable time for the training school to issue a completion certificate.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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 September 5, 1984

TRD-849151 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-3944.

22 TAC §435.4

The Texas Board of Private Investigators and Private Security Agencies adopts an amendment to §435.4, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3644).

The identity of the training school director must be established as a matter of record and must be on file with the board; further, that record must be current to indicate the responsible person for matters such as correspondence and records.

The training school director will notify the board in writing within not more than 14 days when there is a change in the training school director

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and

regulations necessary in carrying out the provisions of this Act.

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 September 5, 1984.

TRD-849152 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-3944.

22 TAC §435.8

The Texas Board of Private Investigators and Private Security Agencies adopts an amendment to §435.8, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3644).

The amendment provides for a fee for an instructor's letter of approval renewal each year as specified in Texas Civil Statutes, Article 4413 (29bb), 68th Legislature, 1983. Previously the renewal was without charge.

An application for an instructor's letter of approval renewal, for a period of one year, will need to a renewal fee submitted with it.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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 September 5, 1984.

TRD-849153 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-3944.

22 TAC §435.16

The Texas Board of Private Investigators and Private Security Agencies adopts new §435.16, without

changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3645).

The new section standardizes the examination and requirements for security officer students being trained throughout the State of Texas. The examination is to be prepared by the board, and a minimum score of 70% correct answers is required. Use of the official *Security Officer Training Manual* is required. The standardized examination will be distributed to the training schools throughout the state for use by the schools.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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 September 5, 1984.

TRD-849154 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-3944.

Chapter 443. Licensees Responsible for Conduct of Employees

22 TAC §443.2

The Texas Board of Private Investigators and Private Security Agencies adopts new §443.2, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3645).

The new section places responsibility on licensees or employees of licensees not to permit or allow employees to violate a provision of the Act, board rule, or any criminal statute. The licensee or his employee will be aware of this responsibility as a result of this rule action.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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 September 5, 1984.

TRD-849155 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-3944.

Chapter 451. Registration of Employees or Private Investigators

22 TAC §451.8

The Texas Board of Private Investigators and Private Security Agencies adopts new §451.8, without changes to the proposed text published in the June 29, 1984, issue of the *Texas Register* (9 TexReg 3646).

The new section establishes registration of the licensee's employees, and makes it the responsibility of the licensee to register with the board all those employees who are required to be registered under the Act, §32.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 4413 (29bb), §11, which provide the Texas Board of Private Investigators and Private Security Agencies with the authority to promulgate all rules and regulations necessary in carrying out the provisions of this Act.

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 September 5, 1984.

TRD-849156 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Effective date: September 27, 1984
Proposal publication date: June 29, 1984
For further information, please call (512) 475-3944.



**TITLE 28. INSURANCE
Part I. State Board of Insurance**

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

**Powers and Duties
Rules of Practice and Procedure Before
the State Board of Insurance**

059.01.04.034, .035, .051, .068

The State Board of Insurance adopts amendments to Rule 059.01.04.034, with changes to the proposed text published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3909). Rules 059.01.04.035, .051, and .068 are adopted without changes and will not be republished.

The only substantive change in these amendments is in Rule 059.01.04.051. This rule sets forth a procedure for appealing a final decision or order of the commissioner of insurance or the state fire marshal to the State Board of Insurance. The amendment adds a sentence which provides that appeals of commissioner's or fire marshal's actions be made within 30 days of the action, except that for good cause the board may allow an appeal subsequent to that date. This amendment preserves the prior procedure of the State Board of Insurance which also contained this provision.

The provision was inadvertently deleted in amended Rule 059.01.04.051, which went into effect on July 13, 1984. However, the board has adopted the same provision by emergency amendment, which was also effective on July 13, 1984.

The amendments to Rules 059.01.04.034, .035, and .068 are minor and editorial only. These amendments are not expected to cause a change in any ongoing procedure or requirement of the board. The only changes in these rules from the proposal are minor clarifications in Rule 059.01.04.034.

No comments were received regarding adoption of the amendments

The amendments are adopted under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, §4, which provide the State Board of Insurance with the authority to enact procedural rules necessary and appropriate for it to carry out its statutory function.

.034. Written Depositions.

(a)-(d) (No change.)

(e) Every person so deposing shall be first cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth.

(f) (No change.)

(g) Regardless of whether cross-questions have been propounded, either party has the right to use the depositions at the hearing.

(h) (No change.)

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 September 5, 1984.

TRD-849131 James W. Norman
Chief Clerk
State Board of Insurance

Effective date: September 27, 1984
Proposal publication date: July 20, 1984
For further information, please call (512) 475-2950.



**Rating and Policy Forms
Rate Deviations and the Payment of
Dividends to Policyholders for Fire
and Allied Lines and Multiperil
Insurance**

059.05.28.002

The State Board of Insurance adopts amendments to Rule 059.05.28.002, with changes to the proposed text published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3293).

The amendments affirmatively require insurers to use the form adopted by reference to obtain board approval of a rate deviation application, provide that the form may be obtained by contacting the deputy insurance commissioner, property group, and adopt a form to be used for that application. These amendments will not cause any change in present practices or requirements of the board. The only changes in the rule from the proposal are minor clarifications in the first and second sentences of subsection (h).

No comments were received regarding adoption of the amendments

The amendments are adopted under the Insurance Code, Article 5 26(b), pursuant to which the board regulates rate deviations for fire and allied lines insurance; and the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, §4, pursuant to which the board may adopt procedural rules appropriate or necessary for it to carry out its statutory function.

.002. Rate Deviation Procedures.

(a)-(g) (No change.)

(h) The State Board of Insurance adopts by reference the 1983 fire and allied lines deviation application form and instructions for rate deviation filings. Each company applying for a rate deviation approval shall use such form in making its rate deviation application. A copy of the form being adopted by reference may be obtained

by contacting the Property Division, State Board of Insurance, 1110 San Jacinto Street, Austin, Texas 78786.

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 September 5, 1984.

TRD-849132 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: September 27, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

The State Board of Insurance adopts amendments to Rule 059.05.28.004, without changes to the proposed text published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3295).

This rule sets forth certain procedures and requirements for applications to pay dividends on fire and allied lines insurance policies. The amendments are nonsubstantive and editorial only, except that a form with certain instructions is adopted for company applications to pay such dividends. This rule has been reformatted and renumbered; originally it was Rule 059.21.32.001.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Insurance Code, Article 1.10(1), which requires the State Board of Insurance to see that all the laws respecting insurance and insurance companies are faithfully executed; this includes the board's general duty to monitor the financial condition of insurance companies. The amendments also are adopted under the Insurance Code, Article 5.41, which prohibits discrimination in the payment of dividends, and the Insurance Code, Article 21.31 and Article 21.32, which prohibit the payment of dividends except out of the company's surplus profits. The amendments also are adopted under authority of the Insurance Code, Article 1.30, pursuant to which the board is authorized, by rule, to fix standards for evaluating the financial condition of an insurer to determine whether the insurer's operation may be hazardous to policyholders or the general public. Finally, the amendments also are adopted under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, which provide the board with authority to enact procedural rules necessary or appropriate for it to carry out its statutory function.

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 September 5, 1984.

TRD-849133 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: September 27, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

Rebating or Discrimination, Dividend Application

059.05.41.001

The State Board of Insurance adopts the repeal of Rule 059.05.41.001, without changes to the proposal published in the June 19, 1984, issue of the *Texas Register* (9 TexReg 3296).

This rule adopts by reference an application form for the payment of dividends on fire and allied lines insurance. A current application form is adopted as Rule 059.05.28.004(i). The repeal of this rule and simultaneous adoption of the current form will cause no change in present board requirements or procedure.

No comments were received regarding the adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 1.04, and Texas Civil Statutes, Article 6252-13a, which provide the State Board of Insurance with the authority to adopt procedural rules necessary for it to carry out its statutory function, and pursuant to the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on September 5, 1984.

TRD-849134 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: September 27, 1984
Proposal publication date: June 19, 1984
For further information, please call (512) 475-2950.

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

059.05.53.003

The State Board of Insurance adopts the repeal of Rule 059.05.53.003, without changes to the proposal published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2074).

This rule adopts by reference a definition and certain classifications for inland marine insurance. A current version of this material is being adopted in Rules 059.05.53.101 and .102 simultaneously with this repeal. Rules 059.05.53.101 and .102 are in regular rule form. No present practice or requirement of the board is being changed as a result of this repeal and the simultaneous adoption of new Rules 059.05.53.101 and .102.

No comments were received regarding adoption of the repeal.

This repeal is adopted under the Insurance Code, Article 5.53, pursuant to which the State Board of In-

insurance may define inland marine insurance and which permits and requires the board to interpret which of the classes of inland marine insurance are regulated or nonregulated. The repeal also is adopted under the board's authority to repeal any rule it has previously promulgated.

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

Issued in Austin, Texas, on September 5, 1984.

TRD-849135 James W. Norman
 Chief Clerk
 State Board of Insurance

Effective date: September 27, 1984
Proposal publication date: April 13, 1984
For further information, please call (512) 475-2950.

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

059.05.53.101-.103

The State Board of Insurance adopts Rule 059.05.53.102, with changes to the proposed text published in the April 13, 1984, issue of the *Texas Register* (9 TexReg 2078). Rules 059.05.53.101 and .103 are adopted without changes and will not be republished.

These rules set forth a definition and classification system for inland marine insurance. The rules identify various risks covered under the term "inland marine" insurance; they also classify those risks as either subject to rule, rate, and form approval by the board; not subject to rule, rate, and form regulation by the board; or not subject to rule, rate, and form approval by the board but for which the premium must be in excess of the manual rate for fire and extended coverage insurance. The rules track, for the most part, Rule 059.05.53.003, which is repealed simultaneously with this adoption. Rule 059.05.53.003 is an adoption by reference; these rules are in regular rule form. The rules as adopted reflect current board action. No present practice or requirement of the board is changed by these new rules. A savings clause provision is added as Rule 059.05.53.103.

The only comments received on the rule proposals were from the agency staff, which suggested two changes to the rules as proposed. In Rule 059.05.53.102(4), all bridges, tunnels, and other instrumentalities of transportation were proposed to be classified as nonregulated. This is because the rules, rates, and forms for bridges and tunnels have been withdrawn pursuant to the Insurance Code, Article 5.97. The other proposed change is in Rule 059.05.53.102(4)(J), where a new clause (iii) is added for all other commercial risks in fine arts policies covering objects of art. That classification is proposed under the Insurance Code, Article 5.97. The board agreed with the staff

proposals, and the rules are changed accordingly

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

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

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

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

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

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

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

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

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

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

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

(3) Domestic shipments (nonregulated).

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Other inland marine risks.

(A) Accounts receivable (filed).

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

(C) Bailee customers policies (fire and e.c.). Covering property in the custody of bleacheries, throwsters, fumigatories, dyers, cleaners, laundries, needle workers, and other bailees for the purpose of storage or performing work thereon. Such policies shall include coverage while in transit but shall not cover bailee's property at his or her premises.

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

(i) camera dealers (filed);

(ii) equipment dealers (filed);

(iii) furrier's block (filed);

(iv) jeweler's block;

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

(II) all other classes (nonregulated).

