

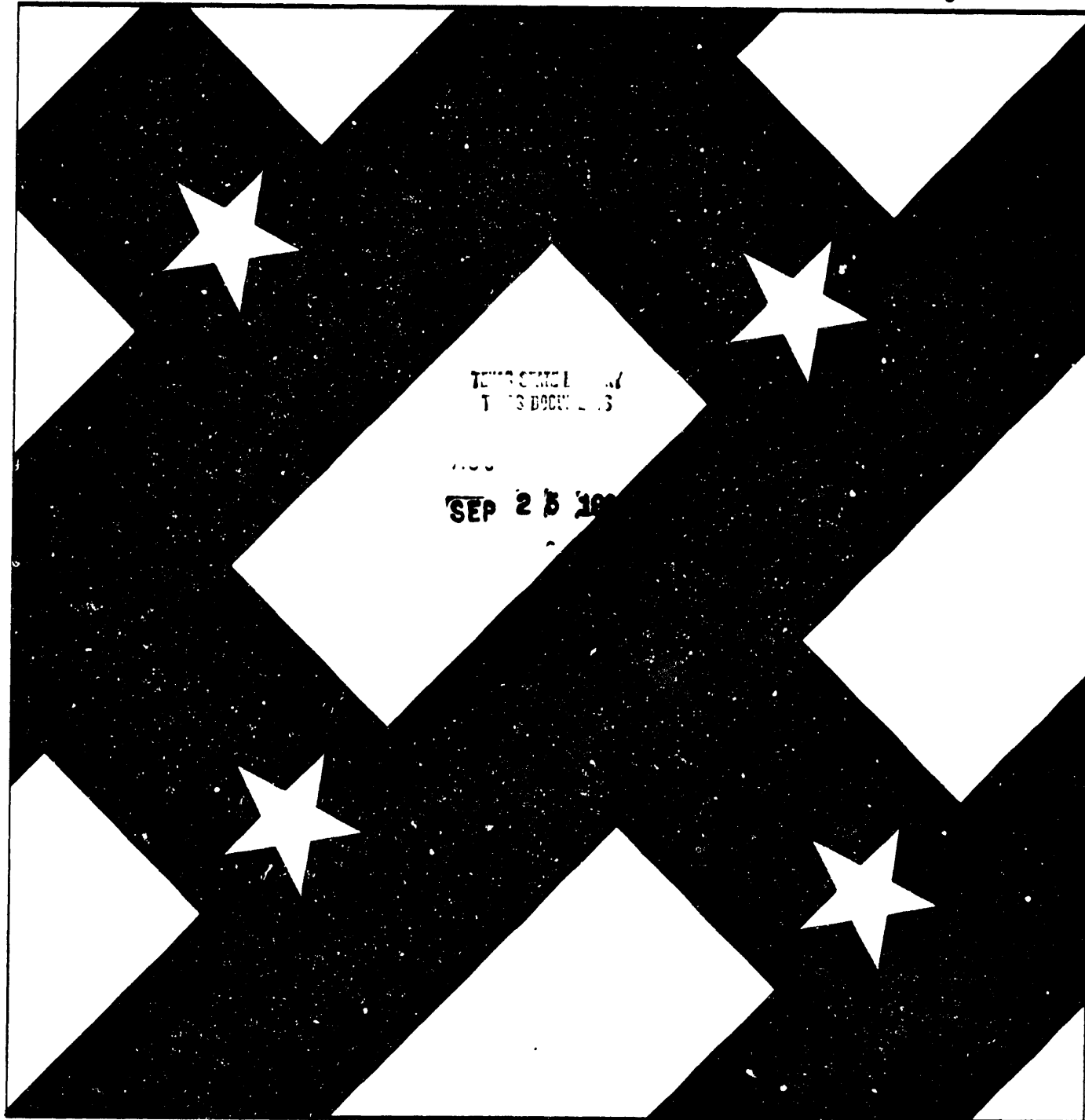
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Texas Register

Volume 9, Number 71, September 21, 1984

Pages 4939 - 4994



TEXAS SECRETARY OF STATE

SEP 25 1984

Highlights

The State Securities Board proposes amendments concerning administrative guidelines for registration of oil and gas drilling programs
 Earliest possible date of adoption - October 22 page 4945

The Public Utility Commission of Texas proposes

amendments concerning customer service and protection. Earliest possible date of adoption - October 22 page 4951

The Texas Youth Commission proposes amendments and new sections in a chapter concerning institutional services for children Earliest possible date of adoption - October 22 page 4958

**Office of
 the Secretary
 of State**

Texas Register

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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TAC stands for the *Texas Administrative Code*.

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1, 15 represents the individual rule within the chapter).



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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 September 7 Governor's Advisory Panel on Offshore Oil and Chemical Spill Responses

For terms to continue at the pleasure of this governor:

Dede Armentrout, Ph.D.
Vice-President
National Audubon Society
2525 Wallingwood
Suite 1505
Austin, Texas 78746

Janice R. Coggeshall
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Galveston City Hall
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Chevron U.S.A.
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New Orleans, Louisiana 70112

John Green
President
Mil-Vid Property, Inc.
150 South Fourth Street
Beaumont, Texas 77701

Robert A. Lansford
State Coordinator
Governor's Division of Emergency Management
P.O. Box 487
Austin, Texas 78773

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County Commissioner
County Courthouse
901 Leopard
Corpus Christi, Texas 78401

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Texas Parks and Wildlife Commission
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Austin, Texas 78744

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Houston, Texas 77001

Daniel J. Zedan
Coordinator of Marine Safety and
Environmental Response
Amoco Transport Company
200 East Randolph Drive
Chicago, Illinois 60601

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

TRD-849349

Mark White
Governor of Texas

**Appointments Made
September 11**

Ad Hoc Committee on Interstate Banking
For terms to continue at the pleasure of this governor:

Stanley Adams
P.O. Box 1566
Austin, Texas 78767

Jim Lederer
203 West 10th Street
Austin, Texas 78701

Don Caveness
710 Brazos
Austin, Texas 78710

Issued in Austin, Texas, on September 11, 1984.

TRD-849349 Mark White
Governor of Texas

**Appointments Made
September 12**

79th Judicial District

To be judge of the 79th Judicial District, Brooks and Jim Wells Counties, until the next general election and until his successor shall be elected and duly qualified:

Romeo Flores
1805 Caroline
Alice, Texas 78332

Mr. Flores is replacing Charles Woodrow Laughlin of Alice, who is deceased.

Advisory Hospital Council

For a term to expire July 17, 1989:

O. Ray Hurst
3607 Arrowhead Drive
Austin, Texas 78731

Mr. Hurst is being reappointed.

Interstate Parole Compact

To be administrator for a term to continue at the pleasure of this governor:

Tom W. Bullington
Deputy Director
Governor's Criminal Justice Division
Sam Houston Building
201 East 14th Street
Austin, Texas 78701

Mr. Bullington is replacing Chris Neely of Austin, who no longer qualifies.

Issued in Austin, Texas, on September 12, 1984.

TRD-849381 Mark White
Governor of Texas



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

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

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

Proposed Rules

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 121. **Administrative Guidelines for Registration of Oil and Gas [Drilling] Programs**

7 TAC §§121.1, 121.2, 121.4-121.6, 121.8-121.10

The State Securities Board proposes amendments to §§121.1, 121.2, 121.4-121.6, and 121.8-121.10, concerning the administrative guidelines for registration of oil and gas drilling programs. The amendments reflect provisions that were included in the recent amendments to the North American Securities Administrators Association's statement of policy regarding oil and gas programs. In addition, the word "drilling" is deleted from the name of the guidelines since, as amended, they would apply to other types of oil and gas programs as well as drilling programs.

Richard D. Latham, securities commissioner, 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. Latham also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased uniformity with

other states in applying standards for the registration of public offerings of oil and gas programs. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are proposed under Texas Civil Statutes, Article 581, §28-1, which provide that the board may adopt rules and regulations governing registration statements and applications; may classify securities, persons, and matters within its jurisdiction; and may prescribe different requirements for different classes.

§121.1. Introduction.

(a) (No change.)

(b) Definitions. As used in the guidelines, the following terms mean:

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

(5) Cost—When used with respect to property in §121.7, means:

(A) the sum of the prices paid by the seller for such property, including bonuses;

(B) title insurance or examinations costs, brokers' commissions, filing fees, recording costs, transfer taxes, if any, and like charges in connection with the acquisition of such property;

(C) a pro rata portion of seller's actual necessary and reasonable expenses for seismic and geophysical services; and

(D) rentals and ad valorem taxes paid by the seller with respect to such property to the date of its trans-

fer to the buyer, interest **actually incurred** on funds used to acquire or maintain such property, and such portion of the seller's reasonable, necessary, and actual expenses for geological, engineering, drafting, accounting, legal, and other like services allocated to the property in accordance with generally accepted industry practices, except for expenses in connection with the past drilling of wells which are not producers of sufficient quantities of oil or gas to make commercially reasonable their continued operations, and provided that the expenses enumerated in this subparagraph shall have been incurred not more than 36 months prior to the purchase by the program; provided that such period may be extended, at the discretion of the **securities commissioner** [administrator], upon proper justification. When used with respect to services, "cost" means the reasonable, necessary, and actual expense incurred by the seller on behalf of the program in providing such services, determined in accordance with generally accepted accounting principles. As used elsewhere, "cost" means the price paid by the seller in an arm's-length transaction.

(6)-(7) (No change.)

(8) **General and administrative overhead**—All customary and routine legal, accounting, geological, engineering, well supervision fee, travel, office rent, telephone, secretarial, salaries, and other incidental reasonable expenses necessary to the conduct of the partnership business, whether [and] generated by the sponsor or by third parties.

(9)-(14) (No change.)

(15) **Production purchase or income program**—Any program whose investment objective is to directly acquire, hold, operate, and/or dispose of producing oil and gas properties. Such a program may acquire any type of ownership interest in a producing property, including, but not limited to, working interests, royalties, or production payments. A program which spends at least 90% of capital contributions and funds borrowed (excluding offering and organizational expenses) in the previously described activities is presumed to be a production purchase or income program.

(16)(15) **Program**—As used in these guidelines, the term "program" refers to a single partnership. (This does not mean that a prospectus may not offer a series of partnerships, with individual partnerships being formed in sequence as the minimum amount necessary to form a partnership is obtained.)

(17)(16) **Prospect**—An area in which the program owns or intends to own one or more oil and gas interests, which is geographically defined on the basis of geological data by the sponsor of such program and which is reasonably anticipated by the sponsor to contain at least one reservoir

(18)(17) **Proved reserves**—Those quantities of crude oil, natural gas, and natural gas liquids which, upon analysis of geologic and engineering data, appear with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Proved reserves are limited to those quantities of oil and gas which can be expected, with little doubt, to be recoverable commercially at current prices and costs, under existing regulatory practices and with existing conventional equipment and operating methods. Depending upon their status of development, such proved

reserves shall be subdivided into the following classifications:

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

(19)(18) **Sponsor**—Any person directly or indirectly instrumental in organizing a program or any person who will manage or participate in the management of a program, including the general partner(s) and any other person who regularly performs or selects the person who performs 25% or more of the exploratory, developmental, or producing activities of the program, or segment thereof. "Sponsor" does not include wholly independent third parties such as attorneys, accountants, and underwriters whose only compensation is for professional services rendered in connection with the offering of units. Whenever the context of these guidelines so requires, the term "sponsor" shall be deemed to include its affiliates.

(20)(19) **Working interest**—An interest in an oil and gas leasehold which is subject to some portion of the expense of development, operation, or maintenance.

§121.2. *Requirements of Sponsor.*

(a) **Experience.** The general partner or its chief operating officers shall have at least three years' relevant oil and gas experience demonstrating the knowledge and experience to carry out the stated program policies and to manage the program operations. Additionally, the general partner or any affiliate providing services to the program shall have had not less than four years' relevant experience in the kind of service being rendered, or otherwise must demonstrate sufficient knowledge and experience to perform the services proposed. If any managerial responsibility for the program is to be rendered by persons other than the general partner, then such persons must be identified in the prospectus, their experience must be similar to that required of a general partner and must be set out in the prospectus, and a contract setting forth the basis of their relationship with the program must be filed with and not disapproved by the **securities commissioner** [administrator].

(b) **Net worth.**

(1) The financial condition of the general partner must be commensurate with any financial obligations assumed by it. The general partner must specifically have a minimum aggregate net worth at all times equal to 5.0% of participants' capital in all existing programs organized by the general partner plus 5.0% of total subscriptions in the program being offered, but such minimum required net worth shall in no case be less than **\$200,000**, [\$100,000] nor shall net worth in excess of **\$2 million** [\$1 million] be required. An individual general partner's net worth shall be determined exclusive of home, home furnishings, and automobiles. Audited balance sheets of sponsors shall be furnished, except that in the event that an individual is a general partner, an unaudited balance sheet prepared by a **certified public accountant and signed and sworn to by such individual general partner** may be accepted for the purpose of determining said required net worth, in the discretion of the **securities commissioner** [administrator], and such unaudited statement will be carefully scrutinized.

(2) In determining a general partner's net worth, the discounted value of proved reserves, as determined by an independent petroleum appraiser, of oil, gas, and other minerals owned by a general partner may be used.

Reserves, notes, and accounts receivables from all programs, interests in all programs, and all contingent liabilities will be scrutinized carefully to determine the appropriateness of their inclusion in the net worth computation. If an individual general partner's net worth is used in complying with the previously mentioned requirements, a statement as to such net worth shall be included in the prospectus.

(3) (No change.)

(c) (No change.)

(d) Investment in program. In appropriate cases, the securities commissioner may require that the sponsor purchase for cash a minimum amount of 5.0% of participation units.

(e) (No change.)

(f) Liability [and indemnification].

(1) The sponsors shall not attempt to pass on to participants the **general** [unlimited] liability imposed on [upon] them by law, except that the program agreement may provide that a sponsor shall have no liability whatsoever to the program or to any participant for any loss suffered by the program which arises out of any action or inaction of the sponsor if the sponsor, in good faith, determined that such course of conduct was in the best interests of the program and such course of conduct did not constitute negligence or misconduct of the sponsor. The sponsor may be indemnified by the program against losses sustained in connection with the program, provided the losses were not the result of negligence or misconduct on the part of the sponsors. [for indemnification of the sponsor(s) under the following circumstances and in the manner and to the extent indicated:

[(1) In any threatened, pending, or completed action, suit, or proceeding to which the sponsor was or is a party or is threatened to be made a party by reason of the fact that he is or was the sponsor of the program (other than an action by or in the right of the program) involving an alleged cause of action for damages arising from the performance of oil and gas activities, including exploration, development, completion, or operation or other activities relative to management and disposition of oil and gas properties or production from such properties, the program may indemnify such sponsor against expenses, including attorneys' fees, judgments, and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit, or proceeding if the sponsor acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the program, and provided that his conduct does not constitute gross negligence, willful or wanton misconduct, or a breach of his fiduciary obligations to the participants. The termination of any action, suit, or proceeding by judgment, order, or settlement shall not, of itself, create a presumption that the sponsor did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the program.]

(2) **The program may not incur the cost of that portion of insurance which insures the sponsor for any liability as to which the sponsor is prohibited from being indemnified under this subsection.** [In any threatened, pending, or completed action or suit by or in the right of the program, to which the sponsor was or is a party or is threatened to be made a party, involving an alleged

cause of action by a participant or participants for damages arising from the activities of the sponsor in the performance of management of the internal affairs of the program as prescribed by the program agreement or by the law of the state of organization, or both, the program may indemnify such sponsor against expenses, including attorneys' fees, actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the program as specified in this paragraph, except that no indemnification shall be made in respect of any claim, issue, or matter as to which the sponsor shall have been adjudged to be liable for negligence, misconduct, or breach of fiduciary obligation in the performance of his duty to the program as specified in this paragraph, unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

[(3) To the extent that a sponsor has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in paragraph (1) or paragraph (2) of this subsection, or in defense of any claim, issue, or matter therein, the program may indemnify him against the expenses, including attorney's fees, actually and reasonably incurred by him in connection therewith.

[(4) Any indemnification under paragraph (1) or paragraph (2) of this subsection, unless ordered by a court, shall be made by the program only as authorized in the specific case and only upon a determination by independent legal counsel in a written opinion that indemnification of the sponsor is proper in the circumstances because he has met the applicable standard of conduct set forth in paragraph (1) or paragraph (2) of this subsection.]

§121.4. *Suitability of the Participant.*

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

(c) Suitability standards for production purchase program.

(1) (No change.)

(2) **In the case of programs engaged primarily in providing completion financing (completion funds) or royalty acquisition funds, the securities commissioner may allow lower suitability standards than those described in subsection (b)(2)(C) of this section. Subject to a satisfactory showing as to the plan of business of the program, the following suitability standards will be deemed reasonable:**

(A) **the participant has a net worth of \$150,000 or more (exclusive of home, furnishings, and automobiles), or**

(B) **the participant has a net worth of \$40,000 (exclusive of home, furnishings, and automobiles) and an annual taxable income of \$40,000 or more.**

(d)-(e) (No change.)

§121.5. *Fees, Compensation, and Expenses.*

(a) (No change.)

(b) Compensation. The participation in program revenues by the sponsor and any affiliate shall be reasonable, taking into account all relevant factors. Overriding royalty interests will be looked upon with disfavor. Sponsors' interests in revenues will be considered reasonable

if they meet the standards set forth as follows. Any other combination of fees, working or net profits interests, or interests subordinated to pay out to the public investors, which are justified, in light of the entire offering, may be considered reasonable by the securities commissioner. References in this subsection to a percent of revenues refer to that percent of program revenues, and references to a percent working interest refer to that percent of the working interest owned by a program in a prospect, if the program does not own the total working interest.

(1) Drilling programs: functional allocation.

(A) (No change.)

[(B)] As one alternative to subparagraph (A) of this paragraph, the sponsor may elect to receive 15% of revenues and an additional percentage of revenues determined by computing the sponsor's capital expenditures as compared to total costs associated with obtaining production, on a prospect basis, until such time as the sponsor shall have received from such additional percentage of revenues an amount equal to his capital expenditures; after which revenues shall be distributed as follows: 15% of revenues to the sponsor and 85% of revenues to the participants until the participants shall have received on a program basis a return of their capital contributions in cash, and then 15% plus the additional percentage of revenues shall be paid to the sponsor and the remainder to the participants.

[(C)] In connection with other possible alternatives that may be submitted to subparagraph (A) of this paragraph, a promotional interest in excess of 25% on a program basis will not be permitted, and a minimum commitment by the sponsor to pay at least 10% of the total program's contributions will be required.]

[(B)][(D)] The aforesaid arrangement to pay capital expenditures refers to and includes all capital expenditures for the drilling and completing of wells during the life of the program, but does not include capital expenditures for facilities downstream of a wellhead. If the sponsor should enter into farm-out or other arrangements through which only he is relieved of his obligations to pay for such capital expenditures, then the sponsor's share of revenue shall be proportionately reduced, the amount to be determined on an individual basis.

[(C)][(E)] In order to elect a sharing arrangement as previously provided, the sponsor must have a net worth of \$300,000 or 10% of the total contributions to the program by the participants, whichever is greater, and must be under a contractual obligation to pay his share of expenses as such expenses are paid by the program and to complete his minimum financial commitment to the program by the payment of cash by the end of the third fiscal year succeeding the fiscal year in which the program commenced operations. Any additional contributions made by the sponsor will be used to pay program expenses which would otherwise be charged to the participants.

[(D)][(F)] For the purposes of this subsection, if a well is not abandoned within 60 days following the commencement of production, then it shall be deemed to be a commercial well insofar as the program is concerned, and the sponsor may not recapture its capital expenditures from the program, which otherwise would be treated as noncapital expenditures upon abandonment. As used herein, production shall refer to the commencement of the commercial marketing of oil or gas and shall

not include any spot sales of oil or gas produced as a result of testing procedures. All revenues from a well abandoned under this subsection shall be allocated pro rata to those persons bearing the costs of such well.

[(E)][(G)] The sharing arrangement set forth in this subsection shall not be considered presumptively reasonable:

(i) in the case of sharing arrangements in which the sponsor pays all development costs and exploratory wells are drilled on prospects which cannot reasonably be expected to require developmental drilling if the exploratory drilling is successful, or

(ii) in the case of sharing arrangements where the sponsor does not pay his share or category of costs on a current basis.

(2) (No change.)

(3) **Drilling programs: other alternatives.** Sponsors who bear at least 10% of all program costs as incurred (excluding organizational and offering expenses and management fees) may receive 25% of program revenues plus an additional percentage of program revenues equal to the additional percentage of program costs which they bear in excess of 10%, up to a maximum of 50% of program revenues. Sponsors must pay operating expenses and general and administrative expenses in the same ratio as they participate in program revenues.