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

(F) Cotton buyers transit policies (filed);

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

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

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

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

(i) private collection (filed); and

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

(iii) all other commercial risks (nonregulated).

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

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

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

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

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

(M) Garment contractors floaters (filed).

(N) Government service floaters (non-regulated).

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

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

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

(R) Live animal floaters as follows:

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

(ii) range cattle and range sheep while on ranges; horses or mules used exclusively for racing or show, including breeding therefor; livestock while being transported to or from or while at stockyards; policies issued to assureds conducting sales or auction, covering livestock of others for public sale; livestock insured under "mortality policies" covering, among other perils,

against death or destruction due to natural causes; livestock of circus, carnival, or theatrical enterprises; policies issued to veterinarians and humane societies to cover livestock of others in their custody or control for professional purposes (nonregulated).

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

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

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

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

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

(iii) other facilities involving substantial quantities of radiation.

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

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

(X) Personal effects floaters (filed).

(Y) Personal fur floaters (filed).

(Z) Personal jewelry floaters (filed).

(AA) Personal property floaters (filed).

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

(CC) Radium floaters (nonregulated).

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

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

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

(GG) Silverware floaters (filed).

(HH) Stamp and coin floaters;

(i) private collection (filed); and

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

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

(JJ) Tourists' floaters (filed).

(KK) Travel baggage (nonregulated).
 (LL) Valuable papers and records (filed).
 (MM) Wedding present floaters (nonregulated).

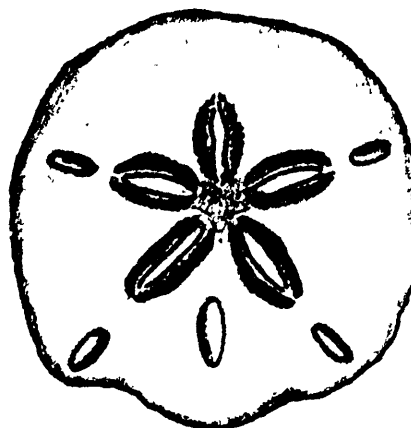
(NN) Wool growers and wool buyers floater policies, covering property usual to the conduct of the assured's business while in transit and all other situations customary and incidental thereto (nonregulated).

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 September 7, 1984.

TRD-849221 James W Norman
 Chief Clerk
 State Board of Insurance

Effective date: September 28, 1984
 Proposal publication date: April 13, 1984
 For further information, please call (512) 475-2950.



State Board of Insurance Exempt Filings

**State Board of Insurance
 Notification Pursuant to the
 Insurance Code, Chapter 5,
 Subchapter L**

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has approved amendments to the general liability statistical plan of the American Association of Insurance Services. Major areas of this revision include reporting of paid and outstanding allocated loss adjustment expenses; expand-

ed subline and coverage codes; refined liability limits and exposure coding; and revised type of loss coding.

The Insurance Code, Article 5.19(a), authorizes the State Board of Insurance to collect data with respect to the recording and reporting of its loss experience and such other data as may be required. The Insurance Code, Article 5.96, authorizes the State Board of Insurance to adopt amendments to the statistical plans under the procedure specified in that article.

This amended general liability statistical plan of the American Association of Insurance Services will be effective at 12:01 a.m. on January 1, 1985, and applicable to all members and subscriber companies of the American Association of Insurance Services.

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 September 5, 1984.

TRD-849137 James W Norman
 Chief Clerk
 State Board of Insurance

Effective date: January 1, 1985
 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 Department of Agriculture

Friday, September 14, 1984, 10 a.m. The Family Farm and Ranch Advisory Council of the Texas Department of Agriculture will meet in Room 930A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the council will consider the application of Aubrey B. Stone for guarantee of a \$644,400 loan to finance the purchase of a 587-acre tract of land in Falls County, and hear a status report on program activities.

Contact: Katie Bond, P.O. Box 12847, Austin, Texas 78711, (512) 475-6686.

Filed: September 6, 1984, 3:15 p.m.
TRD-849162

Texas Air Control Board

Wednesday, September 19, 1984, 1 p.m. The Monitoring and Research Committee of the Texas Air Control Board will meet at the Americana Inn, 3301 Southwest Freeway, Houston. According to the agenda, the committee will consider public input and a closing summary.

Contact: Paul M. Shinkawa, 6330 U.S. Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: September 6, 1984, 4:36 p.m.
TRD-849173

Texas Antiquities Committee

Tuesday, September 18, 1984, 9:30 a.m. The Texas Antiquities Committee made additions to the agenda of a meeting to be held in Room 503G, Sam Houston Building, 201 East 14th Street, Austin. The additions concern the consideration of the Navidad River Wreck (41JK9), Jackson County; and an executive session to discuss personnel matters.

Contact: Debra Frierson, P.O. Box 12276, Austin, Texas 78711, (512) 475-6328.

Filed: September 6, 1984, 4:13 p.m.
TRD-849175

Texas Board of Architectural Examiners

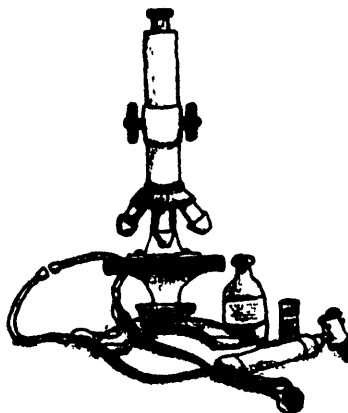
Friday, September 21, 1984, 11 a.m. The Texas Board of Architectural Examiners will meet at the Four Seasons Hotel, 555 South Alamo, San Antonio. According to the agenda, the board will approve the minutes, make reinstatements, conduct official state business, hold the annual meeting for 1985, and consider proposed legislation.

Contact: Robert H. Norris, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78758, (512) 458-1363.

Filed: September 7, 1984, 2:06 p.m.
TRD-849194

Coordinating Board, Texas College and University System

Thursday, September 27, 1984, 10:30 a.m. The Administrative Council of the Coordinating Board, Texas College and University System will meet in Conference Room 209, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the council will elect officers; consider a proposed amendment to 19 TAC §25.50, concerning coverage for dependents; consider proposed amendments to 19 TAC §25.33, concerning basic coverage standards,



and 19 TAC §25.42, concerning additional coverage beyond basic coverage standards; hear a report on the Optional Retirement Program (ORP) participation during fiscal year 1983; hear and discuss staff recommendations on the ORP; and hear Advisory Committee recommendations and hear the executive secretary's report.

Contact: James McWhorter, P.O. Box 12788, Austin, Texas 78711, (512) 475-2033.

Filed: September 7, 1984, 2:10 p.m.
TRD-849193

Texas Department of Corrections

Monday, September 10, 1984, 10 a.m. The Board of the Texas Department of Corrections made an emergency addition to the agenda of a meeting held in Room 103, Administration Building, 815 11th Street, Huntsville. The addition concerned the emolument policy. The emergency status was necessary because the item was added to the agenda subsequent to the required posting date.

Contact: R. K. Procnier, P.O. Box 99, Huntsville, Texas 77304, (409) 295-6371, ext. 160

Filed: September 10, 1984, 7:07 a.m.
TRD-849229

Texas Cosmetology Commission

The Texas Cosmetology Commission will meet at the Austin Hilton Inn, IH 35 at Highland Mall, Austin. Days, times, and agendas follow.

Saturday, September 22, 1984, 9 a.m. The commission will conduct disciplinary hearings.

Sunday, September 23, 1984, 9:30 a.m. The commission will hear Deanna Bock speak on the Hair Runner TM mobile beauty salon, consider the prior meeting minutes, and hear committee reports. The commission also will meet in executive session to hear consultant John Pottorfield speak on personnel and the budget and to conduct a Grievance Committee discussion.

Monday, September 24, 1984, 9 a.m. The commission will conduct disciplinary hearings.

Contact: Herbert E. Cohen, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-3304.

Filed: September 6, 1984, 1:41 p.m.
TRD-849145-849147

Texas Commission for the Deaf

Saturday, September 15, 1984, 8:30 a.m. The Board for Evaluation of Interpreters of the Texas Commission for the Deaf will meet in Room 212, 510 South Congress Avenue, Austin. According to the agenda, the board will take action on minutes from the previous meeting and review workshop and evaluation procedures. The board also will meet in executive session to review certification applications and evaluations, develop a profile sheet, review an appeal from the interpreter of certification, review a consumer grievance of the certified interpreter; and hear the chairperson's report.

Contact: Fred R. Tammen, P.O. Box 12904, Austin, Texas 78711, (512) 475-2492.

Filed: September 7, 1984, 2:05 p.m.
TRD-849200

Texas School for the Deaf

Saturday, September 8, 1984, 8:30 a.m. The Budget Committee of the Governing Board of the Texas School for the Deaf met in emergency session in Room 202, Administration Building, 1102 South Congress Avenue, Austin. According to the agenda, the committee reviewed the biennium budget. The emergency status was necessary because the committee chairperson was going to be out of town before the regularly scheduled October board meeting.

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

Filed: September 7, 1984, 2:10 p.m.
TRD-849192

Texas Education Agency

Friday, September 14, 1984, 9 a.m. The Price Differential Index (PDI) Advisory Committee of the Texas Education Agency will meet in emergency session in the senate reception room, State Capitol, Austin. The committee will hear the report of the Subcommittee on the Econometric Model for a Price Differential Index and discuss the development of a price differential index. The emergency status is necessary to enable the work of the committee to continue on schedule.

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

Filed: September 7, 1984, 3:11 p.m.
TRD-849216

Texas Employment Commission

Monday, September 10, 1984, 3 p.m. The Texas Employment Commission (TEC) met in emergency session in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda, the commission discussed the economic condition in the Beaumont-Port Arthur-Orange area. The emergency status was necessary to discuss emergency services for individuals affected by mass layoffs in the area.

Contact: Steve Hollahan, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas 78778, (512) 397-4400.

Filed: September 10, 1984, 11:17 a.m.
TRD-849237

Finance Commission of Texas

Friday, September 14, 1984, 10 a.m. The Banking Section of the Finance Commission of Texas will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, the section will consider by-laws; recommendations for changes to the Texas Banking Code and the preneed funeral contract sales law; Proposition 1, a proposed constitutional amendment; and a report on personnel. The section also may convene in executive session under the Open Meetings Act, §2.

Contact: Archie P. Clayton III, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Filed: September 6, 1984, 3:55 p.m.
TRD-849168

Office of the Governor

Tuesday, September 18, 1984, 9:30 a.m. The Texas Science and Technology Council of the Office of the Governor will meet in the conference room, second floor, Ashbell Smith Hall, University of Texas System, 201 West Seventh Street, Austin. According to the agenda, the council will hear briefings on probable legislation and the superconducting super collider, review Texas' and other states' science and technology efforts, conduct committee discussions, and discuss committee agendas.

Contact: Meg Wilson, Sam Houston Building, Room 412, 201 East 14th Street, Austin, Texas, (512) 475-1147, ext. 24

Filed: September 6, 1984, 10:40 a.m.
TRD-849140

Texas Register

Texas Department of Health

Tuesday, September 18, 1984, 1:30 p.m. The Texas Agent Orange Advisory Committee of the Texas Department of Health will meet in Room G-209, 1100 West 49th Street, Austin. According to the agenda summary, the committee will hear an update of Agent Orange activities (statewide and federal) and on the veterans' liability lawsuit against chemical companies; hear a report on centers for disease control birth defects study; and hear individual comments by committee members.