[(4)][(3)] Income or production purchase programs.

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

[(5)][(4)] The sharing arrangement set forth in this subsection shall not be considered presumptively reasonable for a sponsor who does not actively participate in obtaining a significant portion of the program's prospects and who does not assume management responsibility for drilling, completing, equipping, and operating a significant portion of a program's wells, unless such sponsor shall satisfactorily demonstrate that his compensation, together with the costs of procuring such services for the program from third parties, does not exceed the permissible compensation to the sponsor set forth in this subsection. For purposes of these guidelines, a sponsor shall be deemed to be actively participating in obtaining a significant portion of a program's prospects if the sponsor has in-house or under contract the technical capability of originating and/or fully evaluating the prospects to be acquired by that program. "Prospect origination" is the process of formulating a geological or geophysical concept and negotiating for the acquisition of a sufficient acreage interest in the area to warrant drilling and testing. "Prospect evaluation" is the process of determining the viability of a prospect which has been originated by a third party. A sponsor must describe in adequate detail in the offering documents the nature of the sponsor's capability to originate and/or evaluate the prospects the sponsor intends to transfer to a program. If the capability is in-house, the operation section of the offering documents should have a full discussion of the process by which such origination and evaluation will take place, and the management section of those documents should include a biographical discussion of the key personnel of the sponsor performing these activities. If the capability is to be provided by third parties under contract to the sponsor, the third parties should be identified, their qualifications described, and the contractual nature of the arrangement

between the sponsor and the third party should be fully disclosed. This should include a detailed discussion of the administrative process involved in the relationship. It will be deemed presumptively unreasonable, in the latter instance, if the contracts do not provide the program with comparable capabilities to those that would be provided if the sponsor's capability was in-house, including, among other things, availability of technical expertise and the provision of adequate response time. Unless the sponsor can adequately demonstrate the availability of such capability, it will not be permitted to elect any of the sharing of costs and revenues described in the guidelines.

(c) (No change.)

§121.6. Transactions with Affiliates and Conflicts of Interest.

(a) (No change.)

(b) Restricted and prohibited transactions.

(1) (No change.)

(2) A sponsor or affiliate shall not take any action with respect to the assets or property of the program which does not primarily benefit the program, including, among other things;

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

(3) All benefits from marketing arrangements or other relationships affecting property of the sponsor or affiliate and the program shall be fairly and equitably apportioned according to the respective interests of each.

(4) (No change.)

(5) Anything to the contrary notwithstanding, a sponsor or affiliate may never profit by drilling in contravention of his fiduciary obligation to the participants.

(6)-(7) (No change.)

(8) No loans may be made by the program to the sponsor or affiliate.

(9) On loans made available to the program by the sponsor or affiliate, the sponsor or affiliate may not receive interest in excess of its interest costs, nor may the sponsor or affiliate receive interest in excess of the amounts which would be charged the program (without reference to the sponsor's financial abilities or guaranties) by unrelated banks on comparable loans for the same purpose, and the sponsor or affiliate shall not receive points or other financing charges or fees, regardless of the amount.

(c) Custody of program funds and properties.

(1) Funds of a program must not be commingled with funds of any other entity; the prospectus must clearly prohibit any such commingling. Advance payments to the sponsor or its affiliates should be prohibited, except where necessary to secure tax benefits of prepaid drilling costs. **These payments, if any, shall** [Advance payments should] not include nonrefundable payments for completion costs prior to the time that a decision is made that the well or wells warrant a completion attempt.

(2) (No change.)

§121.8 Rights and Obligations of Participants.

(a) Meetings. Meetings of the participants may be called by the general partner(s) or by participants holding [more than] 10% or more of the then outstanding units for any matters for which the participants may vote as set forth in the limited partnership agreement or charter document. Such call for a meeting shall be deemed to have been made upon receipt by the general partner of a written request from holders of the requisite percentage of units

stating the purpose(s) of the meeting. The general partner shall deposit in the United States mails, within 15 days after receipt of said request, written notice to all participants of the meeting and the purpose of such meeting, which shall be held on a date not less than 30 nor more than 60 days after the date of mailing of said notice, at a reasonable time and place. **Participants shall be granted the right to vote in person or by proxy.**

(b) Annual and periodic reports.

(1) The partnership agreement or charter document shall provide for the transmittal to each participant of an annual report within 120 days after the close of the fiscal year, and commencing with the year following investment of substantially all the program subscriptions, a report within 75 days after the end of the first six months of its fiscal year, containing, except as otherwise indicated, at least the following information.

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

(E) Annually, beginning with the fiscal year succeeding the fiscal year in which the program commenced operations, a computation of the total oil and gas proven reserves of the program and dollar value thereof at then existing prices and of each participant's interest in such reserve value. The reserve computations shall be based upon engineering reports prepared by qualified independent petroleum consultants. In addition, there shall be included an estimate of the time required for the extraction of such reserves and the present worth of such reserves, with a statement that, because of the time period required to extract such reserves, the present value of revenues to be obtained in the future is less than if immediately receivable. In addition to the annual computation and estimate required, as soon as possible, and in no event more than 90 days after the occurrence of an event leading reduction of such reserves of the program of [more than] 10% or more, excluding reduction as a result of normal production, a computation and estimate shall be sent to each participant.

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

(c)-(d) (No change.)

(e) Assessability and defaults.

(1) (No change.)

(2) In the event of a default in all or a portion of the payment of assessments, the participant's percentage interest in the program represented by his unit should not be subject to forfeiture, but may be subject to a reasonable reduction for the failure of the participant to meet his commitment. **Unless the sponsor agrees to pay all defaulted assessments, the nondefaulting limited partners shall have the first option to pay any defaulted assessments.** Provisions which conform to the following will be considered reasonable.

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

(f) Voting rights of limited partners.

(1) To the extent the law of the state of organization is not inconsistent, the limited partnership agreement must provide that holders of a majority of the then outstanding units may, without the necessity for concurrence by the general partner, vote to:

(A){(1)} amend the limited partnership agreement or charter document;

(B){(2)} dissolve the program;

(C){(3)} remove the general partner and elect a new general partner;

(D){(4)} elect a new general partner if the general partner elects to withdraw from the program;

(E){(5)} approve or disapprove the sale of all or substantially all of the assets of the program; and

(F){(6)} cancel any contract for services with the sponsor or any affiliate without penalty upon 60 days' notice.

(2) In the event the general partner(s) are removed in accordance with paragraph (1)(C) of this subsection, the incoming general partner(s) and the removed general partner(s) shall, by mutual agreement, select an independent petroleum consultant(s) to value the removed general partner's interests in the partnership. In determining the value of the general partner's interests, the independent consultant will take into account appropriate discount factors in light of the risk of recovery of oil and gas reserves, and, in any event, will utilize a risk factor discount no less than that utilized in the most recent offer extended pursuant to §121.9(d) of this title (relating to Miscellaneous Provisions), if any. The incoming general partner(s), or the partnership, shall have the option to purchase at least 20% of the interests of the removed general partner(s) for the value determined by the independent appraisal.

(3) If the general partner(s) withdraw as general partners(s) and the limited partners elect to continue the partnership, the valuation procedure outlined in paragraph (2) of this subsection applies. The general partner(s) may not voluntarily withdraw from the partnership prior to the partnership's completion of its primary drilling and acquisition activities, and then only after giving 120 days' written notice. The withdrawing general partner(s) shall pay all expenses incurred as a result of his withdrawal.

§121.9. Miscellaneous Provisions.

(a) (No change.)

(b) Temporary investment of proceeds and return of unused proceeds.

(1) Until proceeds from the public offering are invested in the program's operations, such proceeds may be temporarily invested in income-producing, short-term, highly liquid investments, where there is appropriate safety of principal, such as U.S. Treasury bills. Any such income shall be allocated pro rata to the participants providing such capital contributions.

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

(c)-(d) (No change.)

(e) Exchanges and reinvestments.

(1) (No change.)

(2) No offering will be approved by the securities commissioner [administrator] that includes a provision which requires that the participant reinvest his share of distributable cash distributions. Subject to compliance with applicable securities laws, a program may make available to its participants a voluntary plan for systematic reinvestments in such program or in any other program. To the extent it is economically feasible, money held for reinvestment must be placed in an income-producing account which provides an appropriate safety for the principal, and must be subject to withdrawal by the participant upon not less than 10 days' notice. If the funds are not reinvested within 180 days of the date of distribution, they must be distributed, with such income, if any, to the participants. No sales commissions may be

deducted directly or indirectly from the reinvested funds [charged the participants, however, for effecting such reinvestment].

(f) Distribution of revenues. From time to time and not less often than quarterly, the sponsor will review the program's accounts to determine whether cash distributions are appropriate. The program will distribute pro rata to the participants funds received by the program and allocated to their accounts which the sponsor deems unnecessary to retain in the program. In no event, however, shall funds be advanced or borrowed for purposes of distributions, if the amount of such distributions would exceed the partnership's accrued and received revenues for the previous four quarters, less paid and accrued operating costs with respect to such revenues. The determinations of such revenues and costs shall be made in accordance with generally accepted accounting principles, consistently applied. Cash distributions from the program to the sponsor shall only be made out of funds properly allocated to the sponsor's account.

§121.10. Prospectus and Disclosure and Marketing Requirements.

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

(c) Contents of prospectus.

(1) The following information shall be included in the prospectus of each program.

(A)-(X) (No change.)

(Y) Exchanges. Disclosure of available information on future exchanges, if any.

(d) Financial information required on application. The sponsor or the program shall provide as an exhibit to the application, or where indicated as follows shall provide as part of the prospectus, the following financial information and financial statements.

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

(6) Filing of other statements. Upon request by an applicant, the securities commissioner [administrator] may, where consistent with the protection of investors, permit the omission of one or more of the statements required under this section and the filing, in substitution thereof, of appropriate statements verifying financial information having comparable relevance to an investor in determining whether he should invest in the program

(e) (No change.)

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

Issued in Austin, Texas, on September 13, 1984

TRD-849387

Richard D Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption

October 22, 1984

For further information, please call (512) 474-2233.



**TITLE 10. COMMUNITY
DEVELOPMENT
Part I. Texas Department of
Community Affairs
Chapter 9. Texas Community
Development Program
Subchapter A. Allocation of Program
Funds**

10 TAC §9.1, §9.4

The Texas Department of Community Affairs proposes amendments to §9.1 and §9.4, concerning the allocation of community development block grant (CDBG) nonentitlement area funds under the Texas Community Development Program. The amendments clarify notice requirements for appeals and change the second semiannual application deadline for the planning/capacity building fund.

Douglas C. Brown, general counsel, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Brown also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is improved procedures for administering the Texas Community Development Program. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Douglas C. Brown, General Counsel, Texas Department of Community Affairs, 2015 IH 35 South, or P.O. Box 13166, Austin, Texas 78711.

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

§9.1. General Provisions.

(a)-(e) (No change.)

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

(1) (No change.)

(2) The appeal must be submitted in writing to the Texas Community Development Program/Texas Department of Community Affairs (TDCA) no later than 30 days after the date the announcement of contract awards is published in the *Texas Register* and at least five working days prior to the next regularly scheduled meeting of the State Review Committee. The TDCA staff will evaluate the appeal and may either concur with the appeal and make an appropriate adjustment to the applicant's scores or disagree with the appeal and prepare an

appeal file for consideration by the State Review Committee at its next regularly scheduled meeting. The State Review Committee will make a final recommendation to the executive of the TDCA. The decision of the executive director of the TDCA is final.

(3) (No change.)

(g)-(k) (No change.)

§9.4. Planning/Capacity Building Fund.

(a) (No change.)

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

(1) (No change.)

(2) Second semiannual competition: December 17 [15], 1984.

(c)-(d) (No change.)

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

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

TRD-849388

Douglas C. Brown
General Counsel
Texas Department of Community
Affairs

Earliest possible date of adoption:

October 22, 1984

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

**TITLE 16. ECONOMIC
REGULATION**

**Part II. Public Utility Commission of
Texas**

**Chapter 23. Substantive Rules
Customer Service and Protection**

§23.42

The Public Utility Commission of Texas proposes amendments to §23.42, concerning refusal of service. The amendments create a situation whereby a utility may decline to serve an applicant for indebtedness to any utility for the same kind of service as that applied for, including the carriage charges of interexchange carriers where the utility bills those charges pursuant to its tariffs. If the appropriate federal authority prohibits payment of interstate carriage charges of interexchange carriers as a condition of service, the same prohibition would apply to payment of intrastate carriage charges of interexchange carriers as a condition for service.

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

Ms. Ryan also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification in rule format of the commission's current practice. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

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

§23.42. Refusal of Service.

(a) Compliance by applicant. Any utility may decline to serve an applicant until such applicant has complied with the state and municipal regulations and approved rules and regulations of the utility on file with the commission governing the service applied for or for the following reasons.

(1) (No change.)

(2) For indebtedness. If the applicant is indebted to any utility for the same kind of service as that applied for, including the carriage charges of interexchange carriers where the utility bills those charges pursuant to its tariffs; provided, however, that in the event the indebtedness of the applicant [for service] is in dispute, the applicant shall be served upon complying with the deposit requirement in §23.43 of this title (relating to Applicant and Customer Deposit). In the event that the appropriate federal authority prohibits payment of interstate carriage charges of interexchange carriers as a condition of service, the same prohibition would apply to payment of intrastate carriage charges of interexchange carriers as a condition for service.

(3) (No change.)

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

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

Issued in Austin, Texas, on September 12, 1984.

TRD-849421 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption.
October 22, 1984

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

16 TAC §23.43

The Public Utility Commission of Texas proposes amendments to §23.43, concerning applicant and customer deposit. If adopted as proposed, a deposit required pursuant to subsection(a)(4) shall not exceed one-sixth of annual billings, including the carriage

charges of interexchange carriers where the utility's tariffs provide for billing for the interexchange carrier. If the appropriate federal authority prohibits inclusion of interstate charges for an interexchange carrier in the determination of the deposit amount, the prohibition would also apply to intrastate charges of an interexchange carrier.

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

Ms. Ryan also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is clarification in rule format of the commission's current practice. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

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

§23.43. Applicant and Customer Deposit.

(a) Establishment of credit for permanent residential applicants.

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

(4) An initial deposit may not be required from residential customers unless the customer has more than one occasion during the last 12 consecutive months of service in which a bill for utility service was paid after becoming delinquent or if the customer's service was disconnected for nonpayment. A deposit required pursuant to this section shall not exceed an amount equivalent to one-sixth of annual billings including the carriage charges of interexchange carriers where the utility's tariffs provide for billing for the interexchange carrier. The customer may furnish in writing a satisfactory guarantee to secure payment of bills in lieu of a cash deposit. In the event the appropriate federal authority prohibits inclusion of interstate charges for an interexchange carrier in the determination of the deposit amount, the prohibition would also apply to intrastate charges of an interexchange carrier.

(5) (No change.)

(b) (No change.)

(c) Amount of deposit and interest for permanent residential, commercial, and industrial service and exemption from deposit.

(1) The required deposit shall not exceed an amount equivalent to one-sixth of the estimated annual billings including the carriage charges of interexchange carriers where the utility's tariff provides for billing for the interexchange carrier. In the event the appropriate federal authority prohibits inclusion of interstate charges in

the determination of the deposit amount, the prohibition would also apply to intrastate charges of an interexchange carrier.

- (A)-(B) (No change.)
- (2)-(4) (No change.)
- (d)-(i) (No change.)

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

Issued in Austin, Texas, on September 12, 1984.

TRD-849422 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption:
October 22, 1984

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

16 TAC §23.46

The Public Utility Commission of Texas proposes an amendment to §23.46, concerning discontinuance of service. The amendment creates a situation whereby utility service may be disconnected after proper notice for failure to pay a delinquent account or to comply with the terms of a deferred payment agreement, including the carriage charges of interexchange carriers where the utility's tariff provides for billing the carriers, unless the appropriate federal authority prohibits disconnection for failure to pay the interstate charges of an interexchange carrier, in which case the same prohibition would apply to intrastate charges of the interexchange carrier.

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

Ms. Ryan also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed is to clarification in rule format of the commission's current practice. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Rhonda Colbert Ryan, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

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

§23.46. *Discontinuance of Service.*

- (a) (No change.)
- (b) Disconnection with notice. Utility service may be disconnected after proper notice for any of the following reasons:

(1) failure to pay a delinquent account for utility service or failure to comply with the terms of a deferred payment agreement, including the carriage charges of interexchange carriers where the utility's tariff provides for billing for those carriers. In the event the appropriate federal authority prohibits disconnection for failure to pay the interstate charges of an interexchange carrier, the same prohibition would apply to interstate charges of the interexchange carrier.

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

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

Issued in Austin, Texas, on September 12, 1984.

TRD-849423 Rhonda Colbert Ryan
Secretary of the Commission
Public Utility Commission of
Texas

Earliest possible date of adoption:
October 22, 1984

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

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 proposes amendments to §435.9, concerning training programs. This section covers the minimum requirements of training hours and training subjects. It specifies the number of hours to be used for the basic training course and for the various subjects which are to be covered during the course, including time for each subject. It also requires that training records be kept on students and that these records be available for inspection. This section was previously adopted on an emergency basis in the September 14, 1984, issue of the *Texas Register* (9 Tex-Reg 4851).

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

Ms. Sanders also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Clema D. Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The amendments are proposed 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)—five 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. [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.] Records pertaining to job-specific training shall be kept in the employer's 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.

(c) (No change.)

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

Issued in Austin, Texas, on September 12, 1984

TRD-849345 Clema D Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Earliest possible date of adoption
October 22, 1984

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 proposes amendments to §439.4,

concerning assignment under class and the upgrading and downgrading of a license by class. This section specifies the additional cost for upgrading a license by class and that there will be no refund when a license is downgraded. This section was previously adopted on an emergency basis in the September 14, 1984, issue of the *Texas Register* (9 TexReg 4852).

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

Ms. Sanders also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Clema D. Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The amendments are proposed 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.]

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 12, 1984.

TRD-849346 Clema D Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Earliest possible date of adoption:
October 22, 1984

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 proposes amendments to §455.1, concerning fees. The section covers the cost of fees for administration of the Act. It specifies the cost for

various types of licenses, registrations, and other fees. It includes an increase in cost for Class A, B, and C licenses as well as branch office certificate and renewal, school approval fee, and letter of authority. This section was previously adopted on an emergency basis in the September 14, 1984, issue of the *Texas Register* (9 TexReg 4852).

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

Ms. Sanders also has determined that for each year of the first five years the rule as proposed is in effect there is no public benefit anticipated as a result of enforcing the rule as proposed. 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 Clema D. Sanders, Executive Director, Texas Board of Private Investigators and Private Security Agencies, P.O. Box 13509, Austin, Texas 78711.

The amendments are proposed 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)-(7) (No change.)
- (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].

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 12, 1984

TRD-849347 Clema D. Sanders
Executive Director
Texas Board of Private
Investigators and Private
Security Agencies

Earliest possible date of adoption
October 22, 1984

For further information, please call (512) 475-3944

TITLE 25. HEALTH SERVICES
Part II. Texas Department of
Mental Health and Mental
Retardation
Chapter 401. Texas Board of Mental
Health and Mental Retardation
Subchapter A. Definitions

25 TAC §401.1

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of Chapter 401, Subchapter A, §401.1, concerning definitions related to the Texas Board of Mental Health and Mental Retardation. The key ideas of this subchapter are included in the department's new board policy manual, which was approved by the TDMHMR board at its August 1984 meeting.

Sue Dillard, Office of Standards and Quality Assurance director, has determined for the first five-year period the repeal will be in effect that there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Ms. Dillard also has determined that the anticipated public benefit is the condensation of several rules into a more easily usable format. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication.

The repeal is proposed under Texas Civil Statutes, Article 5547-202, §211(b), which provide the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

§401.1 Definition of Terms.

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

Issued in Austin, Texas, on September 14, 1984

TRD-849413 Gary E. Miller, M.D.
Commissioner
Texas Department of Mental
Health and Mental Retardation

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October 22, 1984

For further information, please call (512) 465-4670.

Subchapter B. Organization

25 TAC §401.11

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



ined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of Chapter 401, Subchapter B, §401.11, concerning organization of the Texas Board of Mental Health and Mental Retardation. The key ideas of this subchapter are included in the department's new board policy manual, which was approved by the TDMHMR board at its August 1984 meeting.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Ms. Dillard has also determined that the anticipated public benefit is the condensation of several rules into a more easily usable format. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P. O. Box 12668, Austin, Texas 78711, within 30 days of publication.

The repeal is proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

§401.11. Members, Terms of Office, Chairman; Vice-Chairman, Committees

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

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Subchapter C. Procedures

25 TAC §401.21-401.25

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of Chapter 401, Subchapter C, §401.21-401.25, concern-

ing procedures of the Texas Board of Mental Health and Mental Retardation. The key ideas of this subchapter are contained in the department's new board policy manual, which was approved by the TDMHMR board at its August 1984 meeting.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Ms. Dillard has also determined that the anticipated public benefit is the condensation of several rules into a more easily usable format. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication.