Contact: George R. Anderson, M.D., 1100 West 49th Street, Austin, Texas 78756, (512) 458-7251.

Filed: September 7, 1984, 2:04 p.m.
TRD-849199

Texas Health Facilities Commission

Thursday, September 20, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificate of Need

Hubbard Hospital, Hubbard
AH84-0518-305

Motions for Rehearing/Reconsideration

St. John Surgical Center, Ltd.,
Nassau Bay
AS83-1214-428
Humana Hospital—Clear Lake, Webster
AH83-1102-284
North Texas Day Surgery Center, Dallas
AS83-0927-180
Forest Central Surgi-Center, Dallas
AS83-0706-024

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

Filed: September 10, 1984, 10 a.m.
TRD-849235

Texas Department of Human Resources

Friday, September 21, 1984, 10 a.m. The Texas Council of Child Welfare Boards of the Texas Department of Human Resources will meet in the boardroom, 701 West 51st Street, Austin. According to the agenda summary, the council will consider the 1984-1985 budget and proposed bylaw changes, hear committee reports, elect at-large members to the Executive Committee,

discuss the 1985 training conference, and conduct committee meetings.

Contact: James C. Marquart, P.O. Box 2960, Austin, Texas 78769, (512) 450-3365.

Filed: September 10, 1984, 3:38 p.m.
TRD-849263

Texas Commission on Human Rights

Friday and Saturday, September 21 and 22, 1984, 2 p.m. and 9 a.m. respectively. The Texas Commission on Human Rights will meet in Room 117, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda summary, the commission will consider personnel issues, the conclusion of administrative processing of complaints after issuing a 180-day notice of right to file civil action, the executive director's report and reports on finance and operations, and unfinished business.

Contact: William M. Hale, 105 West Riverside Drive, Suite 110, Austin, Texas 78704, (512) 475-1178.

Filed: September 10, 1984, 3:36 p.m.
TRD-849264

Texas Indian Commission

Friday and Saturday, September 21 and 22, 1984, 9 a.m. daily. The Texas Indian Commission will meet at the Executive Inn, 3232 Mockingbird Lane, Dallas. According to the agenda summary, on Friday the commission will review and approve the minutes, consider the Alabama-Coushatta reservation and the Tigua Indian reservation; and consider presentations by the Texas Sesquicentennial Commission, urban centers, intertribal organizations, and the Kickapoo tribe. On Saturday, the commission will consider presentations by urban centers, intertribal organizations, and the Kickapoo tribe; conduct commission administration, and consider other business.

Contact: Raymond D. Apodaca, 9434 Viscount, Suite 122, El Paso, Texas 79925, (915) 591-4461.

Filed: September 10, 1984, 11:41 a.m.
TRD-849243

State Board of Insurance

Tuesday, September 18, 1984, 9 a.m. The Commissioner's Hearing Section of the

State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. The section will conduct a public hearing in Docket 7788—whether the local recording agent's license held by Insurance Innovations, Inc., Houston, should be canceled or revoked.

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

Filed: September 10, 1984, 11:45 a.m.
TRD-849238

Tuesday, September 18, 1984, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will make a decision on filing by the Insurance Services Office for revision of basic limits bodily injury rates for certain premises/operations classifications for Division Six of the *Commercial Lines Manual*; decide on the appeals of Edward H. Chittick, Jr., *et ux*, George R. Russell, and William W. Herring, *et ux*, from the actions of the Texas Catastroph Property Insurance Association; hear the commissioner's report and the fire marshal's report, both including personnel matters; and consider board orders on several different matters as itemized on the complete agenda.

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

Filed: September 10, 1984, 2:49 p.m.
TRD-849260

Tuesday, September 18, 1984, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will consider Docket 7789—whether the Group I legal reserve life insurance agent's license held by Charles Albert Senecal, Houston, should be canceled or revoked.

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

Filed: September 10, 1984, 11:45 a.m.
TRD-849239

Tuesday, September 18, 1984, 2 p.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will take final action on new Rules 059.21.50.004 and 059.21.01.111-.119; amendments to Rules 059.01.15.209, .213, .218, 059.21.46.011-.016, 059.01.15.203, 059.05.26.101-.102, 059.14.38.009, 059.21.50.001.002, .005-.006; the repeal of Rules 059.02.03.001, 059.05.26.003, 059.01.15.205, 059.21.50.003, 059.21.39.201,

059.21.49.307, 059.05.43.202, 059.05.25.002, .006, .008.; consider proposed action on an amendment to Board Order 45391 respecting the plan of the operation of the Texas Catastrophe Property Insurance Association; rules concerning orthodontic benefits; rules to implement the plan of operation of the Texas Life, Health, and Accident Guaranty Act; consider an extension of emergency effectiveness of Rules 059.03.28.101-.105 and 059.03.201-.205.

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

Filed: September 10, 1984, 2:50 p.m.
TRD-849261

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

Wednesday, September 19, 1984, 1:30 p.m. The section will consider Docket 7785—whether the Group I insurance agent's license held by Linda Leonard, Waco, should be canceled or revoked.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: September 10, 1984, 11:45 a.m.
TRD-849240

Thursday, September 20, 1984, 1:30 p.m. The section will consider Docket 7784—application for original charter of Bissonnet Life Insurance Company, Houston.

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

Filed: September 10, 1984, 11:45 a.m.
TRD-849241

Monday, September 24, 1984, 9 a.m. The section will consider Docket 7790—whether the application of John Roy Marchbanks, Sr., for a Group II life, health, and accident insurance license should be denied.

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

Filed: September 10, 1984, 11:45 a.m.
TRD-849242

Lamar University

Thursday, September 13, 1984. Committees of the Board of Regents of Lamar University met in rescheduled emergency sessions in the dining room, conference center, John Gray Institute, Lamar University, 855 Flori-

da, Beaumont. Times, committees, and agendas follow.

12:30 p.m. The Finance Committee and the Building and Grounds Committee met jointly to consider the finance report for July 1984, approval of a petty cash fund for the student health center, financial system upgrade proposals, the system budget for 1984-1985, and bids received on building projects. The emergency status was necessary because this was the only available date for a quorum to approve the system budget prior to October 1, 1984. The meeting originally was scheduled for the Lamar Room, Gray Library.

1:30 p.m. The Personnel Committee and the Academic Affairs Committee met jointly to review the personnel handbook revisions and consider approval of degree programs and revisions of names for colleges and/or departments. The emergency status was necessary because this was the only available date for a quorum to approve degree programs and revisions to colleges/departments prior to October 1, 1984. The meeting originally was scheduled for the Lamar Room, Gray Library.

Thursday, September 13, 1984, 2:30 p.m. The Board of Regents of Lamar University met in a rescheduled emergency session in the conference room, Research and Policy Building, John Gray Institute, Lamar University, 855 Florida, Beaumont. According to the agenda, the board considered approval of the August 8, 1984, minutes; the administration of an oath to a newly appointed regent; appointment of regent's committees; appointment of administrative officers; the chancellor's reports; approval of a resolution for Proposition II, the financial report for July 1984, degree programs, personnel handbook revisions, and a petty cash fund for the student health center; a report on the presidential search; approval of bids received on building projects; a financial system upgrade; approval of the systems budget for 1984-1985; and revision of names for colleges and/or departments. The board also met in executive session. The emergency status was necessary due to the swearing in of a newly-appointed board member. The meeting originally was scheduled for the boardroom, Plummer Administration Building.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (409) 838-8403.

Filed: September 11, 1984, 9:54 a.m.
TRD-849275-849277

Thursday, September 13, 1984, 2:30 p.m. The Board of Regents of Lamar University submitted a revised agenda for a meeting held in the boardroom, Plummer Administration Building, Lamar University, Beaumont. According to the revised agenda, the board approved the August 8, 1984, minutes, administered the oath to a newly appointed regent; made appointments to regents' committees; considered appointments of administrative officers; heard the chancellor's reports, a resolution for Proposition II, and the financial report for July 1984; approved degree programs; made personnel handbook revisions; approved a petty cash fund for the student health center; heard a report on the presidential search; approved bids received on building projects; upgraded the financial system; considered the systems budget for 1984-1985; and considered revision of the names of colleges and/or departments. The board also met in executive session.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (409) 838-8403.

Filed: September 10, 1984, 9:26 a.m.
TRD-849233

Texas State Library and Archives Commission

Tuesday, September 25, 1984, 2 p.m. The Records Management and Preservation Advisory Committee of the Texas State Library and Archives Commission will meet in Room 202, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the committee will discuss a draft of the yearly report of accomplishments and recommendations; review a draft of the cover letter for a summary of the results of a questionnaire to be sent to responding agencies; approve the draft of a letterhead; and consider other business.

Contact: Susan Tennison, P.O. Box 2960, Austin, Texas 78769, (512) 450-4560.

Filed: September 11, 1984, 9:33 a.m.
TRD-849273

Board of Pardons and Paroles

Monday, September 10, 1984, 10 a.m. The Supervision Oversight Committee of the Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the

committee discussed all aspects of policies, rules, and conditions relevant to parole and mandatory supervision releasees. The emergency status was necessary because the committee members could not adjust their schedules to meet at any other time.

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

Filed: September 7, 1984, 10:17 a.m.
TRD-849181

Monday-Friday, September 17-21, 1984, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action

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

Filed: September 7, 1984, 10:17 a.m.
TRD-849182

Tuesday, September 18, 1984, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out-of-country conditional pardons), including full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions

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

Filed: September 7, 1984, 10:17 a.m.
TRD-849183

Public Utility Commission of Texas

Wednesday, September 12, 1984, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas rescheduled an emergency prehearing conference held in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division considered Docket 5596—application of McCulloch Electric Cooperative, Inc., for a rate increase. The prehearing was originally scheduled for September 6, 1984, as pub-

lished at 9 TexReg 4748. The emergency status was necessary because of statutory deadlines.

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

Filed: September 10, 1984, 2:53 p.m.
TRD-849262

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

Tuesday, September 18, 1984, 1:30 p.m. A prehearing conference in Docket 5849—application of Montgomery Investors Development Corporation for a certificate of convenience and necessity.

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

Filed: September 7, 1984, 2:05 p.m.
TRD-849196

Friday, September 21, 1984, 10 a.m. A prehearing conference in Docket 5870—application of AT&T Communications of the Southwest, Inc., for a tariff restructure.

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

Filed: September 10, 1984, 2:22 p.m.
TRD-849248

Friday, September 21, 1984, 1:30 p.m. A prehearing conference in Docket 5871—application of Cedar Park, Texas, to amend a water and sewer certificate of convenience and necessity within Travis and Williamson Counties.

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

Filed: September 10, 1984, 2:22 p.m.
TRD-849249

Wednesday, October 3, 1984, 1 p.m. A rescheduled hearing in Docket 5171—application of Action Municipal Utility District for a certificate of convenience and necessity in Hood and Johnson Counties. The hearing was originally scheduled for September 12, 1984, as published at 9 TexReg 3837.