The repeal is proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

- §401.21. Meetings
- §401.22. Committees.
- §401.23. Transaction of Business
- §401.24. Method of Communication with Departmental Staff.
- §401.25. Agenda Items; Presentations at Board Meetings.

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

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Commissioner
Texas Department of Health

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Subchapter D. Duties

37 TAC §401.31-401.46

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of Chapter 401, Subchapter D, §401.31-401.46, concerning duties of the Texas Board of Mental Health and Mental Retardation. The key ideas of this subchapter are contained in the department's new board policy

manual, which was approved by the TDMHMR board at its 1984 August meeting

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal

Ms Dillard has also determined that the anticipated public benefit is the condensation of several rules into a more easily usable format There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication

The repeal is proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

- §401.31 *Primary Responsibilities.*
- §401.32 *Contract Treatment Services and State Grants-in-Aid*
- §401.33 *Charges to Employees and Guests.*
- §401.34 *Unexpended Balances*
- §401.35 *Budgeting, Quarterly Reports.*
- §401.36 *Appropriation Transfers*
- §401.37 *Appointment of Commissioner.*
- §401.38 *Other Appointments.*
- §401.39 *Medical Advisory Committee.*
- §401.40. *Organizational Structure*
- §401.41 *Community Centers*
- §401.42 *Capital Improvements by Citizen Groups.*
- §401.43 *Vending Machines and Pay Telephones.*
- §401.44 *State Lands*
- §401.45 *Construction*
- §401.46 *Programs for Mentally Retarded.*

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

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For further information, please call (512) 465-4670.

Subchapter E. Basic and General Policies

25 TAC §§401.61-401.76

(Editor's note The text of the following rules proposed for repeal will not be published The rules may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of Chapter 401, Subchapter E, §§401.61-401.76, concerning basic and general policies of the Texas Board of Mental Health and Mental Retardation. The key ideas of this subchapter are contained in the department's new board policy manual, which was approved by the TDMHMR board at its August 1984 meeting.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Ms. Dillard has also determined that the anticipated public benefit is the condensation of several rules into a more easily usable format. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication.

The repeal is proposed under Texas Civil Statutes, Article 5547-202, §2.11(b), which provide the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental Health and Mental Retardation.

- §401.61. *Delivery of Statewide Mental Health and Mental Retardation Services.*
- §401.62. *Replacement, Design, and Maintenance of New Living Space*
- §401.63. *Gifts, Grants, and Donations*
- §401.64. *Inscriptions on State-Owned Vehicles.*
- §401.65. *Authorization for 403(b) Annuity Program.*
- §401.66 *Treatment and Hospitalization of Employees Injured in the Performance of Official Duties*
- §401.67. *Civil Rights Act of 1964*
- §401.68 *Dual Office Holding.*
- §401.69 *Liaison between Institutional Facilities and Institutes of Higher Learning.*
- §401.70. *Children's Psychiatric Unit—Austin State Hospital.*
- §401.71. *Determination of Charges for Residential Services*
- §401.72. *Drug Dependent Youth Program—Vernon Center.*
- §401.73 *Biennial Legislative Budget Preparation.*
- §401.74 *Mental Hospital and State School Districts.*
- §401.75 *Approval of Facility Goals*
- §401.76. *Orientation and Continuing Education.*

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

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**Subchapter G. Appointment and Service
of Heads of Institutions and Facilities
Administered by the TDMHMR**

25 TAC §§401.121-401.128

(Editor's note. The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Mental Health and Mental Retardation, 909 West 45th Street, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes the repeal of Chapter 401, Subchapter G, §§401.121-401.128, concerning appointment and service of heads of institutions and facilities administered by the Texas Department of Mental Health and Mental Retardation. The key ideas of this subchapter are contained in the department's new board policy manual, which was approved by the TDMHMR board at its August 1984 meeting.

Sue Dillard, Office of Standards and Quality Assurance director, has determined that for the first five-year period the repeal will be in effect there will be no fiscal implications for state or local government or small businesses as result of the repeal.

Ms. Dillard also has determined that the anticipated public benefit is the condensation of several rules into a more easily usable format. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, TDMHMR, P.O. Box 12668, Austin, Texas 78711, within 30 days of publication.

The repeal is proposed under Texas Civil Statutes Article 5547-202, § 2 11(b), which provide the commissioner with the authority to promulgate rules subject to the basic and general policies of the Texas Board of Mental and Mental Retardation.

- §401.121. *Purpose.*
- §401.122. *Application.*
- §401.123. *Definitions.*
- §401.124. *Appointments, Term of Service.*
- §401.125. *Eligibility Requirements for Superintendents of State Mental Hospitals and Vernon Center and for the Director of the Texas Research Institute of Mental Sciences.*
- §401.126. *Duties and Salary of Nonphysician Superintendents of State Mental Hospitals and Vernon Center and of a*

*Nonphysician Director of the Texas
Research Institute of Mental Sciences.*

§401.127. *Construction.*

§401.128. *Distribution.*

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

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**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

**Part III. Texas Youth Commission
Chapter 89. Institutional Services for
Children Committed for Delinquent
Behavior**

Case Management

37 TAC §89.60, §89.76

The Texas Youth Commission (TYC) proposes new §89.60 and §89.76, concerning institutional services for children committed for delinquent behavior. The Department of Institutions is proposing these rules to standardize its case management procedures and to comply with the rules found in §81.118, concerning furloughs, and §81.119, concerning parole release.

Jerry Day, institutions 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. Day also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is a clear set of procedures for granting furloughs and parole releases to students in institutions and increased efficiency in the management of the institutions. 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 Texas Human Resources Code, §61 75, which provides the Texas Youth Commission with the authority to permit a delinquent child committed to the commission liberty under supervision and on conditions it believes conducive to acceptable behavior.

§89.60. Administrative Furlough.

(a) Policy. Administrative furloughs may be granted for medical reasons in accordance with GOPP 90.43.070 (§81.118 of this title (relating to Furloughs)). Maternity furloughs should be granted and student placed before seven months of pregnancy.

(b) Procedures.

(1) Notify the nurse III of any need for medical or maternity furlough. (Person responsible: consulting physician)

(2) Send the recommendation to superintendent. (Person responsible: nurse III)

(3) Notify the dormitory director. (Person responsible: nurse III)

(4) Explore resources for meeting the need. (Person responsible: dormitory director)

(5) Obtain written approval from the director of institutions. In case of emergency, contact the director of institutions by telephone and send a follow-up memo. (Person responsible: superintendent)

(6) Notify institutional parole officer (IPO) of furlough approval. (Person responsible: superintendent)

(7) Schedule the furlough. (Person responsible: IPO)

(8) Arrange transportation. (Person responsible: IPO)

(9) Fill out CCS-042. (Person responsible: IPO)

(10) Send CCS-081 form as outlined in CCIS Manual 20 27.081. (Person responsible: IPO)

(11) Notify parents or guardian by phone or letter. (Person responsible: IPO)

§89.76. Parole Release.

(a) Policy. Evaluations of individual students for release on parole are to be conducted in a manner consistent with §§81.111-81.121 and §81.129 of this title (relating to Case Management System for Delinquent Youth); and §§81.21-81.45 of this title (relating to Child Care Standards).

(b) Procedures.

(1) All parole releases. Insure guidelines for group recommendations for parole release are followed. (See 50.89.140, Group Recommendations.) (Person responsible: dormitory director)

(2) First offender nonviolent or CINS parole release.

(A) Review group recommendation for release. Insure student has spent at least four months in the institution. If you agree with the recommendation, forward it to the assistant superintendent. (Person responsible: dormitory director)

(B) Approve or disapprove release, forward those approved to superintendent for his signature, inform dormitory director of your decision. (Person responsible: assistant superintendent)

(C) Inform the student of the decision. (Person responsible: dormitory director)

(3) Repeat offender nonviolent or CINS parole release.

(A) Review group recommendation for release. Insure student has spent at least six months in the institution. If you agree, forward recommendation to assistant superintendent. (Person responsible: dormitory director)

(B) Approve or disapprove release, forward those approved to superintendent for his signature and inform the dormitory director of your decision in writing. (Person responsible: assistant superintendent)

(C) Inform the student of the decision. (Person responsible: dormitory director)

(4) Violent offender parole release.

(A) Review group recommendation for release. Insure student has spent at least 12 months in the institution. If you agree, forward recommendation to the special services committee. (This applies to all schools but Giddings.) (Person responsible: dormitory director)

(B) At Giddings, forward request for release to assistant superintendent for approval. (Person responsible: dormitory director)

(C) Review recommendation and evaluate student's readiness for release by interviewing the student and dormitory director and reviewing the master folder. (Person responsible: Special Services Committee (SSC))

(D) If you agree with release, forward recommendation to assistant superintendent. If you do not agree inform the dormitory director. (Person responsible: SSC)

(E) Approve or disapprove of the release and inform the SSC and dormitory director of decision in writing. (Person responsible: assistant superintendent)

(F) Inform the student of the decision. (Person responsible: dormitory director)

(5) Release of violent offender committed for capital offenses and early release of violent offender.

(A) Review group recommendations for release. Insure that student has spent at least 24 months in the institution. If you agree with the recommendation, forward it to the SSC (Person responsible: dormitory director)

(B) Review recommendation and evaluate student's readiness for release by interviewing the student and dormitory director and reviewing the master file. (Person responsible: SSC)

(C) If you agree with the recommendation, complete the release packet and forward it with your recommendation to the superintendent. This packet will include: (Person responsible: SSC)

(i) superintendent's letter that requests release and gives justifications why release should be approved.

(ii) Special Services Committee reports and recommendations, including cover letter written by SSC chair person containing social summary; SSC recommendations and justifications; and summary of information included in packet. Letter is to be signed by all committee members.

(iii) YPS report, covering student's behavior and participation in dormitory activities, recreation, use of skills, and personal hygiene/cleanliness/dress.

(iv) principal's letter, outlining student's academic achievements.

(v) psychologist's recommendation and prognosis, based on recent psychological testing and interview.

(vi) psychiatric section. Psychiatric consultant should make recommendation (pro or con) regarding release. Also, include initial psychiatric evaluation from Statewide Reception Center, initial evaluation at in-

stitution and any additional psychiatric consultations, including use of psychotropic medication at the institution.

(vii) initial IPP of student and each three-month IPP update, including significant monthly progress reviews showing student's progress through program.

(viii) parole plan, written by institutional parole officer (IPO), addressing:

(I) number, types, and dates of any furloughs;

(II) furlough goals and whether goals were accomplished,

(III) significant events while student was on furlough (problems, failure to report to parole officer, failure to return to institution on time, etc.);

(IV) release placement, including home evaluation and frequency of family visits, if any;

(V) statement of student's parole needs and confirmed plan addressing each need (e.g., job, school, counseling);

(VI) reentry plan of student contact with parole officer.

(ix) significant other information including, but not limited to, student participation in work program, student council, athletic teams, and summary of security placements at institution, showing referring offense, length of stay, use of restraints and use of solitary confinement.

(x) court/probation reports. This section should include reports received from probation office and county officials, if any, as well as a copy of the student's order of commitment

(D) Review the packet and if you agree with release, forward the packet with a letter from you that justifies your recommendations to the director of institutions. (Person responsible: superintendent)

(E) Review the packet and if you agree, forward the packet with your written recommendation to the executive director for final approval. (Person responsible: director of institutions)

(F) Approve or disapprove release and return packet to director of institutions. (Person responsible: executive director)

(G) Inform the superintendent of the decision. (Person responsible: director of institutions)

(H) Insure the student is informed of the decision. (Person responsible: superintendent)

(6) Notification of release. Inform all necessary officials using CCS-081 of a student's pending release 14 days prior to final release. (Person responsible: IPO)

(7) Parole packet

(A) Prepare a packet that includes: (Person responsible: IPO)

(i) parole agreement release plan—CCIS-046;

(ii) PPIF-CCIS-014A;

(iii) notification to juvenile court and prosecuting attorney—CCIS-081,

(iv) program reassignment request/decision—CCIS 015;

(v) copy of the letter to the family;

(vi) academic transcript;

(vii) medical record—CCIS-008; and

(viii) dental assessment and treatment log—CCIS-009.

(B) Send the packet to the receiving parole office before the student leaves on parole. (Person responsible: IPO)

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

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TRD-849366

Ron Jackson
Executive Director
Texas Youth Commission

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October 22, 1984

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

Special Services Committee

37 TAC §§89.96, 89.98, 89.100

Texas Youth Commission (TYC) proposes new §§89.96, 89.98, and 89.100, to standardize the activities of its Special Services Committees in each institution.

Jerry Day, institutions 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. Day also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is a clear set of rules explaining how institutions review student cases and increased efficiency in the management of the institutions. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

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

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

§89.96. Student Appeal of Placement

(a) Policy. The Special Services Committee (SSC) reviews student appeals of placement. The student retains the right of appeal to the executive director.

(b) Procedures.

(1) Appeal request.

(A) Review the request for appeal with the student. (Person responsible: dormitory director.)

(B) Prepare an appeal packet. (Person responsible: dormitory director.)

(C) Notify the SSC chairperson of the appeal by Monday before the scheduled Wednesday meeting. (Person responsible: dormitory director.)

(2) Committee review.

(A) Review the appeal with the dormitory director and the student if appropriate. (Person responsible: Special Services Committee.)

(B) Recommend whether to keep the student in this placement. Document the reasons. (Person responsible: Special Services Committee.)

(C) Submit appeal packet and committee decision to the superintendent if appeal is approved. (Person responsible: chairperson.)

(3) Superintendent's review.

(A) Review materials submitted. (Person responsible: superintendent.)

(B) Submit recommendations to director of institutions by letter. (Person responsible: superintendent.)

(4) Director of institutions review. Advise the superintendent of the decision by letter. (Person responsible: director of institutions.)

(5) Student appeal.

(A) Tell the student of his right to appeal a negative decision at any point of the process. (Person responsible: dormitory director.)

(B) Assist the student in making an appeal to executive director. Use Form CCIS-045. Include documentation of attempts to resolve the issue. See §89.395 of this title (relating to Grievance Procedures) for instructions. (Person responsible: dormitory director.)

§89.98. Furlough/Releases.

(a) Policy. The Special Services Committee (SSC) reviews violent offenders and students identified as having special needs prior to furlough and release, except the SSC at Giddings State Home and School, which reviews only category I violent offenders and special needs students.

(b) Procedures.

(1) Request for furlough or release.

(A) Ensure students meet case management criteria in §81.118 of this title (relating to Furloughs) and §81.119 of this title (relating to Parole Release). (Person responsible: institutional parole officer (IPO).)

(B) Submit names of eligible students to the SSC chairperson. (Person responsible: IPO.)

(C) Place the names on the agenda. Advise the dormitory director to attend the meeting with the student if appropriate. (Person responsible: chairperson.)

(2) Committee review.

(A) Submit written group, group leader, and dormitory committee recommendations to meeting. (Person responsible: dormitory director.)

(B) Discuss furlough or release plans with student. (Person responsible: committee members.)

(C) Recommend furlough or release to the assistant superintendent if appropriate. (Person responsible: committee members.)

(D) Approve or disapprove furlough or release. Notify IPO and SSC chairman of the decision. (Person responsible: assistant superintendent.)

(E) Notify the dormitory director of the final decision. (Person responsible: IPO.)

(F) Review the decision with the student. (Person responsible: dormitory director.)

§89.100. Extended Stay Review.

(a) Policy. The Special Services Committee (SSC) reviews students who have not been approved for release

due to failure to progress in the program. Reviews are done as follows:

(1) nonviolent offenders after stay of six months and monthly thereafter;

(2) repeat offender after seven months and monthly thereafter;

(3) category I violent offenders after stay of 25 months and monthly thereafter;

(4) category II violent offenders after stay of 13 months and monthly thereafter.

(b) Procedures.

(1) Referral.

(A) Maintain a file of all students by admission date. (Person responsible: institutional parole officer (IPO).)

(B) Review the file for extended stay students. (Person responsible: IPO.)

(C) Refer extended stay student who fails to progress in the program to the Special Services Committee (SSC). (Person responsible: IPO.)

(D) Place the name of the student on the agenda. Advise the dormitory director of the review date. (Person responsible: SSC chairperson.)

(2) Committee review.

(A) Present written justification for extended stay. Include copies of the IPP or other treatment plans. (Person responsible: dormitory director.)

(B) Determine if extended stay is justified. (Person responsible: committee members.)

(C) Develop treatment plan if extended stay is justified. Forward to the assistant superintendent. (Person responsible: committee members.)

(D) Recommend release to the assistant superintendent if extended stay is not justified. (Person responsible: committee members.)

(3) Assistant superintendent's review.

(A) Review the recommendation and forward your decision to the SSC chairperson. (Person responsible: assistant superintendent.)

(B) Inform the dormitory director of the decision. Forward all documents to social services. (Person responsible: chairperson.)

(C) Inform the student of the decision. (Person responsible: dormitory director.)

(D) File documents in the student's master file. (Person responsible: social services secretary.)

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

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Executive Director
Texas Youth Commission

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

Daily Living

37 TAC §89.250

The Texas Youth Commission (TYC) proposes new §89.250 to standardize haircut procedures used in its institutions.

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

Mr. Day 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 increased efficiency in the management of the institutions. There is no anticipated economic cost to individuals required to comply with the rule 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 section is 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 under conditions it believes best designed for the child's welfare and the interests of the public.

§89.250. Student Haircuts—On Campus.

(a) Policy. Students must comply with the hair requirements of the Dress Code, 90.50.090. Institutions provide free haircuts on campus for students who want them.

(b) Procedures.

(1) Keep haircut request forms in dorm. (Person responsible: youth activity supervisor (YAS) staff)

(2) Have the student requesting a haircut sign a haircut request form. (Person responsible: YAS staff)

(3) Send the haircut form to youth program supervisor. (Person responsible: YAS IV)

(4) Establish schedule with the barber. (Person responsible: Youth Program Supervisor (YPS))

(5) Write a memo to the dormitory YAS staff confirming the date and time of the student's appointment. (Person responsible: YPS)

(6) Ensure that the student's hair is shampooed before appointment. (Person responsible: YAS staff)

(7) Ensure that students are properly dressed and act appropriately during appointments. (Person responsible: YAS staff)

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 13, 1984.

TRD-849365 Ron Jackson
 Executive Director
 Texas Youth Commission

Earliest possible date of adoption
October 22, 1984

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

Student Remedies

37 TAC §89.395, §89.400

The Texas Youth Commission (TYC) proposes new §89.395 and §89.400 to standardize procedures used

to comply with the agency's child care standard, §81.25, concerning student grievance and appeal system; and §81.11, concerning student rights.

Jerry Day, institutions 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. Day also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased management efficiency in the institutions and a clear set of rules for the protection of student rights to express grievances and appeal decisions. There is no anticipated economic cost to individuals as a result of enforcing or administering the rules.

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

§89.395. Grievance Procedures

(a) Policy. The Texas Youth Commission Student Grievance and Appeals System provides students with a procedure to correct problems they have. The TYC ensures the quality of the system by maintaining minimum standards through an ongoing monitoring program.

(b) Cross reference.

(1) For general information about the Student Grievance and Appeals System, see General Operating Policies and Procedures Manual (GOPP) §90.45.010.

(2) For information about reporting and investigating suspected mistreatments, see GOPP §90.45.020.

(3) For information about appeals to the executive director, see GOPP §90.45.050

(c) Grievance structure.

(1) Grievance coordinator. The superintendent appoints a staff member as grievance coordinator.

(2) Grievance clerks. Institutional groups elect peers as student grievance clerks and alternate clerks. Such elections will be conducted as needed to ensure that students perform this function

(3) Grievance committee. Each institution selects an equal number of staff and students to serve on a staff/student grievance committee to hear grievances concerning rules, policies, programs, and procedures. The grievance coordinator selects the members of the committee and serves as moderator but does not vote on the outcome of the grievance

(d) Procedures

(1) Filing the grievance.

(A) Get a numbered form from the student grievance clerk. (Person responsible: student grievant)

(B) Fill out the form, telling what the problem is and what would correct it. (Person responsible: student grievant)

(C) Give the completed form to the student grievance clerk. Keep the yellow copy as a record until the grievance is resolved. (Person responsible: student grievant)

(D) Write the grievant's name, the form number, and date in the dorm or dormitory log and put the white copy in the grievance box (Person responsible: student grievance clerk)

(2) Sorting the grievances

(A) Pick up grievances from the grievance box at least once each working day. (Person responsible: grievance coordinator)

(B) Record the grievance in the master grievance log. (Person responsible: grievance coordinator)

(C) To determine which process to follow in resolving the stated grievance, read each form (Person responsible: grievance coordinator), and if the grievance is about:

(i) parole revocation, reclassification, or commitment, then send the form to the grievant's dormitory director;

(ii) transfer to another institution or half-way house, then send the form to the special services committee;

(iii) suspected mistreatment, then send the form to the superintendent;

(iv) other students, then send the form to the group leader;

(v) staff, then send the form to the staff's supervisor;

(vi) rules, policies, programs, or procedures, then send the form to the grievance committee moderator.

(D) For placement and suspected mistreatment grievances, complete Form CCIS-038, Statement of Grievance and Resolution. In the section marked "Proposed Resolution," write either (Person responsible: grievance coordinator)

(i) "Grievance sent to student's dormitory director on (date) for presentation to the Special Services Committee" NOTE: Limited to transfer and placement appeals. Revocation, reclassification, and initial commitment appeals are sent by the dormitory director to the executive director; or

(ii) "Grievance sent to superintendent on (date) for compliance with suspected mistreatment procedures" (for suspected mistreatment)

(3) Resolving the revocation, reclassification, or commitment grievance.

(A) Meet with the grievant within 24 hours to discuss and write the appeal (Person responsible: dormitory director)

(B) Complete Form CCIS-040, appeal to the executive director, and send to the appeals coordinator in central office within 48 hours of the filing date (see CCIS Manual 20 27 040 for instructions) (Person responsible: dormitory director)

(4) Resolving the transfers and TYC placement grievances.

(A) Meet with the grievant within 24 hours and write the placement complaint. (Person responsible: dormitory director)

(B) Send the complaint to the chairman, special services committee. (Person responsible: dormitory director)

(C) Meet and decide the placement issue within five working days. (Person responsible: special services committee)

(D) Prepare a written report of the committee decision for the student's master file (Person responsible: special services committee chairman)

(E) If a change of placement is approved, notify the student, and forward the decision to the superintendent for approval. (Person responsible: special services committee chairman)

(F) If a change of placement is approved by the superintendent, forward the decision to the director of institutions for approval. (Person responsible: superintendent)

(G) If approved by the director of institutions, notify the student and arrange transfer. (Person responsible: superintendent)

(H) If change of placement is disapproved by the special services committee, the superintendent or the director of institutions, notify the student of his right to appeal to the executive director. (Person responsible: dormitory director)

(I) If the student chooses to appeal, follow the procedures in GOPP 90.45.030. (Person responsible: dormitory director)

(5) Resolving the suspected mistreatment grievance.

(A) Notify the grievant that the superintendent will resolve the complaint. (Person responsible: grievance coordinator)

(B) Resolve the complaint following suspected mistreatment procedures in GOPP 90.45.020. (Person responsible: superintendent)

(6) Resolving the student to student problem grievance.

(A) Notify the grievant of receipt of the grievance within 24 hours. (Person responsible: Group leader)

(B) Meet with the grievant and his group within five working days to resolve the grievance. (Person responsible: group leader)

(C) Inform the grievant of the group's decision and the right to appeal to the superintendent. (Person responsible: group leader)

(D) Complete Form CCIS-038, statement of grievance and resolution, and return it to the grievance coordinator (see CCIS Manual 20.27.038 for instructions). (Person responsible: group leader)

(E) If grievant appeals, send Form CCIS-038 and the grievance to the superintendent and make appropriate log entries. (Person responsible: grievance coordinator)

(F) If the grievant does not appeal, file the completed grievance and make appropriate log entries. (Person responsible: grievance coordinator)

(7) Resolving the staff problem grievance.

(A) Notify the grievant of receipt of the grievance within 24 hours. (Person responsible: staff supervisor)

(B) Meet with the grievant and all interested parties within five working days to resolve the grievance. (Person responsible: staff supervisor)

(C) Inform the grievant of the decision and the right to appeal to the superintendent (Person responsible: staff supervisor)

(D) Complete Form CCIS-038, statement of grievance and resolution, and return it to the grievance coordinator (see CCIS Manual 20.27.038 for instructions). (Person responsible: staff supervisor)

(E) If grievant appeals, forward the CCIS-038 and the grievance to the superintendent and document in the log. (Person responsible: grievance coordinator)

(F) If grievant does not appeal, file the completed grievance and document in the log. (Person responsible: grievance coordinator)

(8) Resolving the rule, policy, program, or procedure grievance

(A) Inform the grievant within 24 hours of receipt of the grievance. (Person responsible: committee moderator)

(B) Advise the grievant of the right to request a staff representative to assist in presenting the grievance to the committee (Person responsible: committee moderator)

(C) Select a staff/student grievance committee and meet with the grievant and all interested parties within five working days to resolve the grievance. (Person responsible: committee moderator)

(D) Conduct the grievance hearing, guiding the discussion to a proposed resolution by vote of the members (the moderator does not vote unless a tie exists). (Person responsible: committee moderator)

(E) Inform the grievant of the committee's decision and the right to appeal to the superintendent. (Person responsible: committee moderator)

(F) Complete Form CCIS-038, statement of grievance and resolution, and return it to the grievance coordinator (see CCIS Manual 20 27.038 for instructions). (Person responsible: committee moderator)

(G) If grievant appeals, send the CCIS-038 and the grievance to the superintendent and document in the log. (Person responsible: grievance coordinator)

(H) If grievant does not appeal, file the completed grievance and document in the log (Person responsible: grievance coordinator)

(9) Resolving the appeal to the superintendent.

(A) Notify the grievant of receipt of the grievance within 24 hours (Person responsible: superintendent)

(B) Meet with the grievant and any other interested parties and resolve the grievance within three working days. (Person responsible: superintendent)

(C) Inform the grievant of the decision and the right to appeal to the executive director. (Person responsible: superintendent)

(D) Complete Form CCIS-038, statement of grievance and resolution, and return it to the grievance coordinator (see CCIS Manual 20 27 038 for instructions) (Person responsible: superintendent)

(E) If grievant appeals, complete and send CCIS-040, appeal to the executive director, to the appeals coordinator in central office (see CCIS Manual 20 27.040 for instructions). Document in the log (Person responsible: grievance coordinator)

(F) If grievant does not appeal, file the completed grievance and document in the log. (Person responsible: grievance coordinator)

(10) Appeals to the executive director. See **GOPP §90.45.030** for appeals to the executive director.

(11) Grievances filed in security.

(A) Obtain a grievance form from any security staff member. (Person responsible: student grievant)

(B) Fill out the form, telling what the problem is and what would correct it. (Person responsible: student grievant)

(C) Give the completed form to the security staff member. Keep the yellow copy as a record until the grievance is resolved. (Person responsible: student grievant)

(D) Turn in the grievance to the grievance coordinator for resolution through the institutional grievance procedures. (Person responsible: security staff)

(12) Grievance logs, files and reports.

(A) Maintain and issue grievance logs to student grievance clerks. (Person responsible: grievance coordinator)

(B) Maintain master grievance log and grievance files. (Person responsible: grievance coordinator)

(C) Report grievance statistical information to the central office grievance coordinator monthly (Person responsible: grievance coordinator)

(13) In-house monitoring.

(A) Meet with the student grievance clerks at least once each week as an ongoing monitoring program. (Person responsible: grievance coordinator)

(B) Meet with the central office grievance coordinator in scheduled monthly meetings. (Person responsible: grievance clerks, grievance coordinator)

§89.400. Special Grievance Program.

(a) Policy. Institutions use a Special Grievance Program when abuse of the Student Grievance System occurs. The program does not affect a student's right to make known complaints regarding violation of his rights.

(b) Procedures.

(1) Initial abuse

(A) Determine that the student has abused the grievance system. (Person responsible: grievance coordinator)

(B) Notify the student and meet with him to remedy the situation. (Person responsible: grievance coordinator)

(2) Continued abuse

(A) Appoint a committee made up of staff and students to hear evidence. Act as moderator (Person responsible: grievance coordinator)

(B) Inform student of the hearing and ask him if he would like staff assistance in presenting his case. The student must be present at the hearing. (Person responsible: grievance coordinator)

(C) Present evidence that support the allegation that the student is abusing the grievance system. (Person responsible: grievance coordinator)

(D) Present evidence that the student is not abusing the grievance system. (Person responsible: student or assigned staff representative)

(E) Determine whether or not student is abusing the system and should be placed on the Special Grievance Program. (Person responsible: committee members)

(3) Special grievance program.

(A) If the committee decides to place student on Special Grievance Program, notify the superintendent for approval. (Person responsible: grievance coordinator)

(B) Approve or disapprove the decision. (Person responsible: superintendent)

(C) If approved, notify student of his right to appeal to the executive director. (Person responsible: superintendent)

(D) Notify the student and his dormitory director of approval and of the dates the program will begin and end. This will be no longer than 30 days. (Person responsible: grievance coordinator)

(E) Require student to obtain numbered grievance form from dormitory director during period of Special Grievance Program. (Person responsible: youth activity supervisor staff) NOTE: Abuse of the grievance system exists when it is being used for some purpose other than the intended use of the system, e.g., continually destroying forms; repeatedly filing the same complaint; using the system to harrass staff. The duration of the placement on the special program should be limited to the time needed to correct the student's behavior and at no time any longer than 30 days. The dormitory director and grievance coordinator will work with the student to instill in him the proper respect for the system and how to use it properly.

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

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Executive Director
Texas Youth Commission

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October 22, 1984

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

Security

37 TAC §§89.545, 89.555, 89.565, 89.585, 89.605, 89.610

The Texas Youth Commission (TYC) proposes amendments to §§89.545, 89.555, 89.565, 89.585, 89.605, and 89.610. These proposals reflect some changes in documentation needed for institution security units and other minor clarifications. In addition, §89.545(b)(2)(G) is amended to include searching students for weapons if needed. Section 89.555(c)(5) is added to allow security units to be used as detention centers for the TYC students if necessary.

Jerry Day, institutions director, has determined that for the first five-year period the rules are 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. Day also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the rules as proposed is increased staff efficiency and accountability through the use of these rules 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, Texas Youth Commission, P.O. Box 9999, Austin, Texas 78766

The amendments are proposed under the Human Resources Code, §61.075, which provides 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.

§89.545. Referral.

(a) Policy. The staff of Texas Youth Commission institutions refer students to security 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. **The referring staff member may not make the decision to admit.**

(b) (No change)

(c) Procedure

(1) (No change)

(2) Taking the student to security.

(A)-(F) (No change.)

(G) Search student if there is reason to believe he has potential weapons(s) on his person. (Person responsible: security dormitory staff)

(H)((G)) Send the student back by outside security staff to his regular program if you do not receive the incident report within 30 minutes (or 50 minutes if extension is approved) of the student's arrival. Send the student back if dormitory director or dormitory director substitute does not make admission decision within 50 minutes unless extension is approved (See paragraph (3)(B) of this subsection) Document reason for return in security log (Person responsible security dormitory staff)

(3) Admitting the student

(A)-(C) (No change)

(D) If approved, document **in the student's security file** the time approval was given, length of approved extension and person approving [in student's security file] (Person responsible: dormitory director or dormitory director substitute)

(E)-(H) (No change.)

§89.555. Admission to Security.

(a) (No change.)

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

(1)-(4) (No change)

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

(c) (No change)

§89.565. Extended Security Confinement.

(a) (No change.)

(b) Procedure.

(1) Preparation for due process hearing. If the dormitory director believes that a student should stay in security 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 security past 24 hours to the person designated by the superintendent as the due process administrator (Use Form 50.89.565A). (Person responsible: dormitory director, director of security)

(B)-(F) (No change.)

(2) Due process hearing procedures.

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

(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. **Have student sign the hearing report, Form 50.89.565C.** [(Place copy of the decision in the student's security file.)] (Person responsible: superintendent's designee)

(F) Provide one copy to student. Place one copy in student's security file. (Person responsible: superintendent's designee)

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

(H)[(G)] Decide the appeal and notify the student of the decision within 24 hours. Document decision on Form 50.89.565A. Send a copy of the decision to the student's security file and the student. (Person responsible: superintendent)

(I)[(H)] Note: Whenever a student asks to appeal an adverse decision to the superintendent on security 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) (No change.)

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

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

(C) Repeat steps outlined in subparagraphs (A) and (B) of this paragraph each 24 hours thereafter until the end of the fifth day or 120 hours. (Person responsible: director of security)

(D)-(J) (No change.)

§89.585. *Locked Doors*

(a) Policy. The security dormitory will be locked at all times. Students' rooms in security will be locked during sleeping hours of 9:30 p.m. to 6:30 a.m. **If during this time the student loses control or is a danger to himself, implement §89.570 of this title (relating to Isolation).**

(b) (No change.)

§89.605. *Education*

(a) (No change.)

(b) Procedure

(1) Notify students to attend class. Tell them it is mandatory. If a student does not attend all or part of the school hours, document the hours missed and reason for missing hours on the student's **behavior record (50.89.555B)** [CCS-022 and attendance record] (Person

responsible: security dormitory staff, designated academic instructor)

(2) Notify principal of number of hours each student attended school. (Person responsible: designated academic instructor)

(3)[(2)] Provide instruction according to student's educational level and, to the extent possible, consistent with instruction he would have received in his regular class. (Person responsible: designated academic instructor)

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

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

§89.610. *Physical Exercise.*

(a) (No change.)

(b) Procedure.

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

(3) Post any restriction notice received from the nurse [and note it in the CCS-022 report for]. **Note in the behavior record (50.89.555B)** any student who has a medical reason for not participating in exercise. (Person responsible: security dormitory staff)

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

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Executive Director
Texas Youth Commission

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Education

37 TAC §§89.665, 89.700, 89.705, 89.710, 89.715, 89.720, 89.724, 89.725, 89.730, 89.740, 89.750, 89.755, 89.760, 89.770-89.773, 89.775, 89.785, 89.790, 89.820

The Texas Youth Commission (TYC) proposes new §§89.665, 89.700, 89.705, 89.710, 89.715, 89.720, 89.724, 89.725, 89.730, 89.740, 89.750, 89.755, 89.760, 89.770-89.773, 89.775, 89.785, 89.790, and 89.820, concerning education. The new sections as proposed provide policies and procedures for the operation of the academic schools at TYC institutions. The sections standardize and clarify the operation of these programs but will not greatly affect current practices.

Hy Steinberg, educational services chief, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Steinberg and Martha K. McCann, manuals system coordinator, have 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 accountability and consistency in the delivery of educational services to TYC students, more effective monitoring of these services, and increased quality of educational program. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

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

The new sections are proposed under the Human Resources Code, §61.076, which provides the Texas Youth Commission with the authority to require a delinquent child committed to the commission to participate in moral, academic, vocational, physical, and correctional training and activities.

§89.665. Accreditation Standards.

(a) Policy. Texas Youth Commission's (TYC) academic schools are accredited as four-year high schools by the Texas Education Agency (TEA) pursuant to the requirements of the Texas Administrative Code, Title 19, Chapter 97. The academic schools comply with applicable parts of Title 19, Chapter 97, and with TYC child care standard 90.42.009 (§81.26 of this title (relating to Academic Administration)).

(b) Procedure.

(1) Maintain the TEA cyclical accreditation process. (Person responsible: chief of educational services)

(2) Monitor the educational program monthly using the quarterly monitoring checklist. (Person responsible: principal)

(3) Submit the findings to the superintendent. State corrective action needed. (Person responsible: principal)

(4) Make periodic reviews and submit findings and recommendations to the director of institutions. (Person responsible: chief of educational services)

(5) Review and send to the superintendent for action. (Person responsible: director of institution)

(6) Review all audits and program reviews performed on educational program and submit action plans to the director of institutions and implement plans. (Person responsible: superintendent)

(7) Maintain a file on audits, program reviews, and action plans for each institution (Person responsible: institution's secretary)

§89.700. Orientation to the Education Program

(a) Policy. Each student receives an orientation to the education program within ten days of admission. Refer to 50.89.044, new student orientation.

(b) Procedure.

(1) Coordinate the student's orientation to the education program. (Person responsible: principal's designee)

(2) Explain school rules. (Person responsible: principal's designee)

(3) Take the student on a tour of the academic school. (Person responsible: principal's designee)

(4) Introduce the student to appropriate staff. (Person responsible: principal's designee)

(5) Answer any questions the student asks. (Person responsible: principal's designee)

(6) Have the student sign the orientation form. (Person responsible: principal's designee)

(7) File the orientation form in the education subfile. (Person responsible: educational secretary)

(8) Send copy to data clerk for PAYMIS entry. (Person responsible: educational secretary)

§89.705. Individual Education Plan (IEP).

(a) Policy. The education staff develops an Individual Education Plan (IEP) based on diagnostic information and educational records within 30 days of admission for each student in compliance with TYC child care standard 90.42.010 (§81.27 of this title (relating to Academic Education))

(b) Procedure.

(1) Diagnostic assessment.

(A) Administer achievement test or criterion referenced test if the student does not have a current one in his file. (Person responsible: diagnostician or classroom teacher)

(B) Coordinate the criterion referenced test results in math and reading with the student's IEP. (Person responsible: diagnostician)

(C) Administer the adaptive behavior scale to students who score below 70 on IQ test. (Person responsible: diagnostician)

(D) Administer interest opinion test to students being considered for vocational education. (Person responsible: diagnostician)

(E) Administer a vocational aptitude test if student is being considered for vocational placement. (Person responsible: diagnostician)

(F) If the student was enrolled in special education immediately prior to placement in TYC, schedule an Admission, Review and Dismissal (ARD) Committee (see special education manual). (Person responsible: diagnostician)

(G) Schedule a referral meeting when records indicate a need for special education or when recommended by staff (for procedures and guidelines see special education manual). (Person responsible: diagnostician)

(2) IEP development.

(A) Write an IEP for each student. Include the student's academic strengths and weaknesses, a diagnostic summary of academic ability, and short-term and long-term goals. (Person responsible: assigned teacher, diagnostician, or ARD Committee if student is educationally handicapped)

(B) Distribute copies of the IEP to teachers. File a copy in the student's educational subfile. (Person responsible: education secretary)

(C) Conduct three-month IEP reviews with the student. Make recommendations for continuing or changing IEP goals (Person responsible: assigned teacher or ARD Committee if student is educationally handicapped)

(D) Distribute updated IEPs to student's teachers. Keep a copy in the student's educational subfile. (Person responsible: education secretary)

(E) Check 10% of student files for updated IEPs. Report overdue work in the quarterly monitoring report. (Person responsible: principal)

§89.710. Program Plan Information Form.

(a) **Policy.** Each education department provides an update to the student's education program when he leaves to go to a new placement. (See Institutions Manual §0.89.115, individual program plan.)

(b) **Procedure.**

(1) Forward CCS-014A, program plan information form (PPIF), to the principal. (Person responsible: dormitory director)

(2) Coordinate the completion of the educational section of the PPIF, CCS-014A. See the Child Care Information System Manual 20.27 014A for instructions. (Person responsible: principal or designee)

(3) Return the PPIF to appropriate dormitory director for inclusion in the student's packet. (Person responsible: principal or designee)

§89.715. Curriculum.

(a) **Policy.** The education department conducts a six-hour school day for students.

(b) **Overview.** The Texas Youth Commission's basic curriculum consists of language arts, English as a Second Language (ESL), math, social skills, physical education/health, Chapter 1 reading and math labs, electives, and special education.

(1) Students who participate in work programs or special vocation programs must have three hours of academic education daily; one hour each of math, language arts, and social skills. Student who have passed the GED test may participate in a full-time work or vocational program. Students approved for extended vocational education (six hours) will be excused from other classroom requirements.

(2) All other students must have six hours of education daily including one hour each of math and language arts, two hours of social skills, one hour of physical education or health, and one hour of a Chapter 1 lab or an elective.

(3) An individual education plan (IEP) for each student indicates the level at which he is capable of working.

(4) Each student's math and language arts classes are taught at the appropriate level

(5) The physical education curriculum consists of physical skills and fitness goals necessary in performing physical activities and sports. Health is taught by the physical education teacher two days a week.

(6) Students with medical problems may be excused from physical education to take an elective

(7) The social skills class consists of two periods of instruction per day

(A) The curriculum consists of career education, interpersonal skills, and legal aspects

(B) The dorm period is supervised by dorm staff and consists of library activities, dorm activities, homework assignments, daily living training, and individual activities

(8) Elective classes are determined by each institution depending on its resources

(9) Each student identified to receive Chapter 1 instruction has a Chapter 1 period instead of an elective.

(10) Students identified as limited English proficient are enrolled in English as a Second Language.

(11) Special education is offered to students identified as being educationally handicapped.

§89.720 High School Credits.

(a) **Policy.** Institution educational programs provide students the opportunity to earn high school diplomas. Students must meet all Texas Education Agency and Texas Youth Commission graduation requirements.