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

Filed: September 7, 1984, 2:04 p.m.
TRD-849197

Tuesday, October 16, 1984, 10 a.m. A second prehearing in Docket 5870—application of AT&T Communications of the Southwest, Inc., for a tariff restructure.

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

Filed: September 10, 1984, 2:21 p.m.
TRD-849250

Wednesday, October 17, 1984, 10 a.m. A hearing on the merits in Docket 5885—appeal of Sam Houston Electric Cooperative, Inc., from denial of application for a rate increase of the City of Seven Oaks, *et al.*

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

Filed: September 7, 1984, 2:05 p.m.
TRD-849195

Tuesday, November 13, 1984, 10 a.m. A hearing on the merits in Docket 5870—application of AT&T Communications of the Southwest, Inc., for a tariff restructure.

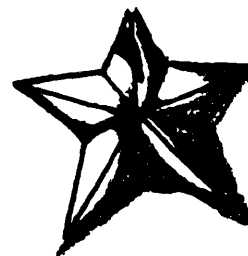
Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: September 10, 1984, 2:22 p.m.
TRD-849251

Wednesday, November 14, 1984, 9 a.m. A hearing on the merits in Docket 5894—application of San Marcos Telephone to transfer current paging assets to San Marcos Telecom, Inc.

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

Filed: September 7, 1984, 2:04 p.m.
TRD-849198



Railroad Commission of Texas

Monday, September 17, 1984, 9 a.m. The Railroad Commission of Texas will meet in Room 309, 1124 IH 35 South, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services 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: September 7, 1984, 3:10 p.m.
TRD-849212

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters. The commission will also consider an interagency contract with the Texas State Board of Registration for Professional Engineers.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: September 7, 1984, 3:09 p.m.
TRD-849210

The Flight Division director's report on division administration, budget, procedures, and personnel matters

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: September 7, 1984, 3:08 p.m.
TRD-849206

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0461.

Filed: September 7, 1984, 3:10 p.m.
TRD-849213

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711

Filed: September 7, 1984, 3:09 p.m.
TRD-849209

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters. The commission will also consider for publication the division's proposed new rules governing automatic LP-gas dispensers.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: September 7, 1984, 3:06 p.m.
TRD-849201

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Liz Nauert, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: September 7, 1984, 3:07 p.m.
TRD-849202

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: September 7, 1984, 3:07 p.m.
TRD-849204

Consideration of oil and gas Docket 3-83,387—application of Pogo Producing Company for temporary field rules for the Hebert (H-3) field, Jefferson County; and Docket 10-83,087—application of Oneok Exploration Company for an exception to Rule 38 for Well 8, Schneider Lease, Darren (Middle Morrow) and Wildcat Fields, Lipscomb County.

Contact: Greg Waner or Norman Bonner, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1293 or 445-1292, respectively.

Filed: September 7, 1984, 3:07 p.m.
TRD-849203

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Pete Edgar, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1120.

Filed: September 7, 1984, 3:09 p.m.
TRD-849211

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711.

Filed: September 7, 1984, 3:09 p.m.
TRD-849208

The Office of the Special Counsel 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: September 7, 1984, 3:08 p.m.
TRD-849205

The Surface Mining and Reclamation Division will consider the approval of a bond and issuance of a permit in Docket 18, Basic Resources, Inc., for Lexington *in situ* coal gasification project; consider the approval of a self bond by Texas Utilities in Permit 3. Big Brown Mine; and the 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: September 7, 1984, 3:08 p.m.
TRD-849207

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: September 7, 1984, 3:11 p.m.
TRD-849214

Texas Real Estate Research Center

Friday, October 5, 1984, 9:30 a.m. The Advisory Committee of the Texas Real Estate Research Center will meet in the conference room, Texas Real Estate Research Center, College Station. Items on the agenda include approval of the minutes, progress reports, the current budget, election of a chairman, continuity of funding, and setting a date for the next meeting.

Contact: Richard L. Floyd, Texas A&M University, College Station, Texas 77845, (409) 845-9691.

Filed: September 7, 1984, 10:20 a.m.
TRD-849184

Texas Savings and Loan Department

The Texas Savings and Loan Department will conduct hearings at 1004 Lavaca Street, Austin. Days, times, and agendas follow.

Monday, September 17, 1984, 9 a.m. A hearing to accumulate a record of evidence in regard to the application of Richardson Savings & Loan Association to relocate a branch office from 9100 North Central Expressway, Dallas, Dallas County, to 3121 North 10th, McAllen, Hidalgo County, from which record the commissioner shall determine whether to grant or deny this application.

Tuesday, September 18, 1984, 9 a.m. A hearing to accumulate a record of evidence in regard to the amended application of Guaranty Banc Savings Association for a savings and loan association charter to be located at 434 West Keist Boulevard, Dallas, Dallas County, from which record the commissioner shall determine whether to grant or deny the application.

Wednesday, September 19, 1984, 9 a.m. A hearing to accumulate a record of evidence in regard to the application of Eagle Savings Association for a savings and loan association charter to be located at 4400 West Loop 363, Temple, Bell County, from which record the commissioner shall determine whether to grant or deny this application

Thursday, September 20, 1984, 9 a.m. A hearing to accumulate a record of evidence in regard to the applications of New Alamo Savings Association and Alamo Savings Association for an interim charter and merger to be located at 901 Northeast Loop 410, San Antonio, Bexar County, from which record the commissioner shall determine whether to grant or deny the applications.

Friday, September 21, 1984, 9 a.m. A hearing to accumulate a record of evidence in regard to the applications of New Guadalupe Savings and Loan Association and Guadalupe Savings and Loan Association for an interim charter and merger at 623 Jefferson Street, Kerrville, Kerr County, from which record the commissioner shall determine whether to grant or deny the applications.

Thursday, September 27, 1984, 9 a.m. A hearing to accumulate a record of evidence in regard to the application of American National Savings Association for a savings and loan association charter at 4304 Airport Freeway, Fort Worth, Tarrant County, from which record the commissioner shall determine whether to grant or deny the application

Contact: Russell R. Oliver, 1004 Lavaca Street, Austin, Texas 78701, (512) 475-7991

Filed: September 7, 1984, 4:33 p.m.
TRD-849223, 849225, 849222,
849227, 849228, 849224



School Land Board

Tuesday, September 18, 1984, 10 a.m. The School Land Board will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve the previous meeting minutes and consider pooling applications, pooling agreement amendment applications; lease suspension applications; final approval of land trades; and coastal public lands easement applications, lease applica-

tions, cabin permit assignment request, and cabin permit rate reduction request.

Contact: Linda K. Fisher, Stephen F. Austin Building, Room 835, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-4307.

Filed: September 10, 1984, 3:58 p.m.
TRD-849270

Texas State Soil and Water Conservation Board

Thursday, September 20, 1984, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple. According to the agenda summary, the board will consider the July 19, 1984, minutes; district director appointments; requesting SCS assistance in establishing criteria for agricultural lands of state and local importance; a report on operation and maintenance needs of upstream flood detention structures, including liability of sponsors; the 1986-1987 biennium budget request; the August 28, 1984, budget hearing; reviewing Sunset Advisory Commission recommendations; the 1985 fiscal year soil survey development contracts, the 1983 fiscal year audit; the 1984 annual meeting of district directors; federal nonpoint source pollution initiatives; an interim salinity report; a final report on arsenic contamination, Knott; a proposed brush management program; reports from agency representatives and guests; soil and water conservation and environment science workshops for the Texas Scouting Program; lease of agency office space; the NACD leadership conference and 1985 national meeting, 1985 fiscal year travel and per diem allocations for board members; and the next regular meeting scheduled for November 15, 1984.

Contact: Harvey Davis, 1002 First National Building, Temple, Texas 76501, (817) 773-2250 or STS 820-1250.

Filed: September 10, 1984, 2:24 p.m.
TRD-849253

State Committee of Examiners for Speech-Language Pathology and Audiology

Thursday, September 27, 1984, 9 a.m. The State Committee of Examiners for Speech-Language Pathology and Audiology will meet in Room T-604, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the com-

mittee will elect officers, approve the May 24, 1984, minutes; address pertinent issues requested by public members; consider letters addressed to the committee, procedures for reviewing/processing questionable applications for licensure, procedures for responding to correspondence addressed to the committee, and continuing education requirements for licensees; discuss a position paper of aides licensed by the committee and the differentiation between aides and technicians (e.g., teacher-technicians employed in state school programs) and an education bill which affects public school speech-language pathologists; review financial activities of the committee, set the next meeting date, and recess until 9 a.m. on Friday, September 28, 1984

Contact: June Robertson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7531.

Filed: September 10, 1984, 2:22 p.m.
TRD-849252

University of Texas System

Wednesday, September 12, 1984, 10 a.m. The Land and Investment Committee of the Board of Regents of the University of Texas System met in the regents' committee room, ninth floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda, the committee met in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(g), to consider personnel matters regarding the employment and duties of an individual for the Asset Management Program of the University of Texas System

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 471-1265.

Filed: September 7, 1984, 1:35 p.m.
TRD-849191

Saturday, September 15, 1984, 9 a.m. The Intercollegiate Athletics Council for Men of the University of Texas at Austin will meet in Room 240, Belmont Hall, San Jacinto Street between 21st Street and 23rd Street, Austin. According to the agenda summary, the council will approve the July 6, 1984, minutes; consider items from the executive session; approve team schedules and recommended schedule changes, budgets and budget changes, athletics ticket policies and policy changes, and concession prices and modifications to concessions facilities, discuss construction; receive reports on the status of ongoing development plans; and consider old and new business. The council also will meet in executive session to discuss per-

sonnel matters and potential litigation pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

Contact: Haila Kauffman, P.O. Box 7399, Austin, Texas 78712, (512) 471-1332.

Filed: September 6, 1984, 10:30 a.m.
TRD-849139

Texas Woman's University

Thursday, September 20, 1984, 1:30 p.m. The Board of Regents of Texas Woman's University will meet on the 16th Floor, Administration and Conference Tower, Denton. According to the agenda summary, the board will consider the May 31, 1984, minutes; personnel additions and changes; gifts and grants; agreements and contracts; federal funds; the sale of surplus property; renewal and extension of property insurance coverage, change orders; small class report for summer 1984; appointment of a university representative to the Joint Committee of the Region XI Education Service Center; the revised *Staff Handbook*; matters relating to residence hall room rates; a report relating to the central telephone system for the university; Texas constitutional amendment Proposition 2; the 1986-1987 biennium legislative appropriations request; and a report of the president.

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

Filed: September 10, 1984, 11:43 a.m.
TRD-849244

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, September 18, 1984, 10 a.m. The commission will consider water district bond issues; escrow release; setting creation hearing dates; water quality proposed permits, amendments, and renewals; application dismissals; and the filing and setting of hearing dates.

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

Filed: September 7, 1984, 10:53 a.m.
TRD-849186

Wednesday, September 19, 1984, 2 p.m. The commission will consider an application by the City of San Antonio for pro-

posed Permit 02635 to authorize a discharge of treated wastewater effluent at an average volume not to exceed one million gallons per day from treatment facilities which will serve the Southwest Industrial District, Bexar County, San Antonio River Basin.