(b) **Procedure.**

(1) Develop a class schedule that includes instruction in high school credit courses. (Person responsible: principal)

(2) Assess each student's functioning level. (See §89.705 of this title (relating to Individual Education Plan (IEP))). (Person responsible: diagnostician)

(3) Place appropriate students in classes for credit work. (Person responsible: principal or designee)

(4) Provide assigned teachers with assessment data. (Person responsible: principal or designee)

(5) Write high school credits as an IEP goal. (Person responsible: assigned teacher)

(6) Submit grades to principal. (Person responsible: assigned teacher)

(7) Record the grades on the student's transcript. (Person responsible: educational secretary)

(8) Award diplomas to students who complete their high school credits. (Person responsible: principal)

(9) Monitor program quarterly to ensure that all eligible students receive credits. (Person responsible: principal)

§89.724. Educational Transcript.

(a) **Policy.** All students leaving the Texas Youth Commission (TYC) have as part of their educational records a transcript of their grades and credits. Upon request, transcripts are sent to the public school where the student will be enrolled

(b) **Procedure**

(1) Record student grades every six weeks (Person responsible: teacher)

(2) Transfer grades to the student's transcript prior to release (Person responsible: educational clerical staff)

(3) File transcript in student's educational sub-file. (Person responsible: educational clerical staff)

(4) Supply copies of the transcript to the student, and the student's parole officer (Person responsible: principal)

(5) Send copy of transcript upon request to the school in which student enrolls (Person responsible: principal)

§89.725. Remediation Program

(a) **Policy.** The education department provides special classes for students who need remediation in math, reading, writing, speaking, and spelling. Instruction is based on individual needs

(b) **Procedure**

(1) Identify student needs through the diagnostic assessment. See §89.705 of this title (relating to Individual Education Plan (IEP)) (Person responsible: diagnostician)

(2) Develop an IEP for each student's special needs. (Person responsible: diagnostician)

(3) Meet with the assigned teachers to review the instructional methods to be used. (Person responsible: diagnostician)

(4) Monitor remediation goals and instruction methods quarterly to ensure the IEP is followed. (Person responsible: diagnostician and principal)

(5) Revise the goals or teaching methods as student progresses or monitoring indicates. (Person responsible: teacher and diagnostician)

§89.730. English as a Second Language (ESL).

(a) Policy The education department provides special language programs for each student who has a home language other than English and who is assessed by the diagnostician as limited English proficient. These programs follow TYC's English as a Second Language (ESL) manual.

(b) Procedure

(1) ESL personnel

(A) Take steps to recruit fully certified ESL teachers. (Person responsible: principal)

(B) Follow personnel Policy 91.02.010 if you are unable to recruit certified ESL teachers. (Person responsible: superintendent)

(2) Referral to ESL

(A) Serve as coordinator of ESL program. (Person responsible: diagnostician)

(B) Provide an achievement test and an English language proficiency test for each limited English speaking student. (Person responsible: diagnostician)

(C) Review results and recommend placement of the student in an ESL program. (Person responsible: diagnostician)

(D) Approve or disapprove the recommendation. (Person responsible: principal)

(E) If approved, notify student's parents or guardian of placement. (Person responsible: principal)

(F) Schedule the student for ESL instruction. (Person responsible: principal)

(G) Monitor program quarterly to ensure compliance with TYC ESL program manual. (Person responsible: principal)

§89.740. Physical Education/Health Program.

(a) Policy Each institution offers a Physical Education/Health Program.

(b) Overview

(1) The physical education component includes:

(A) large muscle exercises,

(B) muscle toning,

(C) muscle building,

(D) flexibility exercises,

(E) endurance training, and

(F) instruction in special interest areas of sports

(2) The health component includes

(A) sex education, pre-natal care and child-care;

(B) drug education,

(C) nutritional education,

(D) personal hygiene training;

(E) safety and first aid, and

(F) training in mental health

(c) Procedure

(1) Provide physical education staff with training in the content and use of the physical education curriculum and health curriculum. (Person responsible: principal)

(2) Review all related curriculum materials. (Person responsible: physical education teacher)

(3) Teach physical education three days a week. (Person responsible: physical education teacher)

(4) Teach health two days a week to all students. Schedule nursing staff to aid in teaching selected sections. (Person responsible: physical education teacher, nursing staff)

(5) Meet weekly with the recreation supervisor to coordinate planning of physical activities between physical education and recreation. (Person responsible: physical education teacher)

(6) Supervise and monitor physical education and health activities quarterly. Document findings on the monitoring checklist. (Person responsible: principal)

§89.750. Security Education Program

(a) Policy The students in security must attend school four hours daily in the security building. One academic staff member is assigned to security for every 12 students. Refer to §89.605 of this title (relating to Education).

(b) Procedure

(1) Call security each day for the name of students in security. (Person responsible: principal's designee)

(2) Schedule a sufficient number of academic staff to conduct security educational program. (Person responsible: principal)

(3) Meet with the students' regular teachers daily to obtain each student's assignments. (Person responsible: assigned educational staff member)

(4) Provide students four hours of instruction including one hour of large muscle exercises. (Person responsible: assigned educational staff member)

(5) Give completed work back to the students' regular teachers. (Person responsible: assigned educational staff member)

(6) Monitor security educational program weekly. (Person responsible: principal)

§89.755. Infirmary Educational Services

(a) Policy Students admitted to the infirmary for extended recovery periods are provided educational assignments.

(b) Procedure

(1) Notify principal of students admitted for extended period who are able to do assignments. (Person responsible: nurse III)

(2) Coordinate student assignments with teachers. (Person responsible: principal)

(3) Arrange for assignments to be delivered to infirmary. (Person responsible: principal)

(4) Forward completed assignments to principal. (Person responsible: nursing staff)

§89.760. Chapter 1 Program

(a) Policy Education programs provide students with compensatory reading and math instruction as indicated in the diagnostic assessment. All Chapter 1 programs are in compliance with Texas Education Agency

regulations and Texas Youth Commission policy (see Chapter 1 Manual)

(b) Procedure.

(1) Student assessment.

(A) Assess all students and determine eligibility for Chapter 1 Program following guidelines outlined in Chapter 1 Manual. Submit names of eligible students to principal (Person responsible: diagnostician)

(B) Develop class schedule placing the most needy students in Chapter 1 Program (Person responsible: principal)

(2) Program monitoring and review

(A) Monitor program quarterly to ensure compliance with all regulations (Person responsible: principal)

(B) Review all Chapter 1 regulations annually to keep abreast of all changes. Inform staff of all changes (Person responsible: principal)

(3) Chapter 1 reports. Submit all required Chapter 1 reports/documents to chief of education services including (Person responsible: principal)

(A) annual survey,

(B) annual needs assessment,

(C) personal services schedule;

(D) annual evaluation data, and

(E) purchase orders

(4) Personnel and equipment requests

(A) Submit request for Chapter 1 personnel and equipment to superintendent during budgeting process. (Person responsible: principal)

(B) Review requests making any necessary changes and forward to director of institutions (Person responsible: superintendent)

(C) Approve/disapprove requests after consulting the chief of education and inform the superintendent, central office, fiscal department, and chief of educational services of approved/disapproved items (Person responsible: director of institutions)

§89 770 Vocational Education

(a) Policy. Students placed in a facility that offers vocational education are evaluated for placement in the vocational education program

(b) Procedure

(1) Develop criteria for placement in the program that includes (Person responsible: principal)

(A) age requirement,

(B) interest testing,

(C) aptitude testing,

(D) achievement scores of 60 and above,

(E) psychological assessment,

(F) approval by principal after reviewing student data and conducting student interview,

(G) individual program plan (IPP) and individual education plan (IEP) with vocational goals,

(H) specified length of time student needs to be in placement or, if site has a level system, specified level student needs to achieve before participation in vocational program, and

(I) methods for monitoring

(2) Develop a system for ensuring a minimum class size of eight students (Person responsible: principal)

§89 771 Special Vocational Projects.

(a) Policy. Students are compensated for their efforts toward the completion of special vocational projects. Projects accepted are used to provide students with the practice necessary to master a given competency. Projects include repair work on staff vehicles and the building of a variety of items for staff purchase

(b) Procedure

(1) Develop list of suggested new projects. (Person responsible: principal, vocational coordinator)

(2) Determine if the project can be completed on campus in a vocational area and is related to the objectives of the vocational curriculum. (Person responsible: instructor)

(3) Make sure that the project is not too difficult. (Person responsible: instructor)

(4) Submit brief description of new project, projected cost, and student payment to chief of educational services for inclusion on the master list. (Person responsible: principal)

(5) Distribute revised list of projects to the field. (Person responsible: chief of educational services)

(6) Determine if one or more students have the necessary skills required to complete project (Person responsible: instructor)

(7) Complete three copies of the authority for work order form, 50 89 771A, prior to the performance of the work, and submit to business manager (Person responsible: instructor)

(8) Approve work order (Person responsible: business manager)

(9) Give one copy of work order to principal and customer (Person responsible: business manager)

(10) Add approved project to list rank ordered according to date on work order (Person responsible: principal)

(11) Make payment to student's account through business office prior to removing project from class (Person responsible: customer)

(12) Show receipt to instructor (Person responsible: customer)

§89 772 Coordination of Vocational Education and Career Development

(a) Policy. Each student participating in a vocational education class receives instruction in the career education component of the social skills class to help the student explore job related aspects of the vocational area. Such exploration includes job requirements and skills needed, working conditions, salary information, job availability by location, and educational requirements. Students also explore their values to ensure that job-related aspects mesh with perceived needs and wants.

(b) Procedure

(1) Submit list of students and the vocational class attended by each student to the social skills teachers. (Person responsible: principal)

(2) Develop individual education plan (IEP) including career development goals (Person responsible: diagnostician, teacher)

(3) Individualize instruction using TYC career development modules (Person responsible: social skills teacher)

(4) Monitor IEPs and teacher instruction to ensure compliance (Person responsible: principal)

(5) Schedule and lead quarterly meetings of vocational teachers and social skills teachers to ensure coordination of instruction (Person responsible: principal)

§89.775 General Education Development (GED) Program.

(a) Policy Education departments provide instruction and ensure testing for students who are eligible for General Education Development (GED). The GED programs comply with Texas Education Agency guidelines.

§89.773. Report Cards

(a) Policy Texas Youth Commission students receive report cards at six weeks intervals. A student must be in a program a minimum of four weeks to receive an academic grade for that reporting period. All students also receive behavioral grades

(b) Procedure

(1) Provide training in use of report cards to teachers and dormitory directors. (Person responsible: principal)

(2) Record grade, (Person responsible teacher)

(3) Document behavior (Person responsible: teacher)

(4) Transfer grade to report cards (Person responsible teacher)

(5) Write comments on back of report cards if needed (Person responsible teacher)

(6) Distribute report cards to dormitory directors. (Person responsible principal)

(7) Discuss with student when needed (Person responsible teacher)

(8) Review report cards with students (Person responsible dormitory director)

(9) Notify principal of students who did not get report cards (Person responsible dormitory director)

(10) Ensure students receive report cards (Person responsible principal)

(11) Send report cards to students' parents or guardians at three month review period (Person responsible: dormitory director)

§89.775 General Education Development (GED) Program

(a) Policy Education departments provide instruction and ensure testing for students who are eligible for General Education Development (GED). The GED programs comply with Texas Education Agency guidelines

(b) Procedure

(1) Establish criteria for eligibility in compliance with state and federal guidelines (Person responsible principal)

(2) Identify eligible students for GED program (Person responsible: diagnostician)

(3) Prepare students for the GED test during regular school hours (Person responsible teacher)

§89.785 Library Services

(a) Policy Each education department organizes and runs a central library that each student may use weekly

(b) Procedure

(1) Ensure each student is scheduled for weekly use of the library (Person responsible: principal)

(2) Provide instruction to new students on how to use the library. (Person responsible: library staff, teacher)

(3) Number and monitor a check-out system for items assigned to the library (Person responsible: library staff)

(4) Purchase books, magazines, and equipment for the library following TYC purchasing guidelines (Person responsible principal)

(5) Monitor the library program quarterly using monitoring checklist (Person responsible: principal)

§89.790. Counseling Services.

(a) Policy. Each education department provides academic and vocational counseling services to students.

(b) Procedure

(1) Assist student with problems in the classroom. (Person responsible: teacher)

(2) Send the student to the principal if the problem is not resolved. (Person responsible: teacher)

(3) Provide counseling for identified problems. Send memo summarizing counseling session to the student's dormitory director (Person responsible: principal or assistant principal)

(4) Inform dorm staff of problems a student is having in the academic school (Person responsible: dormitory director)

(5) Counsel students during the pre-release program on vocational and academic goals for returning to the community. Document goals developed on the student's Program Plan Information Form, CCS-014A. (Person responsible: principal, assistant principal, or diagnostician)

§89.820 Teaching Techniques

(a) Policy Education departments use a variety of teaching techniques including individual and group instruction

(b) Procedure

(1) Teacher's responsibilities.

(A) Collect and review student assessment data (Person responsible teacher)

(B) Compare students' strengths and weaknesses to the learning objectives in the curriculum (Person responsible teacher)

(C) Develop individualized lesson plans for students geared to their functional level (Person responsible teacher)

(D) Provide individual instruction a maximum of four days a week (Person responsible teacher)

(E) Develop group lesson plans based on the modal level of the group (Person responsible teacher)

(F) Provide group instruction at least one day a week (Person responsible teacher)

(G) Develop individualized reinforcement strategies of basic skills as taught through large and small group instruction (Person responsible teacher)

(H) Include a variety of instructional resources e.g. films, film strips, newspapers, or sound/slide show. (Person responsible teacher)

(2) Monitoring

(A) Provide or procure teacher training in individualized and group instruction (Person responsible: principal)

(B) Monitor teachers quarterly using the monitoring checklist (Person responsible principal)

(C) File the quarterly monitoring reports in monitoring notebook. (Person responsible: educational secretary)

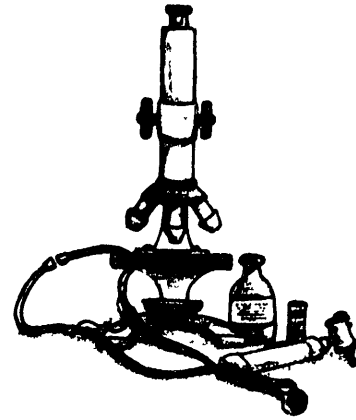
This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

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

TRD-849351 Ron Jackson
 Executive Director
 Texas Youth Commission

Earliest possible date of adoption
October 22, 1984

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



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

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

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

Adopted Rules



TITLE 1. ADMINISTRATION Part IV. Office of the Secretary of State

Chapter 91. Texas Register Filing of Documents

1 TAC §91.33

The Office of the Secretary of State adopts an amendment to §91.33, without changes to the proposed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4105).

The rule is amended in accordance with 34 TAC §5.54, which clarifies the requirements of Texas Civil Statutes, Article 6252-11c.

The amended section clarifies the procedure for filing a notice related to the use of private consultant services. A notice of an amendment to a contract that increases a total fee of greater than \$10,000 by 15% or more or that increases a total fee of less than \$10,000 to more than \$10,000 is required to be published in the *Register*.

The amendment is adopted under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252.13a, which provides the Texas Register, Office of the Secretary of State, with the

authority to adopt rules governing the submission of documents for publication.

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 12, 1984

TRD-849348

Myra McDaniel
Secretary of State

Effective date: October 3, 1984

Proposal publication date: July 31, 1984

For further information, please call (512) 475-7886.

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board Chapter 109. Transactions Exempt from Registration

7 TAC §109.4

The State Securities Board adopts an amendment to §109.4, concerning public solicitation or advertisements, without changes to the proposed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4106).

The amendment clarifies the interplay between the Securities Act, §5 l(c), and §139.7 of this title, concerning the exemption for sales of securities to non-residents of Texas.

The amendment clarifies that sales to nonresidents of Texas made in compliance with §139.7 of this title

need not be counted in determining whether, for purposes of determining the availability of the Act, §5.1(c), sales to not more than 15 persons have occurred. This result stems from the language of the Act, §5.1(c), which allows for exclusion from the 15-person count purchasers of securities in transactions exempt under other provisions of the Act, §5 Section 139.7 is a §5 T exemption

No comments were received regarding adoption of this amendment

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide for the board to make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes

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 13, 1984

TRD-849383 Richard D Latham
Securities Commissioner
State Securities Board

Effective date October 4, 1984
Proposal publication date July 31, 1984
For further information, please call (512) 474-2233

Chapter 113. Registration of Securities

7 TAC §113.9

The State Securities Board adopts an amendment to §113.9, concerning securities underlying transferable warrants and employee stock options and the dealer registration requirements related thereto, without changes to the proposed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4107)

The amendment eliminates confusion as to whether the dealer or issuer who sold the registered securities underlying transferable warrants and employee stock options is required to remain registered as a dealer on a continuous basis merely because the warrants or options have not yet been exercised

The amendments clarify that once the distribution of the registered securities underlying transferable warrants or employee stock options is completed pursuant to the registration the issuer or dealer who sold such registered securities is not required to remain continuously registered as a dealer solely because of the existence of such outstanding warrants or options

No comments were received regarding adoption of this amendment

The amendment is adopted under Texas Civil Statutes, Article 581, §28 1, which provide for the board to

make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes

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 13, 1984.

TRD-849384 Richard D Latham
Securities Commissioner
State Securities Board

Effective date October 4, 1984
Proposal publication date July 31, 1984
For further information, please call (512) 474-2233.

Chapter 139. Exemptions by Rule or Order

7 TAC §139 1

The State Securities Board adopts amendments to §139 1, concerning policies in regard to the board's creation of new exemptions by rule or order, without changes to the proposed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4107).

The amendments set forth the board's policy regarding the requirement for dealer registration in the context of exemption adopted pursuant to the Act, §5.T.

The amendments clarify that the company or person engaging in a transaction exempt under a rule adopted pursuant to the Securities Act, §5 T, shall not be deemed a dealer for purposes of the Act unless such rule indicates otherwise

No comments were received regarding adoption of the amendments

The amendments are adopted under Texas Civil Statutes, Article 581, §28-1, which provide for the board to make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes

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 13, 1984

TRD-849385 Richard D Latham
Securities Commissioner
State Securities Board

Effective date. October 4, 1984
Proposal publication date July 31, 1984
For further information, please call (512) 474-2233.

7 TAC § 139.8

The State Securities Board adopts an amendment to § 139.8, concerning the exemption for sales to underwriters, without changes to the proposed text published in the July 31, 1984, issue of the *Texas Register* (9 TexReg 4108)

The amendment eliminates unnecessary and redundant language which indicates that a company or person engaged in a transaction falling within the exemption provided by the rule is not required to be registered as a dealer. Because the exemption was adopted pursuant to § 5 T, the preface language to the Securities Act, § 5, controls. To reiterate the preface language of § 5 within the rule itself is unnecessary.

No comments were received regarding adoption of this amendment

The amendment is adopted under Texas Civil Statutes, Article 581, § 28-1, which provide for the board to make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes

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 13, 1984

TRD-849386 Richard D. Latham
Securities Commissioner
State Securities Board

Effective date October 4, 1984
Proposal publication date July 31, 1984
For further information, please call (512) 474-2233.

**TITLE 22. EXAMINING BOARDS
Part X. State Board of Morticians
Chapter 203. Licensing and
Enforcement—Specific
Substantive Rules**

22 TAC §§ 203.8, 203.9, 203.11, 203.115

The State Board of Morticians adopts new §§ 203.8, 203.9, 203.11, and 203.115, without changes to the proposed text published in the July 20, 1984, issue of the *Texas Register* (9 TexReg 3907)

The new sections bring the Texas mortuary laws into similar compliance with the Federal Trade Commission's rule on funeral industry by ensuring that consumers will be able to obtain price information over the telephone and thereby shop more intelligently for funeral services and merchandise if they so desire.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 4582b, § 5, which provide the State Board of Morticians 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 September 10, 1984.

TRD-849417 John W. Shocklee
Executive Secretary
State Board of Morticians

Effective date October 5, 1984
Proposal publication date July 20, 1984
For further information, please call (512) 442-6721.

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE
Part I. Texas Department of
Human Resources
Chapter 29. Purchased Health
Services**

The Texas Department of Human Resources adopts amendments to §§ 29.502, 29.1001, 29.1102, and 29.1112 and new §§ 29.1401 and 29.1402, without changes to the proposed text published in the July 13, 1984, issue of the *Texas Register* (9 TexReg 3809).