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

Filed: September 7, 1984, 10:53 a.m.
TRD-849187

Wednesday, October 17, 1984, 10 a.m. The Texas Water Commission will meet in Classroom III, South Central Texas Regional Training Center, Texas A&M University System, Hemisfair Plaza, San Antonio. According to the agenda summary, the commission will consider the application of San Antonio Municipal Utility District 1, 16803 Pescador, Helotes, Texas 78023, to the Texas Department of Water Resources for an amendment to Permit 11647-01 to authorize an increase from 40,000 gallons per day to 90,000 gallons per day for irrigation until the completion of the interim 280,000 gallon-per-day capacity plant at the interim plant site. All other terms and conditions of the permit shall remain the same.

Contact: Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: September 6, 1984, 11:02 a.m.
TRD-849142

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

Friday, November 2, 1984, 10 a.m. In Room 618, the commission will consider Application 4484 of Delbert J. Keller seeking a permit to divert and use 300 acre-feet water per annum directly from the San Antonio River, San Antonio River Basin, for irrigation use in Wilson County.

Addition to the previous agenda:

Application 4483 of Gleneagles Country Club seeking a permit to maintain four dams and reservoirs on four separate unnamed tributaries of White Rock Creek and White Rock Creek, tributary of Trinity River, Trinity River Basin, with total impounding capacity of 53.9 acre-feet of water and one dam and reservoir on White Rock Creek with impounding capacity of 19.6 acre-feet for recreational purposes in Collin County. Applicant further proposes to divert not to exceed 497.1 acre-feet of water per annum supplied from White Rock Lake on White Rock Creek by the City of Dallas to 11 existing interconnected off-channel

reservoirs for recreational and subsequent irrigation use in Collin County.

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

Filed: September 6, 1984, 2:52 p.m.
TRD-849157, 845158

Monday, November 5, 1984, 10 a.m. In Room 152, the commission will consider the application of Thomas L. Brundage, Carla Marie Brundage, and Thomas O. Brundage seeking to amend Certificate of Adjudication 18-2041 to allow the diversion of an additional 45 acre-feet of water per annum to irrigate 25 acres and to divert 64 acre-feet of water per annum to irrigate an additional 32.327 acres of land in Kerr County, and to authorize an additional diversion point to be located at any point on the 32.327 acres and to increase the combined maximum diversion rate to 0.8 cfs (360 gpm)

Addition to the previous agenda

Application 4486 of Jay Poth and wife, Hilda Poth, seeking a permit to divert and use not to exceed 70 acre-feet of water per annum directly from Cypress Creek, tributary of the Guadalupe River, Guadalupe River Basin, for irrigation use in Kerr County

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

Filed: September 6, 1984, 2:51 p.m.
TRD-849159, 849160

Wednesday, November 7, 1984, 10 a.m. In Room 152, the commission will consider Application 4485 of Louis T. Schatte seeking a permit to divert and use not to exceed 580 acre-feet of water per annum directly from Rabbs Creek, tributary of Colorado River, Colorado River Basin, for irrigation use in Lee County

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

Filed: September 6, 1984, 2:50 p.m.
TRD-849161

Regional Agencies Meetings Filed September 6

The Bastrop County Appraisal District, Appraisal Review Board, changed the location of a meeting held at 1200 Cedar Street, Bastrop, on September 10, 1984, at 7:30 p.m. The meeting was originally scheduled to be held in the commissioners courtroom, Bastrop County Courthouse, 804 Pecan Street, Bastrop. Information may be obtained from Clifton L. Kessler, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925

The Blanco County Central Appraisal District, Board of Directors, met in the Blanco County Courthouse Annex, Johnson City, on September 10, 1984, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The De Witt County Appraisal District, Board of Directors, met at 103 Bailey Street, Cuero, on September 12, 1984, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, RPA, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Garza County Appraisal District, Board of Directors, met at the courthouse, Post, on September 13, 1984, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

The Middle Rio Grande Development Council, Private Industry Council, met in the council conference room, Carrizo Springs, on September 10, 1984, at 4:30 p.m. Information may be obtained from Christian J. Puente, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Nolan County Central Appraisal District, Board of Directors, met in Suite 305B, Nolan County Courthouse, Sweetwater, on September 12, 1984, at 1:30 p.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Red River Authority of Texas, Board of Directors, submitted a revised agenda for a meeting held in Room 221, Activity Center, 1001 Indiana, Wichita Falls, on September 13, 1984, at 10 a.m. Information may be obtained from Ronald J. Glenn, 302 Hamilton Building, Wichita Falls, Texas 76301, (817) 723-8697.
TRD-849148

Meetings Filed September 7

The Cherokee County Appraisal District, Board of Directors, met at 107 East Sixth Street, Rusk, on September 13, 1984, at 2:30 p.m. Information may be obtained from S. R. Danner, P.O. Box 494, Rusk, Texas 75785, (214) 683-2296.

The Dallas Area Rapid Transit Authority, Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on September 10, 1984, at 4 p.m. The Legal Committee and the Special Needs Committee met at the same location on September 11, 1984, at 8

a.m. and 4:30 p.m. respectively. The Board met at the same location on September 11, 1984, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Deep East Texas Regional Certified Development Corporation will meet at the Holiday Inn, Nacogdoches, on September 20, 1984, at 6:30 p.m. Information may be obtained from Mary L. Hobbs, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704.

The Fannin County Appraisal District, Board of Directors, met at the Peeler Building, 401 North Main, Bonham, on September 11, 1984, at 7 p.m. Information may be obtained from Joe Hart, 401 North Main, Peeler Building, Bonham, Texas 75418, (214) 583-9546.

The Gonzales County Appraisal District, Board of Directors, met at 928 St. Louis Street, Gonzales, on September 13, 1984, at 5 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gray County Appraisal District, Board of Directors, met in Suite 196-A, Hughes Building, 400 West Kingsmill, Pampa, on September 13, 1984, at 5:30 p.m. Information may be obtained from Charles Buzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-5123.

The Grayson Appraisal District, Board of Directors, will meet in the commissioners courtroom, Grayson County Courthouse, Sherman, on September 19, 1984, at noon. Information may be obtained from Sandra Bollier, 124 South Crockett, Sherman, Texas 75090, (214) 893-9673.

The Hays County Central Appraisal District, Board of Review, met at the courthouse annex, San Marcos, on September 13, 1984, at 9 a.m. Information may be obtained from Lynnell Sedlar, Courthouse Annex, Third Floor, Blair Room, 102 LBJ, San Marcos, Texas 78666, (512) 396-4777.

The Texas Municipal Power Agency, Board of Directors, met at the main auditorium, Center for the Performing Arts, Fifth and Austin, Garland, on September 13, 1984, at 9:30 a.m. and 10 a.m. Information may be obtained from Jim Bailey, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The South Plains Association of Governments, Executive Committee, met at 3424 Avenue H, Lubbock, on September 11,

1984, at 9 a.m. The Board of Directors met at the same location on the same day at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721.

The Swisher County Appraisal District, Board of Directors, met at 130 North Armstrong, Tulia, on September 13, 1984, at 8 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

The Wise County Appraisal District, Board of Directors, met at 206 South State, Decatur, on September 13, 1984, at 9 a.m. and 10 a.m. Information may be obtained from Angela Caraway, P.O. Box 509, Decatur, Texas 76234, (817) 627-3081.

TRD-849179

Meetings Filed September 10

The Ark-Tex Council of Governments, Executive Committee, met at the Ramada Inn, Mount Pleasant, on September 13, 1984, at 5:30 p.m. The Board of Directors met at the same location on the same day at 7 p.m. Information may be obtained from V. Arvin, P.O. Box 5307, Texarkana, Texas 75501, (501) 774-3481.

The Bastrop County Appraisal District, Board of Directors, will meet at 1200 Cedar Street, Bastrop, on September 20, 1984, at 7:30 p.m. Information may be obtained from Cliff Kessler, 1200 Cedar Street, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District, Appraisal Review Board, will meet at 535 South Main, San Antonio, on September 14, 1984, at 9 a.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bosque County Appraisal Board will meet in the judge's chambers, Bosque County Courthouse, Meridian, on September 20, 1984, at 7 p.m. Information may be obtained from David G. Cooper, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

The Callahan County Appraisal District, Board, met in emergency session at the Callahan County Courthouse, Baird, on September 11, 1984, at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 1055, Baird, Texas 79504, (915) 854-1442.

The Dallas Area Rapid Transit Authority, Communications and Community Involvement

ment Committee, met at 601 Pacific Avenue, Dallas, on September 13, 1984, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The Dawson County Central Appraisal District, Board of Directors, will meet at the Pheasant Restaurant, 611 North Dallas Avenue, Lamesa, on September 14, 1984, at 7 a.m. Information may be obtained from Jim Warren, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Region XI Education Service Center, Board of Directors, will meet at 3001 North Freeway, Fort Worth, on September 25, 1984, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102.

The Hale County Appraisal District, Appraisal Review Board, will meet at K-Bob's Steak House, 3400-C Olton Road, Plainview, on September 20, 1984, at noon. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226.

The Heart of Texas Council of Governments, Executive Committee, will meet at 320 Franklin Avenue, Waco, on September 25, 1984, at 12:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Houston-Galveston Area Council, Board of Directors, will meet in the fourth floor conference room, 3555 Timmons, Houston, on September 18, 1984, at 9:30 a.m. Information may be obtained from Charlene McCarthy, P.O. Box 22777, Houston, Texas 77027, (713) 627-3200, ext. 596.

The Appraisal District of Jones County, Board of Directors, will meet at 1137 East Court Plaza, Anson, on September 20, 1984, at 9 a.m. Information may be obtained from John Steele, P.O. Box 348, Anson, Texas 79501, (915) 823-2422.

The Lower Neches Valley Authority, Board of Directors, will meet at 7850 Eastex Freeway, Beaumont, on September 18, 1984, at 10:30 a.m. Information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Nortex Regional Planning Commission, General Membership Committee, will meet in the Clipper Room, Trade Winds Motor Hotel, 1212 Broad Street, Wichita Falls, on September 20, 1984, at noon. The North Texas State Planning Region Consortium will meet at the same location on the same day at 1 p.m. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of Directors, will meet in Suite 2, 2287 North Texas Boulevard, Alice, on September 18, 1984, at 2 p.m. Information may be obtained from Wilbur F. Erck, Route 2, Box 325, Alice, Texas 78372, (512) 664-1325.

The San Antonio River Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on September 19, 1984, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, San Antonio, Texas 78204, (512) 227-1373.

The Scurry County Appraisal District, Board of Directors, met in emergency session at 4604 College Avenue, Snyder, on September 11, 1984, at noon. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549.

The Southeast Texas Regional Planning Commission, Executive Committee, will meet in the city hall council chambers, Beaumont, on September 19, 1984, at 7:30 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384.

The South Plains Association of Governments, General Assembly, will meet at 1501

Sixth Street, Lubbock, on September 18, 1984, at 5 p.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 2787, Lubbock, Texas 79408, (806) 762-8721.