These amendments and new sections are adopted in concurrence with 42 Code of Federal Regulations § 440.50 that state the services a physician may provide and include "doctor of dentistry" in the definition of "doctor"

A comment favoring the proposal was received from the Texas Medical Association. No other comments were received

**Subchapter F. Physician Services
40 TAC § 29.502**

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

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

Issued in Austin, Texas, on September 17, 1984

TRD-849451 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date October 8, 1984
Proposal publication date July 13, 1984
For further information, please call (512) 450-3766

Subchapter K. Definitions

40 TAC §29.1001

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

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

Issued in Austin, Texas, on September 17, 1984

TRD-849452 Marlin W Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date: October 8, 1984
Proposal publication date July 13, 1984
For further information, please call (512) 450-3766.

Subchapter O. Dentists' Services

40 TAC §29.1401, §29.1402

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs

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

Issued in Austin, Texas, on September 17, 1984

TRD-849454 Marlin W Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date: October 8, 1984
Proposal publication date July 13, 1984
For further information, please call (512) 450-3766.

Subchapter L. General Administration

40 TAC §29.1102, §29.1112

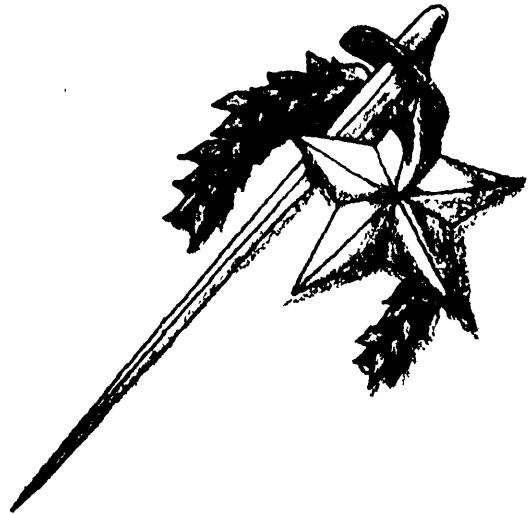
The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public and medical assistance programs.

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

Issued in Austin, Texas, on September 17, 1984

TRD-849453 Marlin W Johnston
 Commissioner
 Texas Department of Human
 Resources

Effective date: October 8, 1984
Proposal publication date July 13, 1984
For further information, please call (512) 450-3766.



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

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

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

Open Meetings

Texas Antiquities Committee

Tuesday, September 18, 1984, 9:30 a.m. The Texas Antiquities Committee (TAC) submitted an emergency revised agenda for a meeting held in Room 503G, Sam Houston Building, 201 East 14th Street, Austin. According to the revised agenda, the committee considered revisions on rules of practice and procedure concerning descriptive information and rule sections dealing with reports; heard a report on staff activities concerning the progress of the Historic Shipwreck Act and the status of San Jose Acequia; and met in executive session to discuss personnel matters. The emergency status was necessary because the director of the TAC felt that the order of the last three items needed to be arranged on the agenda.

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

Filed: September 13, 1984, 2:11 p.m.
TRD-849373

State Board of Barber Examiners

Tuesday, October 2, 1984, 8 a.m. The State Board of Barber Examiners will meet in Suite C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider minutes of the previous meet-

ing, sign teachers' licenses and school certificates, interview out-of-state applicants, and consider letters and reports to the board by the executive director and the examination schedule for 1985. The board also will meet in executive session.

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

Filed: September 17, 1984, 11:14 a.m.
TRD-849462

Texas State Board of Dental Examiners

Friday, September 28, 1984, 5 p.m. The Texas State Board of Dental Examiners will meet in the dean's conference room, University of Texas Dental School, Houston. According to the agenda, the board will discuss licensure by reciprocity and/or credentials and 22 TAC §109.211, concerning unprofessional, dishonorable, and immoral conduct, and approve anesthesia applications.

Contact: William S. Nail, 411 West 13th Street, Suite 503, Austin, Texas 78701, (512) 475-2443.

Filed: September 18, 1984, 9:19 a.m.
TRD-849488

Council on Disabilities

Wednesday, September 19, 1984, 9 a.m. The State Plan Task Force Subcommittee of the Council on Disabilities met in emergency session in Room 123, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin. According to the agenda, the subcommittee reviewed written responses and testimony regarding objections to the goals of the state plan for the Council on Disabilities. The emergency status was necessary because it was necessary to compile material for the subcommittee prior to the October 1, 1984, task force meeting.

Contact: Terry Reed Goodman, Sam Houston Building, Room 207C, 201 East 14th Street, Austin, Texas 78711, (512) 475-3021.

Filed: September 13, 1984, 11:02 a.m.
TRD-849368

Texas Employment Commission

Tuesday, September 25, 1984, 9 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission will consider prior meeting notes and internal procedures of the Office of

Texas Register

Commission Appeals, consider and act on higher level appeals in unemployment compensation cases on Docket 39, and set the date of the next meeting

Contact: Courtenay B. owning, TEC Building, Room 608, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4415

Filed: September 17, 1984, 4:17 p.m.
TRD-849481

Texas Department of Health

Saturday, September 22, 1984. Committees of the Texas Board of Health of the Texas Department of Health and the full board will meet at 1100 West 49th Street, Austin. Times, committees, rooms, and agendas follow

8 a.m. The Legislative Committee will meet in Room G-107 to discuss preliminary legislative proposals of the department

Contact: Gary A Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 14, 1984, 4:22 p.m.
IRD-849445

8 a.m. The Nursing Home and Alternative Care Committee will meet in Room G-108 to discuss final rules for home health care agencies

Contact: Gary A Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484

Filed: September 14, 1984, 4:23 p.m.
TRD-849446

8:30 a.m. The Hospitals Committee will meet in Room T-407 to discuss closing of hospitals due to Medicare deficiencies, the department's draft legislation on health data systems, and an update on physician assistants

Contact: Gary A Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484

Filed: September 14, 1984, 4 23 p.m.
TRD-849447

8:30 a.m. The Personnel Committee will meet in Room T-604 to discuss appointments to the Nursing Home Affairs Advisory Committee and extensions of employment beyond age 70

Contact: Gary A Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484

Filed: September 14, 1984, 4 22 p.m.
TRD-849448

9:30 a.m. The Texas Board of Health will meet in Room T-610 to approve the August 11, 1984, minutes, hear the commissioner's report, the Environmental Health Commit-

tee report, the Legislative Committee report on the approval of draft legislation for the department's legislative package, and Personnel Committee reports on appointments to the Advisory Committee on Nursing Home Affairs and approval of requests for extension of employment beyond age 70 and Budget Committee reports on approval of reappropriation of \$40,000 from fiscal year 1984 unexpended balances to the Bureau of Tuberculosis Services; approve the transfer of \$60,000 from general revenue in the Kidney Health Care Program to Automated Data Services; approve an amendment to fiscal year 1986-1987 appropriations request, hear the board's response to the Texas Sunset Advisory Commission staff report; approve a resolution in memoriam of H. Eugene Brown, D.O., and a commendatory resolution concerning the El Paso radiation incident; approve final adoption of rules for home health care agencies; propose rules on continuing education requirements for professional counselors, rules to establish criteria to determine qualifications and fitness of an applicant for licensure as a professional counselor, amendments to the fee schedules for professional counselors and amendments concerning co-pay procedures for family planning services, rules concerning the Emergency Medical Services Training Program and course accreditation, and rules relating to certification of emergency medical services course coordinators, program instructors, and examiners, and a rule on block grant hearing procedures, approve recommendations to the Public Utility Commission of Texas regarding waste to electricity facilities submitted by the Municipal Solid Waste and Resource Recovery Advisory Council; consider announcements and comments; and set a meeting date for October 1984. The board will also meet in executive session

Contact: Gary Fuchs, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484

Filed: September 14, 1984, 4:22 p.m.
TRD-849449

Texas Health and Human Services Coordinating Council

Thursday, September 20, 1984, 2:30 p.m. The Administration Committee of the Texas Health and Human Services Coordinating Council met in emergency session in Room 304T, 1117 Trinity Street, Austin. According to the agenda, the committee considered recommendations in the Texas Rehabilitation Commission report and the Texas Department of Health report and held

a discussion. The emergency status was necessary because the committee needed to address these issues before the next council meeting in October 1984

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

Filed: September 13, 1984, 11:27 a.m.
TRD-849369

Texas Health Facilities Commission

Thursday, September 27, 1984, 1:30 p.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificates of Need

Rivendell Children and Youth Center, Bulverde

AH84-0215-096

Elmendorf, Brossman, *et al* Computer Diagnostics, Bryan

AO84-0224-127

St Joseph Hospital, Bryan

AH84-0418-241

Timberlawn Psychiatric Hospital, Dallas

AH84-0427-264

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

Filed: September 17, 1984, 9 43 a.m.
TRD-849458

State Department of Highways and Public Transportation

Monday, September 17, 1984, 2 p.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation met in emergency session in Suite 251, 4200 Westheimer Road, Houston. According to the agenda, the commission discussed landscaping the highway right-of-way. The emergency status was necessary because of the availability of a private sector landscape architect to provide advice

Contact: Lois Jean Turner, Dewitt C Greer Building, Room 203, 11th and Brazos Streets, Austin, Texas 78701, (512) 475-3525

Filed: September 14, 1984, 1:16 p.m.
TRD-849420

Wednesday, September 26, 1984, 9 a.m. The State Highway and Public Transport-

tation Commission of the State Department of Highways and Public Transportation will meet in Room 207, second floor, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will execute contract awards and routine minute orders, consider presentations from previous public hearing dockets as necessary, and review staff reports relative to planning and construction programs and projects. The complete agenda is available in the second floor office of the minute clerk in the Dewitt C. Greer Building.

Contact: Lois Jean Turner, Dewitt C. Greer Building, Room 203, 11th and Brazos Streets, Austin, Texas, (512) 475-3525.

Filed: September 18, 1984, 8:23 a.m.
TRD-849485

Texas Department of Human Resources

Tuesday, September 25, 1984, 9:30 a.m. The Texas Board of Human Resources of the Texas Department of Human Resources will meet at 701 West 51st Street, Austin. According to the agenda summary, the board will approve the June meeting minutes and consider a grant increase in the Aid to Families with Dependent Children Program, Medicaid coverage, adjustments to the fiscal year 1986-1987 legislative appropriation request, legislative initiatives, an adjustment to reimbursement rates for supervised living services and for day activity and health services, extension of eligibility for time-limited protective services for adults, modification of facility standards for participation in the Nursing Home Program to include certain Medicare requirements, establishment of fiscal year 1985 premiums in a contract with National Heritage Insurance Company, final rules, technical amendments to program policies and procedures, and a report on the status of the day care licensing work plan.

Contact: Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 450-3047

Filed: September 17, 1984, 4:04 p.m.
TRD-849480

Friday, October 5, 1984, 9 a.m. The Advisory Council for Social Work Certification of the Texas Department of Human Resources will meet at the John Gray Institute, Lamar University, Beaumont. According to the agenda summary, the council will approve the minutes, hear remarks by the assistant commissioner, hear the director's

report and reports on the American Association of State Social Work Boards (AASSWB) meeting and complaint investigations; and discuss requirements for certification.

Contact: Michael O. Doughty, P.O. Box 2960, Austin, Texas 78769, (512) 450-3255

Filed: September 18, 1984, 9:10 a.m.
TRD-849491

State Board of Insurance

The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. Days, times, and agendas follow.

Tuesday, September 25, 1984, 10 a.m. According to the agenda summary, the board will consider the commissioner's report, including personnel matters; the fire marshal's report, including personnel matters, a decision on the joint motion for dismissal of the application of June C. Parker for review of the action of the Texas Catastrophe Property Insurance Association, and 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 17, 1984, 11:19 a.m.
TRD-849463

Thursday, September 27, 1984, 9 a.m. According to the agenda, the board will conduct a public hearing to consider a petition by United Fidelity Life Insurance Company for review of action of the commissioner of insurance pursuant to the Insurance Code, Article 1.04.

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

Filed: September 13, 1984, 2:31 p.m.
TRD-849375

Monday, October 1, 1984, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda summary, the section will conduct a public hearing in Docket 7792—whether the application of Donald A. Falk, Missouri City, for a Group I legal reserve life insurance agent's license should be issued.

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

Filed: September 17, 1984, 11:31 a.m.
TRD-849469

Commission on Jail Standards

Wednesday, September 26, 1984, 9 a.m. The Commission on Jail Standards will meet in Room 206, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the commission will approve the July 25, 1984, minutes, hear the director's report; conduct old business concerning Hays, Waller, Blanco, Carson, and Bexar Counties; conduct new business involving direct supervision standards, and consider applications for variances for Bowie, Harris, and Travis Counties. The commission will also meet in executive session.

Contact: Robert O. Viterna, 411 West 13th Street, Suite 900, Austin, Texas 78701, (512) 475-2716

Filed: September 14, 1984, 9:50 a.m.
TRD-849391

Lamar University

Monday, September 17, 1984, 10 a.m. The Building and Grounds Committee of the Board of Regents of Lamar University met in the boardroom, Plummer Administration Building, Lamar University, Beaumont. According to the agenda, the committee reviewed the status of Montagne Center and met in executive session to consider litigation.

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

Filed: September 14, 1984, 9:50 a.m.
TRD-849389

Board of Law Examiners

Tuesday, September 25, 1984, 3:30 p.m. The Board of Law Examiners will meet via conference call originating in Suite 505, 1414 Colorado Street, Austin. According to the agenda, the board will consider personnel matters.

Contact: Wayne F. Denton, 1414 Colorado Street, Suite 505, Austin, Texas 78701, (512) 475-6791

Filed: September 17, 1984, 4:47 p.m.
TRD-849483

Legislative Committee on State Telecommunications

Wednesday, September 19, 1984, 2 p.m. The Legislative Committee on State Tele-

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communications met in emergency session in the Speaker's Committee Room, State Capitol, Austin. Items on the agenda included organizational matters, a presentation by the State Purchasing and General Services Commission on proposed replacement of the state centralized telephone system (CENTREX), and other related matters. The emergency status was necessary due to time constraints placed on the bidding process by Senate Bill 35, 68th Legislature, Second Called Session, 1984.

Contact: Chuck Courtney, P.O. Box 12128, Austin, Texas 78711, (512) 475-2736.

Filed: September 17, 1984, 3:36 p.m.
TRD-849474

Texas State Board of Medical Examiners

Tuesday, September 25, 1984, 6:30 p.m. The Medical School Committee of the Texas State Board of Medical Examiners will meet at the AmFac Hotel, Dallas/Fort Worth Airport, Irving. Items on the agenda include a discussion of the definition of "medical school," clarification of post-graduate training, a mechanism to approve supervision of medical students' contracts, Fifth Pathway, a visit to the Texas College of Osteopathic Medicine Medical School, a CETEC update, and the foreign graduate issue. The committee also may possibly meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §4.05(d) and §5 06(e)(1), and Attorney General Opinion H-484, 1974.

Contact: Jean Davis, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: September 17, 1984, 11:15 a.m.
TRD-849464

Texas Department of Mental Health and Mental Retardation

Thursday, September 27, 1984, 2:15 p.m. The Executive Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation submitted a revised agenda for a meeting to be held in the chapel, Abilene State School, 25th and Maple Streets, Abilene. Items on the revised agenda include proposed construction of a greenhouse at the Abilene State School, naming the adolescent center at Terrell State Hospital the Jorge E. Sanchez

Adolescent Treatment Center, and dual employment approval.

Contact: Gary E. Miller, M.D., P O. Box 12668, Austin, Texas, (512) 465-4588.

Filed: September 14, 1984, 10:56 a.m.
TRD-849414

Friday, September 28, 1984, 9 a.m. The Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation submitted a revised agenda for a meeting to be held in the chapel, Abilene State School, 25th and Maple Streets, Abilene. Items on the revised agenda include the August 24, 1984, minutes; the commissioner's calendar; recommendations for board consideration concerning the Executive, Business, and Personnel Committees; a citizen's comments; and the status of pending or contemplated litigation.

Contact: Gary E. Miller, M D , P O Box 12668, Austin, Texas, (512) 465-4588.

Filed: September 14, 1984, 10:55 a.m.
TRD-849415

Texas Motor Vehicle Commission

Wednesday, September 26, 1984, 9 a.m. The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos Street, Austin. According to the agenda, the commission will adopt the August 14, 1984, minutes; consider a hearing report in Docket 366 and give orders of dismissal in Dockets 299, 336, 365, 367, 373, and 374; elect the chairman and vice-chairman for the coming year; and conduct a general discussion concerning review of pending litigation and the financial report.

Contact: Russell Harding, 815 Brazos Street, Suite 300, Austin, Texas 78701, (512) 476-3587.

Filed: September 14, 1984, 2:11 p.m.
TRD-849424

Board of Pardons and Paroles

Monday, September 17, 1984, 3 p.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board considered and determined a policy response to the problem of some inmates being released prematurely without having satisfied the eligibility requirements of the Texas Code of Criminal Procedure, Article 42.12, §15(b) and §3f(a). The emergency

status was necessary because of the urgent necessity for a public policy response to the erroneous release situation.

Contact: John W. Byrd, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2716

Filed: September 17, 1984, 12:05 p.m.
TRD-849470

Tuesday, September 18, 1984, 9:30 a.m. The Board of Pardons and Paroles met in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board interviewed selected individuals for the position of general counsel. The emergency status was necessary because the coordination of schedules of board members and selected applicants precluded giving notice of seven full days and because of the urgency of filling the position.

Contact: Henry Johnson, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2734.

Filed: September 17, 1984, 5:07 p.m.
TRD-849484

Monday-Friday, September 24-28, 1984, 1:30 p.m. daily Monday-Thursday, 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 and 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, (512) 459-2713.

Filed: September 14, 1984, 12:06 p.m.
TRD-849418

Tuesday, September 25, 1984, 9:30 a.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. Items on the agenda include a discussion of issues of mutual concern with Director Ray Proconer of the Texas Department of Corrections; review and action on the September 4, 1984, minutes; ratification of substitutions on administrative panels and parole commissioner panels; a report regarding new annual report policies; a summary of recommendations by Supervision Committee chairman Connie L. Jackson; a warrant issuance, the premature release of inmates under Article 42.12, §15(b) and §3f(a), proposed administrative panel compositions for October 1-November 30, 1984, proposed parole panel compositions for initial review and subsequent review of

cases where sentence is 45 years or greater, for October 1-November 30, 1984; parole panel substitutions at Huntsville; a parole commissioner vacancy; final adoption of proposed rule amendments and new rules, including amendments to the annual report rules, 37 TAC §145.25, new rules for mandatory supervision releases, 37 TAC §§149.3-149.7, and amendments to the reprieve of execution rules, 37 TAC §143.42 and §143.43, and a prediction score for Pablo Martinez.

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

Filed: September 17, 1984, 4:31 p.m.
TRD-849482

Tuesday, September 25, 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, (512) 459-2704.

Filed: September 14, 1984, 12:06 p.m.
TRD-849419

State Board of Plumbing Examiners

Monday, September 24, 1984, 9 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the agenda, the board will approve previous meeting minutes, review the financial report and 1985 in-house budget; hear license and examination data and a report of licenses issued and examination statistics, examine hardship cases, hear a report on the plumbing inspectors examination; hear Bill Wheeler and Charles Flanders; hear a report on certification of a school for backflow prevention device testers; hear a report on a hearing with the budget examiners; hear a report by J. L. Drymalla on the expansion of examination facilities, hear a report on a hearing by the Committee on Labor and Employment chaired by representative Lloyd Criss, hear a status report on the computer program; discuss the maximum use of water and gas

sizing charts; hear a report on the attorney general's charges of price gouging during the December freeze in Houston; authorize attendance at the International Association of Plumbing and Mechanical Officials and Southern Building Code conferences, and authorize Chairman E. L. Smith to be representative of the board at the National Association for the Plumbing-Heating-Cooling Contractors conference in Atlanta, Georgia on October 25-30, 1984

Contact: Lynn Brown, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145.

Filed: September 13, 1984, 2:44 p.m.
TRD-849376

The Prosecutor Council

Wednesday, September 26, 1984, 9 a.m. The Prosecutor Council will meet at the Holiday Inn on the Beach, 5002 Seawall Boulevard, Galveston. According to the agenda, the council will approve the August 29, 1984, minutes; consider the October budget submission report, consider the Prison Problems Committee report, consider a technical assistance program for child abuse cases, consider the sunset process report concerning a public hearing and proposed statutory changes, hear the executive director's fourth quarter report concerning discipline and ethics, professional development, technical assistance, and services, consider a procedure for adopting the annual report, and set the date for the next meeting. The council also will meet in executive session to hear a disciplinary report

Contact: Andy Shuval, P.O. Box 13555, Austin, Texas 78721, (512) 475-6825.

Filed: September 13, 1984, 10:51 a.m.
TRD-849362

Texas State Board of Public Accountancy

Wednesday, September 26, 1984, 1 p.m. The Technical Standards Review Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Items on the agenda include recommendations regarding specific complaints against licensees and regarding informal opinion requests, a review of a follow-up status report concerning technical standards cases, and other matters, including discussion regarding a statement adopted by NSPA on generally accepted tax accounting principles

Thursday and Friday, September 27 and 28, 1984, 8:30 a.m. daily. The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the board will review committee meetings and reports, amendments to substantive rules, litigation and activity reports, and communications.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752, (512) 451-0241.

Filed: September 17, 1984, 3:45 p.m.
TRD-849478, 849479

Public Utility Commission of Texas

Friday, September 14, 1984, 1 p.m. The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission met in executive session to consider pending litigation. The emergency status was necessary because a decision had to be made regarding a case scheduled for the next week.

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

Filed: September 13, 1984, 2:55 p.m.
TRD-849380

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

Monday, September 24, 1984, 10 a.m. A prehearing conference in Docket 5900—application of ICW Supply, Inc., for a rate increase within Hutchinson County.

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

Filed: September 13, 1984, 2:30 p.m.
TRD-849377

Monday, October 1, 1984, 9 a.m. A prehearing conference to resolve discovery disputes in Docket 5878—application of Lone Wolf Electric Cooperative, Inc., for a rate increase.

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

Filed: September 14, 1984, 2:12 p.m.
TRD-849425

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Monday, October 1, 1984, 1 p.m. A pre-hearing conference in Docket 5897—application of Cade Lake Water System for approval of a surcharge and tariff revision.

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

Filed: September 14, 1984, 2:12 p.m.
TRD-849427

Thursday, October 4, 1984, 10 a.m. A pre-hearing conference in Docket 4650—application of the City of College Station to amend its certificate of convenience and necessity within Brazos County, and Docket 5763—application of Wellborn Water Supply Corporation to amend its certificate of convenience and necessity within Brazos County

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

Filed: September 17, 1984, 11:13 a.m.
TRD-849465

Friday, October 5, 1984, 9 a.m. A pre-hearing conference in Docket 5884—petition of Texas Industrial Energy Consumers against Central Power and Light Company.

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

Filed: September 14, 1984, 10:56 a.m.
TRD-849416

Monday, October 15, 1984, 10 a.m. A rescheduled hearing on the merits in Docket 5701—application of Mustang Water Supply Corporation for a certificate of convenience and necessity within Denton County. The hearing was originally scheduled for September 20, 1984

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

Filed: September 14, 1984, 2:10 p.m.
TRD-849428

Monday, November 5, 1984, 10 a.m. A hearing on the merits in Docket 5596—application of McCulloch Electric Cooperative, Inc., for a rate increase

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

Filed: September 17, 1984, 11:14 a.m.
TRD-849466

Tuesday, November 27, 1984, 9 a.m. A hearing on the merits in Docket 5878—ap-

plication of Lone Wolf Electric Cooperative, Inc., for a rate increase.

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

Filed: September 14, 1984, 2:10 p.m.
TRD-849429

Railroad Commission of Texas

Monday, September 24, 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 14, 1984, 10:24 a.m.
TRD-849395

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204

Filed: September 14, 1984, 10:22 a.m.
TRD-849394

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 14, 1984, 10:24 a.m.
TRD-849396

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 14, 1984, 10:21 a.m.
TRD-849397

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schable, P.O. Drawer 12967, Austin, Texas 78711

Filed: September 14, 1984, 10:23 a.m.
TRD-849398

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters; amendments

to 16 TAC §§9.99, 9.155, 9.261, 9.291, and 9.121; and new 16 TAC §9.63.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711.

Filed: September 14, 1984, 10:22 a.m.
TRD-849399

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 14, 1984, 10:23 a.m.
TRD-849402

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 14, 1984, 10:23 a.m.
TRD-849400

Consideration of oil and gas Docket 4-82,204—application of Exxon Corporation for temporary field rules for the Seven Sisters, E. (House AB) Field, Duval County.

Contact: John Moore, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1289.

Filed: September 14, 1984, 10:23 a.m.
TRD-849401

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 14, 1984, 10:24 a.m.
TRD-849403

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 14, 1984, 10:23 a.m.
TRD-849404

The Office of Special Counsel director's report relating to pending litigation; state and federal legislation; and other budget, administrative, and personnel matters.

Contact: Walter Earl Lihle, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1186.

Filed: September 14, 1984, 10:24 a.m.
TRD-849405

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751

Filed: September 14, 1984, 10:22 a.m.
TRD-849406

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 14, 1984, 10:22 a.m.
TRD-849407

Advisory Council for Technical-Vocational Education in Texas

A committee of the Advisory Council for Technical-Vocational Education in Texas and the full council will meet in the Sala Grande III Room, La Quinta Royale, 601 North Water Street, Corpus Christi. Dates, times, and agendas follow

Tuesday, October 2, 1984, 1 p.m. The committee for Adult Education will hear a presentation by Gary Eyre, executive director of the American Association for Adult and Continuing Education, on the federal and national perspective of adult education, hear an overview of adult education in Texas by Bob Allen of the Texas Education Agency, hear a presentation on the results of the adult education study done by Texas A&M University from Dr. Robert Feilenz and Dr. Gary Conti, project directors, receive a presentation by Hugo Berlanga, state representative, on a legislative perspective on adult education, hear a presentation by Dr. Bill Reagar, superintendent of the Houston Independent School District, on private sector involvement in adult education, receive a presentation by Bob McMakin and Billy Watson, Texas Association for Continuing Education, on adult education legislative and policy issues, and interact with a panel of adult educators on issues in adult education

Wednesday, October 3, 1984, 8:30 a.m. The council will hear an overview of program improvement activities by Dr. Dan Bristow of the Texas Education Agency, hear an overview of vocational education in Corpus Christi schools by Dotty Ottinger, vocational administrator of the Corpus Christi Independent School District, receive committee reports, discuss and give input into the an-

nual report to the governor, legislature, and State Board of Education, and conduct other business

Contact: Val Blaschke, P.O. Box 1886, Austin, Texas 78767, (512) 475-2046.

Filed: September 14, 1984, 2:11 p.m.
TRD-849430, 849431

Texas A&M University System

Saturday, September 22, 1984. Committees of the Board of Regents of Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. Times, committees, and agendas follow

4 p.m. The Planning and Building Committee will consider the cancellation of unexpended balances of appropriations, a report of contract actions by the chancellor, a report of construction project appropriations/authorizations by the chancellor, a report of a contract action by the deputy chancellor or presidents, and the purchase of land for the Texas A&M University System (TAMUS), action on bids and appropriation for detailed designs for Texas A&M University (TAMU), Prairie View A&M University (PVAMU), and the Texas Agricultural Experiment Station (TAES), and appropriation for preliminary design, PVAMU

5:30 p.m. The Cash Oversight Committee will receive a report on the organization and administration of the investment program, TAMUS

Sunday, September 23, 1984. Committees of the Board of Regents of Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. Times, committees, and agendas follow

10 a.m. The Committee for Service Units will consider authorization to execute the joint development and license agreement with Harshaw/Fultron partnership, TAES, authorization to approve a cooperative research agreement between the Texas Engineering Experiment Station (TEES) and PVAMU, TEES, and the reversion of a fire tower site, Texas Forest Service (TFS)

10:30 a.m. The Committee for Academic Campuses will consider the adoption of a resolution in appreciation for Dr. George W. Kunze, the granting of emeritus titles, approval of faculty development leave, and the reappointment of Thomas Frymire to the Board of Consultants of the Center for

Education and Research in Free Enterprise, TAMU.

10:45 a.m. The Committee of the Whole will receive reports from various ad hoc committees, consider the sale of an oil, gas, and sulphur lease, the purchase of land, the reorganization of system administrative offices, the appointment of system councilors for the Texas A&M Research Foundation, personnel matters, the confirmation of budget and fiscal changes and personnel actions, the approval of recommendations for academic tenure, the confirmation of appointments and promotions, the confirmation of terminations of employment, the acceptance of gifts, grants, loans, and bequests, land matters, the naming of facilities, and litigation, TAMUS, consider the naming of the F. H. Whiteley medal of honor park and the appropriation of funds, TAMU, the confirmation of vending machine contracts, Tarleton State University (TSU), and the delegation of authority and the appointment of a dean, PVAMU

September 24, 1984, 8:30 a.m. The Board of Regents of Texas A&M University System will meet in the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board will consider construction, the sale of an oil, gas, and sulphur lease, the purchase of land, the reorganization of administrative offices, personnel actions, approval of academic tenure, confirmation of appointments, promotions, and terminations of employment, the acceptance of gifts, grants, loans, and bequests, land matters, the naming of facilities, and litigation, TAMUS, authorization for a license agreement and a cooperative research agreement, TAES, the reversion of a fire tower site, TFS, the adoption of a resolution for Dr. George Kunze, the granting of emeritus titles, the approval of faculty development leave, a reappointment to the Board of Consultants of the Center for Education and Research in Free Enterprise, the naming of a park, and the appropriation of funds, TAMU, the confirmation of contracts, TSU, and the delegation of authority and appointment of a dean, PVAMU

Contact: Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603

Filed: September 18, 1984, 9:15 a.m.
TRD-849492-849497



Veterans Affairs Commission

Tuesday, October 23, 1984, 9 a.m. The Veterans Affairs Commission will meet in the Heritage Room, Oak Hills Inn, 7401 Wurzbach Road, San Antonio. According to the agenda, the commission will consider reports, make decisions regarding administrative matters pertaining to veterans' counseling and assistance, and elect officers for the coming year.

Contact: Aubrey I. Bullard, P.O. Box 12277, Austin, Texas 78711, (512) 475-4185

Filed: September 17, 1984, 2:35 p.m.
TRD-849473

Texas Water Commission

Tuesday, September 18, 1984, 10 a.m. The Texas Water Commission made an emergency revision to the agenda of a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda, the commission considered the application of Encino Park Municipal Utility District 1 for approval of the use of surplus funds. The emergency status was necessary because bids had been received and the additional funds were needed so that a contract could be awarded.

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

Filed: September 14, 1984, 2:20 p.m.
TRD-849432

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 25, 1984, 10 a.m. The commission will consider water district bond issues, release from escrow, use of surplus funds, a standby charge, setting hearing dates for district creations, water quality proposed permits, amendments and renewals, adjudication matters, extension of times, an amendment, and the filing and setting of hearing dates.

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

Filed: September 14, 1984, 2:16 p.m.
TRD-849433

Wednesday, October 3, 1984, 10:30 a.m. The commission will consider an application by Postive Feeds for an amendment to Permit 02314 to authorize the upgrading of its existing system for treating wastewater

from its livestock feed manufacturing plant, Austin County, Brazos River Basin.

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

Filed: September 14, 1984, 2:21 p.m.
TRD-849434

Tuesday, October 9, 1984, 2 p.m. The commission will consider the complaint of C. Franklin Foster, requesting revocation of the licensed irrigator registration of Phil Stover.

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

Filed: September 14, 1984, 2:16 p.m.
TRD-849435

Wednesday, October 10, 1984, 2 p.m. The commission will consider applications by John Wasilchak for proposed Permit 12902-01 and Permit 12903-01 to authorize disposal of treated domestic sewage effluent from two planned subdivisions located approximately two miles apart, Tarrant County, Trinity River Basin, and Application RE-0223 by J. T. Gasaway and Roger E. Chapman for approval of preliminary plans for construction of a flood mitigation channel adjacent to the Brazos River.

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

Filed: September 14, 1984, 2:17 p.m.
TRD-849436

Thursday, October 11, 1984, 10 a.m. According to the agenda summary, the commission will consider the application of Structural Metals, Inc., P.O. Box 911, Seguin, Texas 78155, to the Texas Department of Water Resources for a temporary order to authorize the discharge of the full volume of its wastewater at a volume not to exceed an average flow of 120,000 gallons per day (180,000 maximum) from the steel manufacturing plant located west of Seguin, approximately one mile west of the intersection of IH 10 and FM Road 464 in Guadalupe County. The applicant has stated that, in view of the recent drought, the temporary order is necessary to make treated wastewater available for downstream users.

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

Filed: September 14, 1984, 2:17 p.m.
TRD-849437

Monday, October 15, 1984, 2 p.m. The commission will consider an application by Faust Properties, Inc., for proposed Permit 12864-01 to authorize a discharge of treated domestic sewage effluent at a

volume not to exceed an average flow of 50,000 gallons per day from the proposed Sharonwood Place Mobile Home Park sewage treatment plant, Harris County, San Jacinto River Basin.

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

Filed: September 14, 1984, 2:18 p.m.
TRD-849438

Tuesday, October 16, 1984, 2 p.m. The commission will consider the application of John M. Shilling for an amendment to Certificate of Adjudication 21-3110 to include the use of an existing overflow dam and 27 acre-foot capacity reservoir on the Nueces River in his irrigation operation located in La Salle County, Nueces River Basin.

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

Filed: September 14, 1984, 2:18 p.m.
TRD-849439

Monday, October 22, 1984, 10 a.m. The Texas Water Commission will meet in a rescheduled session in the county courtroom, Atascosa County Courthouse, Circle Drive 41, Jourdanton. According to the agenda summary, the commission will consider the application of Perry Feeders, Inc., Route 1, Box 8, Pleasanton, Texas 78064, to the Texas Department of Water Resources for proposed Permit 02715 to authorize the disposal of agricultural waste from a confined cattle feeding operation. The applicant proposes to build wastewater retention facilities to retain and dispose of rainfall runoff and process wastewater. The facilities will consist of a retention pond with a capacity of seven acre-feet, irrigation equipment, and 700 acres of farmland available for the disposal of accumulated wastewater and solid waste generated at the feedlot site. The cattle holding pens and associated area cover approximately 9.14 acres. No discharge of pollutants to the waters of the state is authorized. The meeting was originally scheduled for September 12, 1984, as published at 9 TexReg 4363.

Contact: William G. Newchurch, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: September 13, 1984, 1:28 p.m.
TRD-849370

Tuesday, October 23, 1984, 10 a.m. The Texas Water Commission will meet in the courtroom, second floor, Washington County Courthouse, 105 East Main, Brenham. According to the agenda summary, the commission will consider an application of Raymond H. Winkelmann, Jr., 1 Winkelmann Village, Brenham, Texas

77833, to the Texas Department of Water Resources for proposed Permit 12942-01 to authorize a discharge of treated wastewater effluent at a volume not to exceed an average flow of 7,000 gallons per day from the Winkelmann Sewage Treatment Plant, which is to serve a commercial development

Contact: Kevin McCalla, P O. Box 13087, Austin, Texas 78711, (512) 475-1418

Filed: September 13, 1984, 1 27 p.m.
TRD-849371

Wednesday, October 24, 1984, 9:30 a.m.

The Texas Water Commission will meet in Classroom III, South Central Texas Regional Training Center, Texas A&M University System Texas Engineering Extension Service, HemisFair Plaza, San Antonio According to the agenda summary, the commission will consider the application of the City of San Antonio, C/O City Attorney's Office, 200 Main Plaza, Suite 104, San Antonio, Texas 78205, to the Texas Department of Water Resources for proposed Permit 10137-37 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 190,000 gallons per day from the proposed Falcon Center Sewage Treatment Plant, which is to serve the Falcon Center residential/commercial subdivision

Contact: Michael E. Field, P O. Box 13087, Austin, Texas 78711, (512) 475-1418.

Filed: September 14, 1984, 2.19 p.m.
TRD-849440

Wednesday, October 24, 1984, 10 a.m.

The Texas Water Commission will meet in the city commission chambers, Amarillo City Hall, 509 Seventh Street, Amarillo. According to the agenda summary, the commission will consider the application of Valley View Energy Corporation, Hereford Generation Station, 4100 First National Bank Building, Dallas, Texas 75202, to the Texas Department of Water Resources for proposed Permit 02711 to authorize the disposal by irrigation and evaporation of sanitary wastewaters and utility blowdown wastewaters from an electric power generating station at a volume not to exceed 70,000 gallons per day to the playa. The applicant proposes to construct and operate an electric power generating station. The plant will be comprised of a manure fired boiler for a steam driven turbine generator with a nominal output of 45 megawatts. Wastewaters are to be either evaporated or beneficially used on site, or they are to be sent to a playa lake for evaporation or used as irrigation water on adjacent farmland. Solids will ac-

cumulate in the on-site evaporation ponds for the estimated life of the generation station. Sanitary wastewaters are to be treated and discharged to the playa. No discharge of pollutants to the waters of the state is authorized.

Contact: Kaylene A. Ray, P O. Box 13087, Austin, Texas 78711, (512) 475-1339

Filed: September 14, 1984, 2 19 p.m.
TRD-849441

Tuesday, October 30, 1984, 9:30 a.m.

The Texas Water Commission will meet in the city council chambers, second floor, Conroe City Hall, 505 West Davis, Conroe. According to the agenda summary, the commission will consider the application of Fair/Port Development Company, Inc., 10102 Highway 105 West, Suite 103, Montgomery, Texas 77356, to the Texas Department of Water Resources for proposed Permit 12921-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 50,000 gallons per day from a proposed sewage treatment plant which is to be constructed in three phases and will serve the needs of an office/warehouse complex.

Contact: Darcy Frownfelter, P O. Box 13087, Austin, Texas 78711, (512) 475-1317

Filed: September 14, 1984, 2 20 p.m.
TRD-849442

Tuesday, October 30, 1984, 9:30 a.m.

The Texas Water Commission will meet in the council chambers, second floor, Conroe City Hall, 505 West Davis, Conroe. According to the agenda summary, the commission will consider the application of Jack Frey Properties, Inc., 28319 FM Road 149, Tomball, Texas 77375-0860, to the Texas Department of Water Resources for proposed Permit 12953-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 105,000 gallons per day from the proposed Country Woods Sewage Treatment Plant which is to serve a planned residential/commercial development.

Contact: Darcy Frownfelter, P O. Box 13087, Austin, Texas 78711, (512) 475-1317

Filed: September 14, 1984, 2 21 p.m.
TRD-849443

Wednesday, October 31, 1984, 10 a.m.

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider applications by Uranium Resources, Inc., for Permit UR-02677, which would authorize the construction, develop-

ment, and operation of an *in situ* uranium mine; and Permit 02694, which would authorize a discharge of 432,000 gallons per day average of discharge water from the proposed *in situ* uranium mine, Kleberg County.

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

Filed: September 14, 1984, 2.18 p.m.
TRD-849444

Texas Youth Commission

Saturday, September 22, 1984, 8:30 a.m.

The Board of the Texas Youth Commission made an emergency revision to the agenda of a meeting to be held in the Mercury Room, South Austin Plaza Hotel, 3401 IH 35 South, Austin. According to the revised agenda summary, the board will consider contracts, the fiscal year 1985 operating budget; fiscal year 1984 and fiscal year 1985 appropriation transfers, the endowment funds report, a proposal for the use of endowment funds, and construction items concerning the Corsicana State Home, the Gamesville State School, and the Crockett State School. The emergency status is necessary because the original agenda indicated that only medical contracts were going to be considered, when in fact a number of other personal services contracts are also being considered.

Contact: Ron Jackson, P O. Box 9999, Austin, Texas 78766, (512) 452-8111

Filed: September 17, 1984, 3:47 p.m.
TRD-849477

Regional Agencies

Meetings Filed September 13

The Bastrop County Appraisal District, Appraisal Review Board, met in emergency session at 1200 Cedar Street, Bastrop, on September 14, 1984, at noon. Information may be obtained from Clifton L. Kessler, P O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Gillespie County Appraisal District, Board of Directors, will meet in the assembly room, city hall, Fredericksburg, on September 26, 1984, at 9 a.m. Information may be obtained from Gary Neffendorf, P O. Box 429, Fredericksburg, Texas 78624, (512) 997-7655.

Texas Register

The Hockley County Appraisal District, Board of Directors, will meet at 913 Austin Street, Levelland, on September 24, 1984, at 6 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654

The Jack County Appraisal District, Board of Directors, met at the Los Creek office building, 258 South Main, Jacksboro, on September 18, 1984, at 7 p.m. Information may be obtained from Doris G. Ray or Linda Williams, 258 South Main, Jacksboro, Texas 76056, (817) 567-6301

The Lampasas County Appraisal District, Appraisal Review Board, met at 403 East Second, Lampasas, on September 20, 1984, at 10:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058

The Lower Colorado River Authority, Committee on Planning and Public Policy, met at 3700 Lake Austin Boulevard, Austin, on September 18, 1984, at 4 p.m. The Audit and Budget Committee met at the same location on September 19, 1984, at 8 a.m. The following committees met at the same location on the same date at the following times:

- Finance and Administration Committee—9 a.m.
- Energy Operations Committee—10:30 a.m.
- Natural Resources Committee—1 p.m.