TRD-849234

Meetings Filed September 11

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on September 17, 1984, at 5 p.m. The Appraisal Review Board will meet at the same location on September 17-20 and 24-27, 1984, at 8:30 a.m. daily. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Capital Area Planning Council, Executive Committee, will meet in Suite 100, 2520 IH 35 South, Austin, on September 18, 1984, at 2 p.m. Information may be obtained from Richard G. Bean, 2520 IH 35 South, Austin, Texas 78704, (512) 443-7653.

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, will meet at 302 South 22nd, Temple, on September 18, 1984, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503, (817) 778-4841.

The Dallas Area Rapid Transit Authority, Board, submitted an emergency revised agenda for a meeting held at 601 Pacific Avenue, Dallas, on September 11, 1984, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

The San Antonio River Industrial Development Authority, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on September 19, 1984, at 11 a.m. Information may be obtained from Fred N. Pfeiffer, 100 East Guenther Street, San Antonio, Texas 78204, (512) 227-1373.

TRD-849272

In Addition

The *Register* is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner), notices of rate ceilings (filed by the consumer credit commissioner), changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner); and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

State Banking Board Public Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Thursday, November 8, 1984, at 2601 North Lamar Boulevard, Austin, on the charter application for Gulf Shores Bank, to be located at 157 Highway 87 at Driftwood Street in Crystal Beach, Galveston County

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 465-4451.

Issued in Austin, Texas, on September 5, 1984

TRD-849185 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: September 7, 1984
For further information, please call (512) 475-4451.

Texas Department of Community Affairs Consultant Contract Award

Contractor. The Texas Department of Community Affairs (TDCA) announces that the firm of Enterprise Advisory Services, Inc., has been awarded a contract, under provisions of Texas Civil Statutes, Article 6252-11c, for the period of September 1, 1984-January 31, 1985, to provide training on Job Training Partnership Act (JTPA) fiscal management and developing a technical assistance guide on fiscal management. The consultant proposal request was published in the March 30, 1984, issue of the *Texas Register* (9 TexReg 1822).

Description of Services. The firm of Enterprise Advisory Services, Inc., shall perform services which may in-

clude the provision of training workshops in the area of the JTPA fiscal management to agency staff and the staff of service delivery area administrative entities. Each training workshop will be performed several times in different areas of the State of Texas. Services to be provided will also include the development of a technical assistance guide in the area of JTPA fiscal management to provide fiscal control and accounting procedures.

Business Address. The business address of Enterprise Advisory Services, Inc., is 1407 New Tree Lane, Missouri City, Texas 77549.

Contract Amount. The total cost of technical assistance services to be performed under this contract is presently estimated to be \$39,750.

Project Reports. Reports to be generated under this contract shall be submitted to the TDCA upon completion throughout the period of performance of the contract.

Issued in Austin, Texas, on September 7, 1984

TRD-849226 Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Filed: September 7, 1984
For further information, please call (512) 443-4100,
ext. 210.

Office of Consumer Credit Commissioner Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 09/17/84-09/23/84	21.00%	21.00%
Monthly Rate—Article 1.04(c)⁽¹⁾ 09/01/84-09/30/84	21.31%	21.31%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Quarterly Rate—Article 1.11⁽³⁾ 10/01/84-12/31/84	21.00%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d)⁽³⁾ 10/01/84-12/31/84	21.19%	N/A
Standard Annual Rate—Article 1.04(a)(2)⁽²⁾ 10/01/84-12/31/84	21.19%	21.19%
Retail Credit Card Annual Rate—Article 1.11⁽³⁾ 10/01/84-12/31/84	21.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/84-12/31/84	19.32%	N/A
Judgment Rate—Article 1.05, §2 09/01/84-09/30/84	10.79%	10.79%

- (1) For variable rate commercial transactions only
- (2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069-1.01(f)
- (3) Credit for personal, family, or household use
- (4) Credit for business, commercial, investment, or other similar purpose

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

TRD-849232 Sam Kelley
Consumer Credit Commissioner

Filed: September 10, 1984
For further information, please call (512) 475-2111.

Texas School for the Deaf Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas School for the Deaf announces this consultant proposal request to deliver management and systems design consultant services for plant maintenance operations.

Description of Services. Under the contract, the consultant will furnish a full-time qualified plant maintenance supervisor 40 hours per week to manage the operation of the maintenance department located on two campuses. Among the areas to be considered will be those of preven-

tive maintenance, corrective maintenance, energy conservation, and grounds care. The entire scope of the maintenance program should be addressed by proposals submitted, subject to the following conditions.

(1) Services to be provided to the school shall include supervisory, management, and consulting services, taking into consideration the existing administrative and supervisory structure within the school.

(2) Present maintenance staff members shall remain as employees of the school, subject to the employment policies of the school.

(3) Proposals should address the provision of supplies and equipment to be used in the maintenance services program.

(4) Proposals should address the type, scope, and objectives of training programs to be provided to employees.

(5) Proposals should address guaranteed cost limits to the school. Contractual conditions which would allow the school to accurately project expenditures in the area of maintenance will be important.

(6) Proposals shall specifically address a method of providing technical services which will ensure a prompt response and a high level of expertise in repairing and maintaining equipment at the school.

(7) A high level of quality will be required for all services provided and work performed at the school. Proposals should address the procedures to be followed to guarantee this high level of quality.

Multiple Proposal. A vendor may submit more than one proposal. Additional proposals may be prepared in an abbreviated form, following the same format as the primary proposal, but containing only that information which differs in any way with the primary proposal. Each proposal must be bound separately and prepared in accordance with the specifications contained herein.

Evaluation Criteria. The contracting firm must have past experience in working with management of a plant maintenance department in a school, know federal and Texas state laws, and have computer capabilities and experience in maintaining preventive maintenance records on equipment and computing certain reports. The consultant demonstrating the most relevant experience and background and having the most expert knowledge of the service to be performed will be awarded the contract. Firms may come to the school to gather information to be used in developing proposals. However, it should be understood that the school incurs no obligation as a result of this survey. The school reserves the right to accept or reject any or all parts of any proposal submitted at the end just before the closing date.

Closing Date for Offers. The closing date for receipt of offers is October 8, 1984.

Contact Person. Prospective offerors should contact Delmar D. Beard, Director for Administrative Services, Texas School for the Deaf, 1102 South Congress Avenue, P.O. Box 3538, Austin, Texas 78764-3538, (512) 442-2102.

Issued in Austin, Texas, on September 5, 1984.

TRD-849163 Sheila O'Leary
Administrative Assistant
Texas School for the Deaf

Filed: September 6, 1984
For further information, please call (512) 442-7821.

Texas Education Agency Proposed Amendment to Textbook Proclamation 61

The State Board of Education is proposing to amend Textbook Proclamation 61. House Bill 72, 68th Legislature, Second Called Session, 1984, amended the Texas Education Code, §12.34, to require a six-year, rather than an eight-year, adoption cycle for textbooks.

To begin the six-year cycle with the 1986-1987 school year, it is necessary to amend Proclamation 61 to include the following subject areas that were not listed in the original proclamation: prekindergarten teachers' resource packet; computer literacy, grade 7; art, grade 7; art, grade 8; life science, grade 8; English composition I-IV; correlated language arts I-IV; informal geometry; U.S. history, grade 8; U.S. history; shorthand I; and advanced shorthand.

Written comments concerning the proposed amendment to Textbook Proclamation 61 should be submitted by 5 p.m. on Monday, October 15, 1984, to J. Henry Perry, Director, Textbook Division, Texas Education Agency, 201 East 11th Street, Austin, Texas 78701. Copies of the proclamation are available from Mr. Perry.

The proclamation is scheduled for adoption at the November meeting of the State Board of Education.

Issued in Austin, Texas, on September 10, 1984

TRD-849230 Raymon L. Bynum
Commissioner of Education

Filed: September 10, 1984

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

Texas Department of Health Cease and Desist Order

Notice is given that Bay Area X-Ray and Inspection, Building G, 413 Avenue E ½, Alvin, holder of Texas Radioactive Material License 11-2912, having transferred radioactive material to persons not licensed to possess it and having stored radioactive material at an unauthorized location, was ordered by the Bureau of Radiation Control to cease and desist from transferring radioactive material to unlicensed persons and from storing radioactive material at any unauthorized location. The licensee also was ordered to recover and return to Bay Area X-Ray and Inspection all radioactive material that had been transferred and to submit certain records to agency representatives. The issued order is shown as follows.

In accordance with the *Texas Regulations for Control of Radiation*, §13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

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

THE TEXAS DEPARTMENT OF HEALTH THE TEXAS RADIATION CONTROL AGENCY

ORDER TO

Bay Area X-Ray and Inspection
Richard Dalmolin
Agent for Service
413 Avenue E ½, Building G, Alvin, Texas

WHEREAS, Texas Civil Statutes, Article 4590f, §13, (the Act), makes it unlawful for any person to use, transport, transfer, receive, acquire, own, or possess any source of radiation unless licensed, registered, or exempted by the agency; and

WHEREAS, *Texas Regulations for Control of Radiation* (TRCR), §41.31, requires each licensee to be subject to all provisions of the Act, the rules, regulations, and orders of the agency; and

WHEREAS, License 11-2912, issued to Bay Area X-Ray and Inspection Company, Inc. (Bay Area), carries the name of James William Paul as an authorized radiographer on said license; and

WHEREAS, TRCR §41.40 prohibits the transfer of radioactive material to persons not licensed to possess it; and

WHEREAS, TRCR §41.31(c) requires that each authorized person confine his use and possession of the licensed material to the locations and purposes authorized in the license; and

WHEREAS, Richard Dalmolin has denied that James William Paul is an employee of Bay Area, and is operating as the separate entity of Paul's Inspection Service, but is borrowing Bay Area radioactive material for such separate operations; and

WHEREAS, Bay Area is responsible for the control and safe use of radioactive material in accordance with the Act, the TRCR and the provisions of the license; and

WHEREAS, Bay Area has not amended its license to indicate that it no longer controls the use of its radioactive materials when loaned to James William Paul, doing business as Paul's Inspection Service;

NOW THEREFORE, Bay Area is hereby ORDERED to:

- (1) CEASE and DESIST from transferring radioactive material to Paul's Inspection Service;
- (2) Immediately recover and return to Bay Area all radioactive material that has been transferred to Paul's Inspection Service;
- (3) CEASE and DESIST from storing radioactive materials in Corpus Christi, or any other location not authorized by the license, until such location(s) is added to the license by amendment;
- (4) Submit copies of all records relating to Paul's Inspection Service's use of radioactive material to agency representatives upon demand; and
- (5) Submit to agency representatives, upon demand, copies of Bay Area's records which include:
 - (a) quarterly inventory;
 - (b) receipt/transfer/disposal;
 - (c) utilization log;

(d) individual job survey/use records for work, using radioactive material, by employees of Paul's Inspection Service.

DONE, this the 18th day of July, 1984.

SIGNED by Richard A. Ratliff, P. E., Director, Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health.

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

TRD-849164 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 6, 1984

For further information, please call (512) 835-7000.

Emergency Impoundment

Notice is given that M and M Wireline Services, Inc., Route 1, Box 4, Trails End, San Marcos, Texas 78666, having an unauthorized storage location, an unsecured radioactive source, and an unauthorized source manufacturer and model number according to Texas Radioactive Material License 6-3604, was ordered by the Bureau of Radiation Control to surrender for impoundment a three curie americium-241/beryllium source.

In accordance with the *Texas Regulations for Control of Radiation*, §13.10(f)(1), the person receiving the order has been given opportunity for hearing if the person makes a written application to the agency within 30 days of the order date.

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

The order was signed by Richard A. Ratliff, P. E., Director of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health, on July 27, 1984.

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

TRD-849165 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 6, 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 sub-heading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Amarillo	Diagnostic Affiliates, Inc	01-3689	Amarillo	0	08/15/84
Throughout Texas	Olympic Wireline, Inc.	08-3674	Victoria	0	08/09/84

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Abilene	West Texas Medical Center	04-2434	Abilene	12	07/19/84
Abilene	Humana Hospital-Abilene	04-2434	Abilene	13	08/13/84
Abilene	West Texas Utilities Company	04-3481	Abilene	1	08/14/84
Arlington	The University of Texas at Arlington	05-248	Arlington	19	08/15/84
Austin	Holy Cross Hospital	06-2751	Austin	11	08/17/84
Austin	Texas Department of Water Resources	06-2631	Austin	2	08/17/84
Beaumont	St Elizabeth Hospital	10-269	Beaumont	32	08/03/84
Boston, MA	E. I. DuPont Bio-medical Department	05-2481	Boston, MA	6	08/17/84
Brenham	Saint Jude Hospital	06-3419	Brenham	1	08/06/84
Clarksville	Red River General Hospital	07-2978	Clarksville	8	07/27/84
Dallas	Murmur Corporation	05-2655	Dallas	3	08/17/84
Denton	North Texas State University	05-450	Denton	26	08/02/84
Denton	North Texas State University	05-101	Denton	25	08/02/84
Denton	North Texas State University	05-99	Denton	21	08/02/84
Denton	Nutopes	05-3472	Denton	3	08/09/84
El Paso	Nuclear Pharmacy, Inc	03-1999	El Paso	49	08/17/84
Fannin	Central Power and Light Company	08-2519	Corpus Christi	7	08/14/84
Floydada	Caprock Hospital District	02-3255	Floydada	1	08/15/84
Fort Worth	Northwest Hospital	05-3015	Fort Worth	6	08/15/84
Fort Worth	White Settlement Hospital	05-2980	Fort Worth	5	08/15/84
Fort Worth	Consultants in Radiology	05-1711	Fort Worth	31	08/16/84
Galveston	The University of Texas Medical Branch	11-491	Galveston	22	08/15/84
Garland	Shiloh Park Hospital	05-2618	Garland	7	08/15/84
Grand Prairie	Big Three Industries	05-3061	Grand Prairie	3	08/15/84
Hallsville	The Sabine Mining Company	07-3422	Hallsville	2	08/15/84
Harlingen	Valley Baptist Medical Center	08-154	Harlingen	17	08/13/84
Hazelwood, MO	Mallinckrodt, Inc	11-3008	Hazelwood, MO	6	08/13/84
Houston	Methodist Hospital	11-972	Houston	14	08/02/84
Houston	Continental Airlines	11-2718	Houston	3	08/09/84
Houston	Travis Medicine Association, P A	11-2711	Houston	2	08/10/84
Houston	Nuclear Pharmacy, Inc	11-1911	Houston	48	08/13/84
Houston	The Goodyear Tire & Rubber Company	11-264	Houston	14	08/14/84
Houston	St. Luke's Episcopal-Texas Children's Hospitals	11-581	Houston	24	08/15/84
Houston	Atlantic Richfield Company	11-187	Houston	24	08/15/84
Houston	Geotest Engineering, Inc	11-2735	Houston	13	08/17/84
Kermit	Kermit Memorial Hospital	12-3442	Kermit	1	08/03/84
Lewisville	Lewisville Memorial Hospital	05-2739	Lewisville	7	08/09/84
Lubbock	St. Mary of the Plains Hosp & Rehabilitation Center	02-1547	Lubbock	26	08/17/84

Midland	Midland Memorial Hospital	12-728	Midland	30	08/10/84
Mineral Wells	Palo Pinto General Hospital	05-1732	Mineral Wells	10	08/15/84
Pasadena	U. S. Leak Detection, Inc	11-3268	South Houston	1	08/14/84
Pecos	Reeves County Hospital	12-3491	Pecos	2	08/02/84
Port Arthur	Gulf Refining and Marketing Company	10-54	Port Arthur	24	08/14/84
Port Arthur	B. B. Elster, M.D.	10-489	Port Arthur	10	08/15/84
Port Neches	Synpol, Inc	10-77	Port Neches	18	08/15/84
Rockdale	Aluminum Company of America	06-2609	Rockdale	9	08/09/84
San Antonio	Endocrinology-Nuclear Medicine Associates, P.A.	09-3343	San Antonio	2	08/16/84
San Antonio	Humana Women's Hospital South Texas	09-3656	San Antonio	1	08/16/84
Seadrift	Union Carbide Corporation	08-51	Port Lavaca	40	08/17/84
Sherman	Texas Instruments, Inc	5-2682	Sherman	4	08/14/84
Stafford	Texas Instruments, Inc	11-714	Houston	27	08/17/84
Sugarland	Nalco Chemical Company	11-1023	Sugarland	8	08/09/84
Sweeny	Phillips Petroleum Company	11-337	Sweeny	24	08/09/84
Taylor	Johns Community Hospital	06-3657	Taylor	1	08/16/84
Throughout Texas	Welex	11-387	Houston	56	08/09/84
Throughout Texas	Tracer Laboratory of Midland	12-3298	Midland	3	08/09/84
Throughout Texas	Petrospect, Inc	08-3088	Corpus Christi	2	08/09/84
Throughout Texas	ABCO Industries, Inc	04-3153	Ablene	4	08/14/84
Throughout Texas	Resource Engineering, Inc	11-3195	Houston	2	08/14/84
Throughout Texas	Halliburton Services	07-1835	Tyler	22	08/14/84
Throughout Texas	Tom Hansen Company	12-684	Odessa	33	08/14/84
Throughout Texas	Brown & Root, Inc	11-3391	Houston	2	08/14/84
Throughout Texas	Texas Perforators, Inc	09-3544	Seguin	2	08/14/84
Throughout Texas	NL/MWD-NL Industries, Inc	11-2603	Houston	13	08/17/84
Throughout Texas	Perf-O-Log Surveys, Inc	12-2387	Odessa	6	08/17/84
Throughout Texas	Soil Mechanics Incorporated	06-1783	Bryan	9	08/17/84
Throughout Texas	Magnaflux Tubular Inspection	11-2393	Channelview	7	08/17/84
Webster	Diagnostic Systems Laboratory	11-3084	Webster	4	08/03/84
Weslaco	Knapp Memorial Methodist Hospital	08-3290	Weslaco	3	08/15/84

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Cisco	E. L. Graham Hospital	04-3310	Cisco	3	08/16/84
Gladewater	Gladewater Municipal Hospital	07-3330	Gladewater	2	08/16/84
Huntsville	Sam Houston State University	11-873	Huntsville	8	08/03/84
Overton	Overton Medical Center	07-3374	Overton	2	08/02/84
Winnsboro	Winnsboro Memorial Hospital	07-3336	Winnsboro	2	08/15/84

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Amarillo	Coffee Memorial Blood Center	01-2523	Amarillo	3	08/15/84
Dallas	GEO Reliability Service	05-2203	Dallas	4	08/09/84

Houston	Pipe Maintenance, Inc	11-2660	Houston	2	08/15/84
Houston	Hospital Sales Company	11-2344	Houston	4	08/21/84
Kingsville	C & I Development, Inc	08-2861	Kingsville	1	08/09/84
Paducah	W. Q. Richards Memorial Hospital	04-3287	Paducah	2	08/21/84
San Antonio	Southwest Bioclinical Laboratory	09-1694	San Antonio	8	08/15/84
San Benito	Central Power and Light Company	01-2321	Corpus Christi	5	08/14/84
Woodville	Levingston Industrial Products Division	10-3205	Woodville	3	08/14/84

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

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-Friday (except holidays).

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

TRD-849166 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 6, 1984

For further information, please call (512) 835-7000.

Public Hearing

The Texas Department of Health will conduct a public hearing on Application 1540 of Western Contractors Services, Inc., to operate a proposed Type IV (brush, construction-demolition wastes, and rubbish only) disposal site to be located in the northeast part of Pasadena, approximately 150 to 400 feet west of the Pasadena-Deer Park city limits line, 0.6 mile north-northeast of the intersection of East Belt Drive (Beltway 8, East) and Red Bluff Road, 1,250 feet northeast of the intersection of East Belt Drive and State Augustine Avenue, and 700 feet east of East Belt Drive, in Harris County.

The hearing will be held at 8 a.m. on Wednesday, September 19, 1984, at the Southwest Grand Ballroom, Section A of the Hobby Airport Hilton, 8181 Airport Boulevard, Houston, Texas 77061.

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

TRD-849167 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 6, 1984

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

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.

MRI Associates of Arlington, Arlington
AO84-0820-537

NIE—Request for a declaratory ruling that a certificate of need is not required for MRI Associates of Arlington to acquire by purchase a magnetic resonance imaging system. The equipment will be located at 906 West Randol Mill Road, Arlington, and utilized on an outpatient basis only.

Messrs. Brame, Addington, and Smith, or a to-be-formed Texas partnership to be known as Care Inn of Conroe, a partnership composed exclusively of Messrs. Brame, Addington, and Smith, Conroe

AN84-0829-547

NIEH—Request for a declaratory ruling that a certificate of need is not required for Messrs. Brame, Addington, and Smith, or a to-be-formed Texas partnership to be known as Care Inn of Conroe, a partnership composed exclusively of Messrs. Brame, Addington, and Smith, to acquire by purchase Care Inn of Conroe, an existing 150-bed ICF nursing facility located in Conroe, from Lone Star Nursing Homes, Inc., a Texas corporation.

The Woodridge Nursing and Convalescent Center, Inc., a Texas corporation, Austin

AN84-0830-550

NIEH—Request for a declaratory ruling that a certificate of need is not required for The Woodridge Nursing and Convalescent Center, Inc., a Texas corporation, to acquire by lease The Woodridge Nursing and Convalescent Center, an existing 204-bed nursing facility with 102 ICF and 102 skilled beds located in Austin, from Stonebrook Properties, Inc.

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

TRD-849236 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: September 10, 1984

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

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

(1) Application for admission to do business in Texas of The Equitable of Colorado, Inc., a foreign life insurer.

ance company. The home office is in Colorado Springs, Colorado.

(2) Application for incorporation of East Texas Health Insurance Company, to be a domestic accident and health insurance company. The home office is proposed to be in Tyler.

(3) Application for incorporation of J. C. Penney Indemnity Insurance Company, to be a domestic fire and casualty insurance company. The home office is proposed to be in Richardson.

(4) Application for incorporation of J. C. Penney General Insurance Company, to be a domestic fire and casualty insurance company. The home office is proposed to be in Richardson.

(5) Application for admission to do business in Texas of Twentieth Century Life Insurance Company, a foreign life insurance company. The home office is in Cary, North Carolina.