The Board of Directors met at the same location on September 20, 1984, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200

The North Central Texas Council of Governments, Executive Board, met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on September 20, 1984, at 12:30 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 461-3300

The San Antonio River Industrial Development Authority, Board of Directors, submitted a revised agenda for a meeting held at 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

The West Texas Municipal Power Agency, Board of Directors, will meet at the emergency operations center, city hall, Lubbock,

on September 26, 1984, at 1:30 p.m. Information may be obtained from R. Michael Simmons, 8240 Mopac Expressway, Suite 298, Austin, Texas 78759
TRD-849374

Meetings Filed September 14

The Capital Area Rural Transportation System (CARTS), Board of Directors, met in the conference room, 2201 Post Road, Austin, on September 20, 1984, at 9:30 a.m. Information may be obtained from Nancy Kowieski, 2201 Post Road, Room 103, Austin, Texas 78704, (512) 443-0904

The Cass County Appraisal District, Board of Directors, will meet at 208 West Houston Street, Linden, on September 25, 1984, at 10 a.m. Information may be obtained from Janelle Clements, P.O. Box 167, Linden, Texas 75563, (214) 756-7545

The Coastal Bend Council of Governments will meet at 901 Leopard, Corpus Christi, on September 21, 1984, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743

The Dallas Area Rapid Transit Authority, Service Plan/Work Committee and Committee of the Whole, met at 601 Pacific Avenue, Dallas, on September 17, 1984, at 2 p.m. and on September 18, 1984, at 5 p.m. The Legal Committee met at the same location on September 18, 1984, at 8 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Central Appraisal District of Johnson County, Board of Directors, will meet at 109 North Main, Cleburne, on September 26, 1984, at 7:30 p.m. Information may be obtained from Don Gilmore, 109 North Main, Cleburne, Texas 76031, (817) 645-3987

The North Plains Water District, Board of Directors, will meet at 702 East First Street, Dumas, on October 1, 1984, at 10 a.m. Information may be obtained from Orval E. Allen, Box 795, Dumas, Texas 79029, (806) 935-6401

The South Texas Private Industry Council met at the Zapata Community Center, U.S. Highway 83, Zapata, on September 20, 1984, at 5 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1969, Laredo, Texas 78041, (512) 722-4656

The Wood County Appraisal District, Board of Directors, met in the conference room, 217 North Main, Quitman, on September 20, 1984, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 78783, (214) 763-4946.

TRD-849390

Meetings Filed September 17

The Dallas Area Rapid Transit Authority, By-Laws Committee, met in emergency session at 601 Pacific Avenue, Dallas, on September 17, 1984, at 5 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278

The Region XI Education Service Center, Board of Directors, will meet in rescheduled session at 3001 North Freeway, Fort Worth, on October 9, 1984, at noon. The meeting was originally scheduled for September 25, 1984. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311, ext. 102

The Edwards County Appraisal District, Appraisal Review Board, will meet in the new county office building, Rocksprings, on September 21, 1984, at 2 p.m. The Board of Directors will meet at the same location on September 25, 1984, at 10 a.m. Information may be obtained from Glen T. Whitehead, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-7490

The Guadalupe-Blanco River Authority, Board of Directors, submitted an emergency revised agenda for a meeting held at 933 East Court Street, Seguin, on September 20, 1984, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78155, (512) 379-5822

The Kendall County Appraisal District, Board of Review, will meet at 207 East San Antonio Street, Boerne, on September 21, 1984, at 2 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lamar County Appraisal District, Board of Directors, met in emergency session at 1523 Lamar Avenue, Paris, on September 17, 1984, at 5 p.m. Information may be obtained from I. F. Ricketson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822

Meetings Filed September 18

The Lee County Appraisal District, Board of Directors, will meet at 218 Richmond Street, Giddings on September 26, 1984, at 9 a.m. The Board of Review will meet at the same location on September 27, 1984, at 9 a.m. Information may be obtained from James I. Dunham or Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618

The Middle Rio Grande Development Council, Texas Review and Comment System Committee, will meet at the civic center, Avenue F, Del Rio on September 27, 1984, at 9:30 a.m. Information may be obtained from Oralia Saldua, Del Rio National Bank, Third Floor, Room 307, Del Rio, Texas 78840, (512) 774-4949

The Northeast Texas Municipal Water District, Board of Directors, will meet at 1003 Linda Drive, Daingerfield, on September 24, 1984, at 7 p.m. Information may be obtained from Homer Lanner, P.O. Box 680, Daingerfield, Texas 75638, (214) 645-2241

The Panhandle Regional Planning Commission, Board of Directors, will meet in the first floor conference room, Briercroft Building, Eighth and Jackson Streets, Amarillo, on September 25, 1984, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381

The San Jacinto River Authority, Board of Directors, will meet in the Lake Conroe Office Building, Highway 105 West, Conroe, on September 25, 1984, at 1:15 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111

The Trinity River Authority of Texas, Tarrant County Water Supply Project Right-of-Way Committee, will meet at 5300 South Collins, Arlington, on September 24, 1984, at 10:30 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343

The Tyler County Tax Appraisal District, Board of Directors, met at 1004 West Bluff, Woodville, on September 20, 1984, at 4:30 p.m. The Board of Review will meet at 103 Pecan Street, Woodville, on September 26, 1984, at 1 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-849457



The Dallas Area Rapid Transit Authority, Personnel Committee, met in emergency session at 601 Pacific Avenue, Dallas, on September 19, 1984, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748 3278

The East Texas Council of Governments, Board of Directors, met in emergency session at the Pittsburg Youth Center, Pittsburg, on September 20, 1984, at 7:30 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at 3800 Avenue H, Lubbock, on September 24, 1984, at noon. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 763-4213

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office of the filter plant, Proctor Lake, Comanche County, on September 27, 1984, at 6:30 p.m. Information may be obtained from Zollie Skaggs, Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-848487

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), charges in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner), and consultant proposal requests and awards (filed by state agencies, regional councils of government and the Texas State Library and Archives Commission)

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board), applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission), applications for waste disposal permits (filed by the Texas Water Commission), and notices of public hearing.

Texas Air Control Board Public Hearing

Pursuant to the Texas Clean Air Act, Article 4477-5, §§3.15-3.17, (the Act), and the procedural rules of the Texas Air Control Board (TACB), 31 TAC §§103.11(3), 103.31, and 103.41, an examiner for the TACB will conduct a hearing to review the executive director's decision of May 31, 1984, that an extension of time for beginning construction of a natural gas processing facility pursuant to construction Permit C-8628 issued to Delhi Gas Pipeline Corporation (the company) could not be considered. Permit C-8628 authorized construction of an amine sweetening unit and sulfur recovery plant approximately seven miles southwest of Athens, Henderson County.

The company is directed to appear at the time and place shown as follows to present its case. The company will have the burden of proof on all issues and must carry this burden by a preponderance of the evidence.

The record of this hearing will be used by the TACB in determining whether to affirm or reverse the executive director's decision.

Information regarding the application and copies of the board's rules and regulations are available at the regional office of this agency, located at 1304 South Vine Avenue, Tyler, Texas 75701, and the central office of this agency, located at 6330 Highway 290 East, Austin, Texas 78723.

The examiner has set the hearing to begin at 9 a.m. on October 22, 1984, in the auditorium of the TACB central office, 6330 Highway 290 East, Austin. At this time, parties to the hearing are the TACB staff and the company. Any other persons desiring to be made a party must specifically apply in writing for party status to Jose E. Camacho, Examiner, TACB, 6330 Highway 290 East, Austin, Texas 78723. No other persons will be admitted as parties unless the request is actually received at the previously stated address by October 9, 1984. Previous correspondence with the TACB is not effective for this purpose. A final determination regarding party status will be made at the prehearing conference on the date set out in the following paragraphs. At the hearing on the merits, only those persons admitted as parties will be permitted

to present evidence and argument and to cross-examine witnesses. Any person who desires to give testimony at the hearing but who does not desire to be a party may call the Legal Division of the TACB at (512) 451-5711, ext. 353, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to 31 TAC §103.46, the examiner has scheduled a prehearing conference at 9 a.m. on October 15, 1984, in the auditorium, TACB central office, 6330 Highway 290 East, Austin. All persons wishing to be admitted as parties must attend the conference. Proposed written disputed issues for consideration at the hearing on the merits and written requests for official notice should be made at the prehearing conference. At this conference a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their prospective testimony, and copies of written and documentary evidence pursuant to 31 TAC §103.46(2).

Members of the general public who plan to attend the hearing are encouraged to contact the central office of the TACB in Austin at (512) 451-5711, ext. 353, or the regional office in Tyler at (214) 595-2639, a day or two prior to the hearing date to confirm the setting, since continuances are granted from time to time.

Issued in Austin, Texas, on September 12, 1984.

TRD-849382 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed September 13, 1984
For further information, please call (512) 451-5711,
ext. 354.



Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On August 24, 1984, the banking commissioner received an application to acquire control of Nixon Bancshares, Inc., Nixon, by Ashley H. Turberville and Sedley H. Martin, Jr., both of Nixon.

On September 11, 1984, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on September 11, 1984.

TRD-849379 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: September 13, 1984
For further information, please call (512) 475-4451.

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
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 10/01/84-10/31/84	10.84%	10.84%

- (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 17, 1984.

TRD-849456 Sam Kelley
Consumer Credit Commissioner

Filed: September 17, 1984
For further information, please call (512) 475-2111.

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)		
09/24/84-09/30/84	20.75%	20.75%
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

East Texas Council of Governments Consultant Contract Award

This notice of the award of a contract for computer software maintenance is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the June 22, 1984, issue of the *Texas Register* (9 TexReg 3559).

The services to be rendered by the private consultant involve the maintenance and modification of a computer software package which is used for participating reporting, participant payroll, needs-based payments, on-the-job training, contract management, property management, and staff payroll for the Job Training Partnership Act Program administered by the East Texas Council of Governments (ETCOG).

The contract has been awarded to Management and Training Corporation, 3340 Harrison Boulevard, Ogden, Utah 84409.

The total value of the contract is approximately \$18,560. The beginning date was September 1, 1984, and the ending date is June 30, 1985.

Certain software modifications will be delivered to the ETCOG by December 31, 1984, and other software maintenance will be provided upon demand.

Issued in Kilgore, Texas, on September 5, 1984

TRD-849378

Glynn J Knight
Executive Director
East Texas Council of
Governments

Filed: September 13, 1984

For further information, please call (214) 984-8841.

Texas Education Agency Consultant Contract Award

This notice is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c

Description. After publication of a consultant proposal request in the July 24, 1984, issue of the *Texas Register* (9 TexReg 4038), the Texas Education Agency on September 13, 1984, executed a contract with National Computer Systems, Information Services Division, Box 30, Iowa City, Iowa 52204, to provide support services for development of assessment instruments, including field test administration, for grades one, seven, and 12. This development work is necessary to comply with the Texas Education Code, §21.551, as amended by House Bill 72, 68th Legislature, Second Called Session, 1984.

Cost and Dates. The total amount of the contract is \$656,612. The beginning date was September 13, 1984, and the ending date is August 31, 1985.

Due Dates of Documents. All documents are due before the final date of the contract. The primary product to be provided by the contractor will be the actual tests to be administered at grades one, seven, and 12. The confidentiality of these tests is protected by the Texas Education Code, §21.556. The contractor will also provide a final report, including documentation certifying the quality of the assessment instruments. This report will be public information.

Issued in Austin, Texas, on September 17, 1984

TRD-849455

Raymon L Bynum
Commissioner of Education

Filed: September 17, 1984

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

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.

Trinity Nursing Home, Inc., doing business as
Trinity Nursing Home, Trinity
AN83-0607-602A(082484)

CN/AMD—Request for an amendment of Certificate of Need AN83-0607-602, which authorized the certificate holder to construct and equip a 120-bed nursing home to contain 90 ICF beds and 30 skilled nursing care beds. The certificate holder requests an amendment to decrease the total square footage of the facility from 39,094 square feet to 28,166 square feet, to decrease the total project cost from \$2,952,305 to \$2.1 million, and to extend the completion deadline from June 30, 1985, to December 31, 1985.

Silent Night Nursing Home, Lancaster
AN82-1115-185A(071684)

CN/AMD—Request for an amendment of Certificate of Need AN82-1115-185, which authorized the certificate holder to construct a 15,770-square foot building addition and to demolish 1,100 square feet to increase the current licensed and operating capacity of 62 intermediate beds by 68 beds, resulting in a total of 130 licensed and operating intermediate care beds. The certificate holder requests an amendment to increase new construction from 15,770 to 25,310 square feet, to extend the completion deadline from July 15, 1984, to July 15, 1985, and to increase the project cost from \$585,000 to \$772,000.

James W. Haley, Center
AN84-0831-556

NIEH—Request for a declaratory ruling that a certificate of need is not required for James W. Haley to acquire by purchase Sadie Haley's 50% interest

in Certificate of Need AN83-0679-662, which was issued to ISP, Inc., a Texas corporation, on February 23, 1984, authorizing the construction, equipping, and operation of a 120-bed ICF nursing facility in Center, to be known as Pine Grove Lodge. Upon acquisition of Sadie Haley's 50% interest, James W. Haley will own 100% of Pine Grove Lodge.

Charles and Inez Brown, a proprietorship, Austin AN84-0906-572

NIEH—Request for a declaratory ruling that a certificate of need is not required for Charles and Inez Brown, a proprietorship, to acquire by purchase Central Texas Nursing Home, an existing 96-bed ICF nursing facility located in Austin, from Quality Care, Inc., a Texas corporation.

Northeast Texas Health Services, Inc.,
Mount Vernon
AN84-0907-573

NIEH—Request for a declaratory ruling that a certificate of need is not required for Northeast Texas Health Services, Inc., to acquire by purchase Quitman Nursing Home, an existing 62-bed ICF nursing facility located in Quitman, from Ron Daniels Investments, Inc., a Texas corporation, and Ronald and Annette Daniels.

Issued in Austin, Texas, on September 17, 1984

TRD-849459 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: September 17, 1984

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

State Department of Highways and Public Transportation Consultant Proposal Request

As required by Texas Civil Statutes, Article 6252-11c, the following consultant proposal request is filed.

The State Department of Highways and Public Transportation (SDHPT) is seeking a qualified contractor to develop innovative methods of financing transportation systems on projects using the private sector as a funding source along with federal, state, and local government sources. This study is being funded jointly by the Urban Mass Transportation Administration (UMTA), the Federal Highway Administration (FHWA), and the SDHPT. The research is divided into four elements: thoroughly review the status of the state's public transportation trust fund and recommend needed amendments; recommended ways in which available federal funding to support public transportation might be more effectively utilized, examine the extent to which public transit operators utilize private contract services to support commuter services in Texas; and assess the extent to which public transit operators in Texas are adequately pricing their services compared to alternative modes of commuting.

Agency Contact. Additional information regarding this consultant proposal request may be obtained by contacting Jack Housworth, Transportation Planning Division, SDHPT, (512) 465-7466 or Texan 886-7466.

Response Date. To be considered, proposals must arrive at the Transportation Planning Division, Research Section, P.O. Box 5051, Austin, Texas 78763 (Street address: 40th and Jackson Streets, Building 1, Room 501) on or before September 30, 1984. If mailing proposals, contractors should allow normal mail delivery time to ensure timely receipt.

Selection Criteria. Proposals will be reviewed by Transportation Planning Division technical staff on the basis of the proposer's demonstrated competence and technical qualifications, and the reasonableness of the proposed fee.

Issued in Austin, Texas, on September 12, 1984

TRD-849359 Diane L. Northam
Administrative Technician
State Department of Highways
and Public Transportation

Filed: September 13, 1984

For further information, please call (512) 475-2141



Texas Historical Commission Consultant Contract Award

The Texas Historical Commission, under the provisions of Texas Civil Statutes, Article 6252-11c, announces a contract for consulting services. The consultant proposal request appeared in the July 27, 1984, issue of the *Texas Register* (9 TexReg 4093).

The private consultant will provide data processing services for the Texas Heritage Conservation Plan (THCP) computerization program. These services will entail the design, maintenance, and enhancement of an Image 3000-type database system for THCP data, as this data has been defined in the *Texas Heritage Conservation Plan Computerization Program Manual*. Computer time and proper security systems are also required.

The private consultant is Statistical Service Corporation, 8900 Shoal Creek Boulevard, Suite 113, Austin, Texas 78758. The total value of the contract is \$20,000, and it will be in effect from September 7, 1984-August 31, 1985. A detailed, verifiable bill will be submitted on a monthly basis, and a summary report of activities will be submitted at the end of the contract period.

Issued in Austin, Texas, on September 7, 1984

TRD-849450 Curtis Tunnell
Executive Director
Texas Historical Commission

Filed: September 14, 1984

For further information, please call (512) 476-3092.

Texas Department of Human Resources Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Resources (DHR) is requesting proposals for consulting services.

Description. To help ensure effective service delivery to families experiencing violence, the Protective Services for Families and Children Branch, DHR, is requesting proposals for achieving the following objectives:

- (1) provide assistance and guidance to providers of family violence services related to program development and service delivery;
- (2) increase public education and awareness of family violence issues; and
- (3) assist DHR in family violence research and data collection efforts

The services to be purchased include the provision of technical assistance and training to providers of family violence services using the following approaches

- (1) telephone and written correspondence on an as needed basis,
- (2) a minimum of six site visits to providers (sites to be selected by contractor and DHR staff),
- (3) at least five regional meetings/workshops based upon the contractor's and DHR's joint assessment of training needs,
- (4) coordination of law enforcement training between providers of family violence services and appropriate law enforcement organizations and individuals;
- (5) development of a manual for providers of family violence services on relevant Texas laws;
- (6) development of an instructional manual on the use of the revised program monitoring instrument for DHR staff; and
- (7) provision of information and consultation regarding research on family violence issues to providers of family violence services and DHR upon request.

Limitations. The contract period will be November 1, 1984-August 31, 1985, and funding will not exceed \$75,000.

Contact Person. For information, contact Kate Redfern—Mail Code 538-W, Family Violence Program, P.O. Box 2960, Austin, Texas 78769, (512) 450-3297.

Evaluation and Selection. The DHR will consider offers by evaluating the following criteria:

- (1) experience in family violence services;
- (2) experience relevant to services to be procured;
- (3) cost;
- (4) contractor match,
- (5) plan for provision of requested services;
- (6) services offered to enhance the services under procurement. Final selection will be based on DHR's evaluation of this criteria. This proposed consultation is a continuation of a current program, and DHR intends to contract with the current provider unless a substantially better offer is received.

Closing Date for Receipt of Offers. Offers must be received by noon on October 1, 1984.

Issued in Austin, Texas, on September 13, 1984

TRD-849372

Marlin W Johnston
Commissioner
Texas Department of Human
Resources

Filed: September 13, 1984

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

Legislative Budget Board Joint Budget Hearing Schedule

The Executive and Legislative Budget Offices will jointly conduct the following budget hearing to consider appropriations requests for the 1986-1987 biennium, for the period of September 24-28, 1984. Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
General Land Office	10 a m September 24	Room 213, State Capitol, Austin

Issued in Austin, Texas, on September 14, 1984.

TRD-849393

Larry Kopp
Assistant Director for Budgets
Legislative Budget Board

Filed: September 14, 1984

For further information, please call (512) 475-3426

Texas Low-Level Radioactive Waste Disposal Authority Consultant Contract Award

The Texas Low-Level Radioactive Waste Disposal Authority awarded two consultant contracts under Texas Civil Statutes, Article 6252-11c. Notice of the consultant proposal request was published in the March 27, 1984, issue of the *Texas Register* (9 TexReg 1776)

Description. Two consultants were selected to assist the authority in its continued public liaison and education programs relative to the siting of a low-level radioactive waste disposal facility in Texas. Specifically, one of the consultants, George Bokorney, furnished to the authority finished brochures describing radioactive waste management systems, the authority's enabling statute, and the process of selecting a low-level radioactive waste disposal site. The other consultant, Douglas Baldwin, coordinated the various components of a public information program by acting as a facilitator between local public interest groups and the authority.

Consultant Addresses. The address of George Bokorney is P.O. Box 1216, New Braunfels, Texas 78130. The address of Douglas Baldwin is 6110 Sun Vista, Austin, Texas 78749.

Terms. The authority and George Bokorney originally signed a contract for \$6,000. The total value of the

amended Bokorney contract awarded under this notice is \$15,000. The total value of the Baldwin contract is \$2,500. The beginning date of the amended Bokorney contract was May 10, 1984, and the ending date was August 31, 1984. The beginning date of the Baldwin contract was May 2, 1984, and the ending date was May 31, 1984

Document Dates. Under the Bokorney contract, finished brochures on radioactive waste management systems, the authority's enabling statute, and the process for selecting a waste disposal site were due by the contract

termination date, August 31, 1984. Under the Baldwin contract, materials relating to development of a public information brochure were to be submitted by May 31, 1984.

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

TRD-849426

Lee H. Mathews
General Counsel
Texas Low-Level Radioactive
Waste Disposal Authority

Filed: September 14, 1984

For further information, please call (512) 835-6795.

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