(6) Application for a name change by J. D. H. Life Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposed new name is International Security Life Insurance Company.

(7) Application for incorporation of American Group Life Insurance Company, to be a domestic life insurance company. The home office is proposed to be in Austin.

(8) Application for admission to do business in Texas of EMC Reinsurance Company, a foreign fire and casualty insurance company. The home office is in Des Moines, Iowa.

(9) Application for admission to do business in Texas of Great Pacific Insurance Company, a foreign fire insurance company. The home office is in San Bruno, California.

(10) Application for a name change by Alamo Title Company, a domestic title insurance company. The home office is in San Antonio. The proposed new name is Southwest Title Insurance Company.

(11) Application for a name change by Alamo Title Company, a domestic title insurance company. The home office is in San Antonio. The proposed new name is Title Insurance Company of the Southwest.

(12) Application for admission to do business in Texas of American Professional Life Insurance Company, a foreign life insurance company. The home office is in Nashville, Tennessee.

(13) Application for admission to do business in Texas of American Professionals Insurance Company, a foreign fire and casualty insurance company. The home office is in Indianapolis, Indiana.

(14) Application for a name change by CN Life Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposed new name is Commercial National Life Insurance Company.

(15) Application for admission to do business in Texas of American Progressive Life Insurance Company, a foreign life insurance company. The home office is in Nashville, Tennessee.

Issued in Austin, Texas, on September 7, 1984

TRD-849218 James W. Norman
Chief Clerk
State Board of Insurance

Filed: September 7, 1984

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

Legislative Budget Board Joint Budget Hearing Schedule

The Executive and Legislative Budget Offices will jointly conduct the following budget hearings to consider appropriations requests for the 1986-1987 biennium, for the period of September 17-21, 1984. Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
Comptroller of Public Accounts	1:30 p.m. - September 17	Room 801, 1 BJ Building, 111 East 17th Street, Austin
Office of the Attorney General	9 a.m. - September 19	Room 202, Texas Law Center, 1414 Colorado Street, Austin
Texas Conservation Foundation	9 a.m. - September 19	Room 213, State Capitol, Austin

Issued in Austin, Texas, on September 7, 1984

TRD-849215 Larry Kopp
Assistant Director for Budgets
Legislative Budget Board

Filed: September 7, 1984

For further information, please call (512) 475-3426.

Texas Department of Mental Health and Mental Retardation Consultant Contract Award

This award of consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request appeared in the January 6, 1984, issue of the *Texas Register* (9 TexReg 195).

On May 16, 1984, the Texas Department of Mental Health and Mental Retardation (TDMHMR) contracted with Arthur Anderson and Company to provide the following consultant services.

(1) Development of cost estimates and assistance in preparing budget requests for telecommunications, as well as estimates of costs for telecommunications services during the current biennium in light of rate increases anticipated this year.

(2) Specific recommendations for improvement of the management and oversight of the department's communication systems.

(3) Development of long-range recommendations on accessing technological advances in the telecommunications industry to improve TDMHMR services.

(4) A review of the department's long-range plans for management information services to determine their relationship to its telecommunication requirements. Convergence of the information-processing industry and the telecommunication industry makes it necessary for the TDMHMR to consider all alternatives as it reviews its information management and telecommunication needs. The consultant's findings should have direct implications for the department's long-range plans for a distributed data network and office automation and for how it will

approach the entire concept of information management in the future.

(5) Coordination of the consultant engagement with the State Telecommunication Study Committee, which was established last fall within the Texas Legislative Council by Lieutenant Governor William P. Hobby, Jr., and Speaker of the Texas House of Representatives Gib Lewis. This committee will develop recommendations for the 69th Legislature, 1985, on such options as a state-owned and operated telecommunication system or a continuation of the state telecommunication system (STS). The TDMHMR will be working closely with this committee, the Legislative Budget Board, and the State Purchasing and General Services Commission to ensure proper coordination.

Arthur Anderson's local address is Suite 2000, 221 West 21st Street, Austin.

These consultant services were provided between May 29, 1984, and August 15, 1984. The total value of the contract was \$69,000, plus reimbursement expenses incurred by the consultant in accordance with state regulations.

The consultant agreed to provide a written report on the services as of August 18, 1984. This report will provide as a minimum a description of all services provided and evaluations and recommendations made.

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

TRD-849169 Gary E. Miller, M D
Commissioner
Texas Department of Mental
Health and Mental Retardation

Filed. September 6, 1984
For further information, please call (512) 465-4591.



Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation (TDMHMR) serves notice of invitation for bids on a comprehensive systemwide case management training and curricula development contract. The bid must include, in addition to consultant's resume and other relevant background information, a comprehensive and detailed plan including the factors outlined in this request, time frames, and cost. All information will be compiled and submitted to the central office of the TDMHMR.

Description of Services. Under the contract, the consultant will develop comprehensive curricula for a departmentally designed systemwide case management program and provide training and technical assistance to trainers of staff as necessary to develop an effective training model for case management. Specific activities to be performed include, but are not necessarily limited to:

(1) integrating existing TDMHMR case management system components and training requests/needs information into curricula;

(2) developing a case management training package which provides constituency-specific knowledge about elements of case management to all staff who will be impacted in their service roles by case management. The curricula will assure a unified system implementation process. The end products required include a total content curriculum for case managers covering all aspects of the knowledge, skills, and abilities required to perform the case management function and a total content curriculum for case management supervisors covering all aspects of the knowledge, skills, and abilities required to perform first-line supervision of case management. The total content curricula will include participant manuals (self-contained), instructor manuals, audio/visual support packages (including videotaped and slide-sound synchronized productions), and learner tests, exercises, readings, and other materials;

(3) developing a case management system implementation manual which fully meets the needs of the department;

(4) providing a complete and comprehensive case management training plan which specifies target groups, time frames, format, basic content, activities, general training goals, and outcome measures;

(5) assisting in training decentralized core trainers and providing technical assistance to core trainers. Travel to all areas of the state may be necessary;

(6) developing a formal trainee evaluation-feedback instrument, evaluating the effectiveness of the program, and integrating revised and additionally developed materials into the final products; and

(7) including in the curricula content areas such as definition, philosophy, purpose, and target population of the case management system; differences between the case management system and current system; effects of case management on continuity-of-care; policy and procedures; implementation process; case management functions; documentation procedures; evaluation and feedback; and other relevant topics.

Evaluation Criteria. The consultant must have a minimum of a bachelor's degree and five years experience in the field of program design and curriculum development/implementation with three years of those years in the field of mental health and mental retardation case management curriculum development. The consultant demonstrating the most relevant experience and background and having the greatest and most expert knowledge and plan of the service to be performed will be awarded the contract.

Closing Date of Offers. The closing date for receipt of offers is October 15, 1984.

Contact Person. Prospective offers should be submitted to Janet Collins, Case Management Administrator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, (512) 454-3761, ext. 4215.

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

TRD-849217 Gary E Miller, M.D
Commissioner
Texas Department of Mental
Health and Mental Retardation

Filed: September 7, 1984
For further information, please call (512) 465-4591

Texas Parks and Wildlife Department Public Hearing

A notice appeared in the August 31, 1984, issue of the *Texas Register* concerning a public hearing on a proposed six-year plan for the Texas Parks and Wildlife Department. The public hearing will be conducted by the Texas Parks and Wildlife Commission and the Texas Parks and Wildlife Department and will be held in Hearing Room B, Parks and Wildlife Headquarters Complex, 4200 Smith School Road, Austin, at 9 a.m. on Thursday, September 13, 1984. The public hearing will be held to gather testimony concerning the department's suggested goals and objectives to be reached by 1991. For further information, please contact Carol Short, Administrative Assistant, (512) 479-4800, ext. 2004.

Issued in Austin, Texas, on September 5, 1984

TRD-849109 Charles D. Travis
Executive Director
Texas Parks and Wildlife
Department

Filed: September 5, 1984
For further information, please call (512) 479-4808.

Texas Department of Public Safety Public Information

Austin—A 3.7% drop in the Texas crime rate was recorded for the first half of this year compared to the same period in 1983, according to statistics compiled by the Texas Department of Public Safety.

"Combined reports from 776 agencies indicated a rate of 2,879.8 major crimes per 100,000 population for the first six months of 1984," said Colonel Jim Adams, DPS director. "The rate for the same period in 1983 was 2,989.7."

Adams said the actual number of major crimes reported during the period also declined.

"A total of 452,825 crimes were reported, amounting to a decrease of almost 1.0% compared to the first half of 1983. This is a continuation of the trend we saw in 1983, when the number of crimes declined for the first time since 1961."

The DPS director said four of the seven major crime categories registered decreases.

"Murders were down 8.2%, robbery cases dropped almost 10%, and aggravated assaults declined by almost 4.0%," Adams said. "Burglaries were down 5.1%."

The number of rapes rose 11.6%, theft cases were up 1.4%, and motor vehicle thefts increased by 2.7%.

Arrests for the period totaled 439,061, a decrease of 4.3% compared to 1983. Drug arrests were up 16.6%, totaling 27,888. There were 66,959 DWI arrests in the first half of this year, compared to 71,972 in the first half of 1983, a decline of 7.0%.

"Hopefully, the increased level of public awareness about the drunken driving problem and tougher laws have reduced the number of DWI offenders on our roads," Adams pointed out. "But the number arrested indicates that we still have a serious problem, and DWI enforcement continues as a major priority of police agencies."

Two Texas law enforcement officers were killed in the line of duty by criminal action, while one died as a result of a job-related accident. A total of 1,751 officers were assaulted while on duty.

Texas Department of Water Resources Consultant Contract Award

On August 23, 1984, the Texas Department of Water Resources executed a contract with Roy F. Weston, Inc., for a remedial investigation and feasibility study at the United Creosoting hazardous waste site in Conroe. Roy F. Weston, Inc., is located at 6362 Windswept, Suite 210, Houston, Texas 77057.

As part of Texas' Superfund Program, a remedial investigation will be conducted by the consultant under the department's direction to assess the full extent of the problem at the site and to collect data for its resolution. Following the investigation, a feasibility study will be done to develop and analyze various alternatives for an environmentally sound closure of the site.

The final investigation report is scheduled for January 21, 1985; the final feasibility report is scheduled for May 6, 1985. The total current value of the contract is \$331,000; a contingency amount of \$34,925 is available if required. The contractual work for the investigation and feasibility phase of the Superfund Program at the United Creosoting site began work August 23, 1984, and will conclude July 31, 1985.

Issued in Austin, Texas, on August 30, 1984

TRD-849138 Susan Plattman
General Counsel
Texas Department of Water
Resources

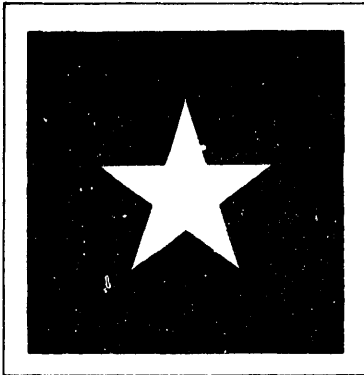
Filed: September 6, 1984
For further information, please call (512) 475-7845.

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